

Our Water, Our Future

Croton Watershed Clean Water Coalition Newsletter



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Our Water, Our Future is the newsletter that keeps you, our valuable members, on the leading edge of watershed protection activities. Through the generosity of the Noyes Foundation, both this newsletter and our website, www.newyorkwater.org, have been made possible.

RETROSPECTIVE 2001

WETLANDS ... DIVERSION ... CAT/DEL... DOH ... ALIENATION ... ALBANY ... CHLORINE
DIOXIDE ... EPA ... *CRYPTO* ... LOG REDUCTIONS ... RTE. #22 ... "GREEN" ... TILLY
FOSTER ... NY STATE
COURT OF APPEALS ...
IMPERVIOUS SURFACE ... WATER
RATES ... MT. PLEASANT
... CRITICAL RESOURCE
WATERS ...
GREENBURGH ... CURFEWS
... RTE. #120 ... NEW YORK
CITY ... LOW-TECH ...
STORMWATER ... SPDES ...
COMMENTS ... PHOSPHORUS ...
... FILTRATION ALTERNATIVE ... WTP ... RESERVOIRS ... WATERSHED ... SEQRA ...
PROTEST ... AIRPORT ... IMPAIRED ... MOSHOLU ... DEC ... HEARINGS ... *GIARDIA* ... MOA
... CROTON ... PESTICIDES ... OPEN SPACE ... LEGAL ACTION ... MEETING ... EAST OF
HUDSON ... PROTECTION ... COMMUNITY ... POLLUTION ... DEADLINE ... CONSENT DECREE
... DEIS ... PLANNING BOARDS ... DEP ... UPGRADES ... GOLF COURSES ... ARMY CORPS ...
MEDIA ... VICTORIES

... On the cover are some of the watchwords of '01. Some, happily, represent victories for CWCWC and the individuals and groups who helped to make them so; others represent thorny problems that are shaping up to be the focus of '02. This first anniversary issue takes an overview of 2001, with board members, and instrumental players in the process, providing a personal snapshot of some key issues...

THE TILLY FOSTER PRESERVATION EFFORT

Catalyst for Change

By Ann Fanizzi

For the better part of 2001, the Coalition to Preserve Open Space, a non-profit, grass-roots organization committed to the conservation of environmentally sensitive and historical and culturally significant land, has waged a campaign, often thought quixotic by some, to preserve the 236-acre tract known as Tilly Foster Thoroughbred Farm. The campaign has not only galvanized citizens throughout Putnam County, N.Y., to the issue of preservation of Tilly Foster but has trained the spotlight on the entire issue of open space and officialdom's response. Significantly, it has exposed the glaring disparity in treatment and land-acquisition funding between the Catskill/Delaware watersheds and the Croton watershed systems. Documents obtained portray this abysmal record. For example, between the years 1997 and 2000, the DEP acquired \$19,500,000 worth of land surrounding the Cat/Del's West Branch Reservoir, while in the same period, a mere \$75,000 was expended to purchase land surrounding the adjacent East and Middle Branch reservoirs, which are part of the Croton system, and are located in the area of greatest concentration of residential and commercial development within Putnam. "There's no purchases in the Croton Watershed in Putnam (by the city)." County Executive Robert Bondi said. "That is why the county is stepping up to the plate on this issue."

Living up to his word, County Executive Bondi has put forth a stunning proposal to protect the entire Route #312/Middle Branch corridor, located in eastern Putnam County, which straddles Tilly Foster, the Campus at Fields Lane site and the John Simpson Road area. Summarized, on January 11, 2002, *The Journal News* reported these initiatives to preserve land, protect the Middle Branch watershed and garner for the Croton Watershed area the necessary funds to protect it.

Mr. Bondi's bold initiatives may have been the opening gambit in county/city talks. Some people are skeptical, trying to divine secret motivations, trade-offs, yet for Putnam County, they present light years of change. We, in the Coalition to Preserve Open Space, actively support Mr. Bondi's efforts. *Ed. Note: Ann joined the board of CWCWC in December.*

THE WESTCHESTER COUNTY AIRPORT

Our Future or Our Decline?

by Karen Shultz

CWCWC has been a most prominent leader in protecting the Kensico Reservoir from any further pollution and expansion from the Westchester County (N.Y.) Airport. Even though 159 countries at an environmental conference in Copenhagen consider the aviation industry the most polluting in the world, the aviation industry is exempt from reporting its toxic pollution to our water bodies, air, soil, and surface and groundwater. Westchester County did not legally have to do any groundwater monitoring of this airport, which is located only 250 yards from the Kensico reservoir, which supplies safe, affordable drinking water to half of New York State's population. CWCWC was a major force in encouraging other environmental organizations and citizens to petition our county to perform groundwater monitoring at this airport. It was a long, hard battle, but our voices were heard and encouraged the county to do the right thing - catch pollution before it reaches the Kensico. We also were able to collect many letters of support for non-expansion of the Westchester Airport from Congressman Nadler, senators and many other elected officials.

By today's environmental standards, this airport would not be allowed to be built at this location. The National Academy of Science has stated in a recent report that the Westchester County Airport poses a most

serious water-quality threat to the Kensico. Any expansion will increase this threat. The Natural Resources Defense Council asks that "New York State should adopt a policy of no further expansion of the airport, freezing the airport at its present size and footprint, including the number of flights, hangars, and level of development." Your continued support in our efforts against expansion will be rewarded. It will help us protect our irreplaceable reservoir.

DIVERSION

By Jeff Green

The NYC Watershed Agreement allocated funds to resolve issues threatening the Croton watershed in Putnam County. The solution derived was to divert our sewage to the Hudson through the city of Peekskill. This "solution" came with a \$150 million price tag and resolved less than 25% of the problem, while underhandedly allowing for increased growth in the watershed. Working with my colleague Dr. George Baum, we knew there had to be a better way.

Over the next few months we spoke with scientists, engineers, planners and municipal officials and crafted the result into an alternative plan that included an upgrade of WWTs, a residential septic-remediation program, a stormwater management plan and an aggressive land-protection program and launched a concerted effort to educate the public.

We were convinced our neighbors would agree that proper protection of the watershed would enhance their own quality of life and after a year-long battle, and against incredible odds, the people won. We were united behind a common-sense solution the politicians found difficult to ignore and created an environment in which other groups and preservation efforts could finally succeed in their goals as well.

In the end the politicians bowed to public pressure and abandoned Putnam's Diversion in favor of our plan to protect the Croton Watershed.

WHY A LITTLE BIT OF YORKTOWN IS AS BEAUTIFUL TODAY AS IT WAS IN THE 18TH CENTURY

By Paul Moskowitz, PhD

In Huntersville, a bucolic neighborhood of Yorktown Heights (N.Y.), we are very serious about preserving our environment. Thus, we were extremely upset to discover late in 2000 that the Yorktown Planning Board had ordered a housing developer to destroy a quarter-mile of historic 18th-century stone walls, embankments, and trees along Hunterbrook Road in order to "improve sight distance" for motorists. We asked the Planning Board to preserve our community from destruction. We were supported by the Yorktown Highway Supervisor, the Safety Committee, the Chairman of the Landmarks Committee, the developer, and the environmental community. Everyone told the Planning Board that the work was not necessary and not desired. The Board would not listen. In March 2001, it decided that the work must proceed. The Yorktown Town Board declined to get involved. We were forced to file a petition in N.Y. State Supreme Court to overturn the Planning Board decision, funding our efforts through a pass-the-hat appeal in the area. The court immediately granted a temporary restraining order. However, the Planning Board, with the support of the Yorktown Town Board and Town Attorney, filed a motion to dismiss our petition. We hoped that, at a minimum, the judge would grant us a hearing. Instead, the judge ruled immediately. He pointed out that the order of the Planning Board was "arbitrary and capricious" and violated N.Y. State Law, and he made the restraining order permanent. The attorney who volunteered much of his time to help us has since been elected to the Yorktown Town Board, another victory.

We haven't gotten a chance to rest on our laurels, though. A recent issue of concern in Yorktown has been the proposed French Hill golf course. This golf course would require the clearing of 10,000 trees on 100 acres of land, use water taken illegally from a state park for irrigation, and threaten the nearby Croton Reservoir with runoff containing fertilizers, pesticides, insecticides, and herbicides. The local community in Yorktown has combined with regional environmental and community groups to oppose this undertaking. To date, we have stopped the Yorktown Town Board from granting a quick approval. We hope to convince it to do the right thing, and that is to reject the Trump golf-course application.

A PEACH OF A LAKE -
And Keeping It That Way
By Suzannah Glidden

Peach Lake is faced with the challenges of stormwater runoff and septic problems just like many other communities that are located in the watersheds of the New York City water supply. Our committee, Hands Across the Border (HAB), feels strongly that our first priority is to complete a feasibility study with suggested remedies and costs that review these two problems, which can have such an impact on the health of the drinking water. Peach Lake's northern half lies in Putnam County, N.Y., in the town of Southeast, and its southern half is located in neighboring Westchester County, in the town of North Salem. Peach Lake drains north to the East Branch reservoir and, therefore, is part of the Croton Watershed. Five years ago, NYC gave funds to each county to protect the Croton Watershed under the Memorandum of Agreement called East of Hudson (EOH) Water Quality Investment Program (WQIP). Westchester has \$49 million (which includes interest accrued from the original \$38 million), Putnam has \$36 million (with interest accrued from the original \$30 million). As a body of water within the Croton system, the lake qualifies to receive these free EOH WQIP funds from both counties for a feasibility study and some remediation at the discretion and with the approval of each county executive. The Department of Environmental Protection wants to see these monies spent. We are pursuing this grant money as you read!

Putnam has already stated its willingness to release EOH funds for a study, but, thus far, Westchester has not been ready to do so. North Salem supervisor and chair of the Northern Westchester Watershed Committee, Sy Globerman, feels it is best that HAB fill in this missing funding piece for the study by requesting it directly from County Executive Andrew Spano. CE Spano has told us to deal with his commissioner of planning, Joyce Lannert, and we are coordinating a meeting date with her.

The other lake environmental group, Peach Lake Environmental Committee (PLEC), has been pursuing a request for proposal for a study through Environmental Facilities Corporation, the state agency that lends money at low interest. HAB will meet with PLEC on January 22 to try to persuade it to combine efforts in a collaborative, open, inclusive process, to support only a free study, to fairly and thoroughly investigate all alternatives to sewerage and to discuss their proposed lake improvement district formation. PLEC has been meeting with local officials to form an expanded lake improvement district although many basic questions remain unanswered on this approach and other options have not been explored. HAB will present information meetings as needed.

HAB is hosting its first information meeting at Peach Lake Vail's Grove Pavilion on Monday, February 4th, 2002, 7:30 pm. All are welcome! Our featured speaker is John Keane of Trout Unlimited. John has very kindly photographed the lake communities' stormwater problems and will demonstrate his findings in a visual presentation. He will also speak about EPA's Phase II rules and regulations, which our watershed towns will be forced to comply with, at great expense. Other topics will include funding sources, costs of sewerage and treatment plant, alternatives to sewerage, the lake improvement district formation and other district and ordinance options. Residents of Peach Lake and other lake communities are urged to attend. Officials from both counties are being invited including highway superintendents. Your attendance will be greatly appreciated! *Ed. Note: Suzannah joined the board of CWCWC in December.*

A VICTORY FOR WATERSHED PROTECTION AND SAFER DRINKING WATER
By Marian Rose, PhD

In May 2000, over a year and a half ago (!), CWCWC took the initiative to ask N.Y. State Governor Pataki to designate all NYC reservoirs located East of Hudson, together with their tributaries and contiguous wetlands, as "Critical Resource Waters." This designation would afford these vitally important waters some much-needed extra layers of protection from encroaching development or misuse. For instance, nearly all so-called Nationwide Permits, which are permits that the Army Corps of Engineers issues routinely to developers, would no longer be valid. Any activity that could impact the watershed's reservoirs, tributaries and contiguous wetlands would be subjected to close scrutiny.

The campaign received unanimous backing from all the leading environmental groups in the area. In a remarkable show of support, NRDC, NYPIRG, Trout Unlimited, Sierra Club, Riverkeeper, Audubon and housing and community groups from NYC, lent us their support. Politicians such as Assemblywoman Matusow, State Senator Velella, and U.S. Senator Hillary Clinton wrote letters of support. We received a

resolution in support from the Westchester County Board of Legislators, signed by all 17 legislators, Republican and Democrat alike.

Hundreds of letters written by individual citizens were sent to the Governor, in addition to a huge stack that was gathered together by Trout Unlimited. All this effort paid off. By mid-December of 2001, the Governor put out a press release announcing that he was issuing the designation.

At this time, the Army Corps will be calling for public comment, which will determine whether or not the Corps approves of the designation. As soon as we have the information, we will ask our members to deluge the Corps with letters and phone calls in support of the designation.

An enormous thanks to all who participated in this highly successful campaign. It's truly amazing what a few people, helping to harness the good will and smart thinking of hundreds of others, can accomplish.

PARK ALIENATION By Fay Muir

Van Cortlandt is the third largest park in New York City, and just as unsuited for a chemical factory as any city park could be. But the city's own Department of Environmental Protection quietly proposed that a considerable portion of the park should become the site of the mandated filtration plant for the Croton. This part of Van Cortlandt has a small wetland, a meadow, old growth trees, abundant wildlife, a children's playground, and a 14-hole golf course. Since the rest of the park is cut off from the community by a major highway, the proposed filtration plan would further change the whole character of the neighborhood by creating shadow where there is sunlight, concrete where there is Nature's greenscape, and polluted air venting into an already high asthma-rate area. Most important, a precedent would be set, allowing any state or city park to be requisitioned and converted into an industrial facility, leaving communities deprived of greenery, and heavy industry their new neighbors. This precedent could mean inroads into any park in any neighborhood where a grass cap could cover a multitude of sins. And what I mean by that phrase is that, indeed, the filtration-plant proposal claims that the filtration factory would be considered "underground," even with the finished building 30 feet above the present ground level, because the plan included covering the protruding concrete filtration factory with 12 inches of dirt planted with grass.

The community brought a lawsuit, filed by attorney Jack Lester, against the City of New York, contesting the need for "park alienation." This lawsuit was joined by the Friends of Van Cortlandt Park and by the State Attorney General. Although this factory in a park was clearly a violation of the law, Judge Nina Gershon did not agree and declared that the step of park alienation would not be needed. The community appealed. This appeal was forwarded from the Federal Appeals Court to the State Appeals Court for its opinion because park alienation comes under State law. The State Court returned a 7-0 decision stating that this case did indeed require park alienation, a decision to which the Federal Court of Appeals agreed unanimously. This exceedingly important, resounding decision has set back building plans three years. The building of a filtration plant has been put off again and again by community protest and intervention. No doubt we will use the additional time to press for filtration avoidance, since watershed protection makes a lot more sense and is cheaper to implement and maintain.

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