UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 23 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Numbers: 7016 2070 0001 1397 3973 - 7016 2070 0001 1397 3980

The City of New York
Law Department
Attn: Carrie Noteboom, Esq.
100 Church Street
New York, NY 10007
email: cnoteboo@law.nyc.gov

The City of New York
Department of Environmental Protection
Attn: Anastasios Georgelis, P.E.
Acting Deputy Commissioner
Bureau of Water and Sewer Operations
59-17 Junction Blvd
Flushing, NY 11373

Re: EPA Administrative Compliance Order CWA-02-2016-3012, City of New York and the New York City Department of Environmental Protection

Dear Ms. Noteboom and Mr. Georgelis:

This letter is in response to the City's letter dated December 22, 2016. The United States Environmental Protection Agency ("EPA"), Region 2, issued Administrative Order ("AO") CWA-02-2016-3012 to the City of New York ("City") and the New York City Department of Environmental Protection ("DEP") on August 31, 2016. EPA and DEP met to discuss the AO's requirements on October 19, 2016 and December 7, 2016. In its letter dated December 22, 2016, the City outlined its intentions regarding several AO requirements. EPA's responses are provided below:

1. Submission to EPA of an approvable Sewer System Management Plan ("Plan"): Paragraph 62(a) of the AO requires the Plan to be submitted to EPA within 120 calendar days of the City's receipt of the AO, which occurred on September 2, 2016. Based on discussions with DEP, EPA accepts the proposed date of May, 31, 2017 for the submission of this Plan. EPA's technical staff looks forward to further discussions (the next scheduled meeting is scheduled for the first week of March 2017) with DEP on its currently underway pre-pilot program sewer inspection and maintenance work in the four chosen community boards. Ideally, the City's rationale for devising an appropriate pilot program as part of its Plan will be well understood so as to facilitate EPA's review and approval once the Plan is submitted.

2. Submission of Hansen Database: Paragraph 65(e) of the AO requires that the Hansen Database be submitted to EPA within 30 days of the end of each calendar quarter. Based on discussions with DEP, the submission of the Hansen Database on an annual basis, within 60 days of the end of the City's fiscal year, is acceptable to EPA.

3. Submission of Annual State of the Sewers Report: Paragraph 63 of the AO requires the City to both submit an annual State of the Sewers Report to EPA, for review and

comment, and to prominently place the Report on its website. The Report must contain certain specified metrics, as specified in the AO in Paragraph 63 a) through m). In the City's December 22, 2016 letter to EPA, EPA did not anticipate the City's statement that it would be posting a "dashboard" to its website in lieu of providing an annual State of the Sewers Report. While NYC's technical representatives did discuss the dashboard, EPA's staff understood that the proposal was in addition to the traditional report. EPA believes that there is significant value in an easily distributable Report for particular audiences and therefore expects that the City will submit and post an annual Report that, at a minimum, fulfills all the requirements of AO, including the requirements in Paragraph 63(l) and (m) that the City report on the status of major milestones in the O&M Plan and certify compliance with the Order and the City's O&M Plan. In addition, EPA would like to have answers to the following questions, to help us determine whether placing information on a dashboard, as proposed, would also be useful in satisfying the intent of the AO. Please clarify the City's statement by, at a minimum, responding to the following questions:

a) Will the dashboard include the metrics identified in Paragraph 63 a) through m)? The letter only indicates that "key metrics" will be included.
b) Will the dashboard include other metrics? If so, please identify.
c) Will the dashboard be easily accessible to the general public? Will the City provide a clear link on its NYCDEP website to the dashboard? Will the City provide instructions as to how to access and assess the dashboard's sewer system data?

We remain available to discuss the aforementioned matters or any other matters that you may deem necessary to discuss. We look forward to your response and our continued conversations.

Sincerely,

Doughlas McKenna, Chief
Water Compliance Branch
Division of Enforcement & Compliance Assistance