



The Bronx Council for Environmental Quality
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www.bceq.org

October 20, 2016

Hon. Vincent Sapienza
Acting Commissioner
New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Dear Commissioner Sapienza,

For more than twenty years, the Bronx Council for Environmental Quality (BCEQ) has led successful efforts to clean the waterways in the Bronx. For the last fifteen years, BCEQ has focused specifically on clean water for the Harlem River, an area with the highest poverty and asthma rates in the nation. Yet, while successful planning was accomplished for the Bronx River and the East Coast waterfronts, the Harlem River has been largely ignored by the New York City Department of Environmental Protection. What was once the City's sterling boating regatta in the last century has been destroyed by vacated industry and transportation brownfields, amid eleven bridges dropping stormwater into the River – all polluting the land and water. The most 2016 Golden Toilet Award was presented to the Bronx Kill of the Harlem River.

Over the last fifteen years, BCEQ has organized communities, received more than three quarters of a million dollars for two brownfield studies, a demonstration pop-up bioremediation wetland, and generated plans for an environmental linear waterfront greenway. We did this as a volunteer organization without full time staff. We did have the help and support of the New York City Department of Parks and Recreation, the Department of City Planning, and the Bronx Borough President's Office.

We have not had the support of the New York City Department of Environmental Protection, which has neglected the Harlem River despite the fact that it is the area with the City's biggest Tier 1 CSO outfall, the only one with documented dry weather discharges, and is among the City's largest sub-catchment areas. Signs of decay never went away, making your work even more difficult when you do commence bringing the water quality to its swimmable/fishable use. While we as a small volunteer based CBO have succeeded in taking care of the sewershed landscape, you could have taken care of the water and limited the continued pollutants – but you did not.

Clearly, the drastic size of this problem should have made it among the number one places to start – if there was a serious attempt to comply with the Clean Water Act. Today, we write to put DEP on notice that an unsafe and unhealthy condition exists, and it is your responsibility to plan and implement solutions to these serious problems. In order to ensure the Public Health, and on behalf of the half million West Bronx residents, we urge immediate and expedited action for the Harlem River.

Conditions demand:

1. A Watershed/Waterbody Long Term Control Plan meeting set up in January 2017 at a convenient Bronx location (you can hold other meetings in the other boroughs). We expect you to present a calendar of these meetings at various places along the Bronx side of the Harlem River waterfront areas. We do not care if this is under the existing consent decree, or the newly amended but not signed consent decree.
2. A Segregated Watershed/Waterbody Plan for the Bronx Harlem River in 2017.
3. Create separate meetings in the Bronx and Manhattan in 2018.
4. Incorporate the Bronx and Manhattan Studies in 2019.
5. A timetable to remediate the infrastructure with capital improvements including Green Infrastructure completed in five years or 2021. There is no way we can wait for design ten years from now.

We understand that you are awaiting a new consent order, which has neither been signed by the DEC nor vetted by the community in terms of comments. We are concerned about said new consent order, because it clearly delays payment of infrastructure in the Harlem River for ten years – a water body severely polluted and near some of the highest poverty and asthma rates in our nation. Whenever that may occur, it does not relieve you of your responsibility to protect our waterway, today. This is an urgent demand to continue on the path of the current CSO Consent Decree, and arrange meetings for the plans to start now to be completed by December 2017 as agreed. If you don't have enough staff to do the work, please let us know as we can help. Alternatively, you can ask the city agencies to help out on the planning, mapping, and other things that they are more expert in than the DEP consultants. Either way, let's find a way to start.

We look forward to your speedy response describing your thoughts on this matter.

Sincerely,



Dart Westphal



Karen Argenti

Co-Chairs of the BCEQ Water Committee

Copy to:

New York State Department of Environmental Conservation Commissioner Basil Seggos
 United States Environmental Protection Agency R2 Regional Administrator Judith Enck
 New York City Mayor Bill DeBlasio
 New York City Public Advocate Letitia James
 New York City Comptroller Scott Stringer
 New York City Council Speaker Melissa Mark-Viverito
 Council Member Daniel R. Garodnick, Chair of the Committee on Environmental Development
 Council Member Mark Levine, Chair of the Committee on Parks
 Bronx Borough President Ruben Diaz, Jr.
 Manhattan Borough President Gale Brewer
 Council Member Fernando Cabrera, District 14
 Council Member Andrew Cohen, District 11
 Council Member Vanessa L. Gibson, District 16
 Council Member Rafael Salamanca, District 17
 Council Member Ritchie Torres, District 15
 Council Member Inez E. Dickens, District 9
 Council Member Ydanis Rodriguez, District 10
 Community Boards in the Harlem River Watershed: Bronx 1, 4, 5, 7, 8 and Manhattan 10, 11, 12