



STATE OF NEW YORK DEPARTMENT OF HEALTH

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Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

November 26, 2010

David S. Warne
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Water Supply
465 Columbus Avenue
Valhalla, NY 10595-1336

Re: FAD Approval of the Catskill Turbidity Control Phase III Implementation Plan

Dear Mr. Warne:

We have completed our review of the Catskill Turbidity Control Studies Phase III Implementation Plan (the Plan), submitted by the NYC Department of Environmental Protection (DEP) on July 31, 2008. This Plan is part of a series of reports in conjunction with the analysis of engineering and structural alternatives for turbidity control within the Catskill system. Pursuant to the 2007 Filtration Avoidance Determination (FAD), the Plan is subject to review and approval by the New York State Department of Health (DOH), the United States Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (DEC).

As you know, in a letter dated August 26, 2008, this office provided conditional approval of the Phase II Implementation Plan which proposed to control turbidity and temperature in Schoharie Reservoir releases through a non-structural Modified Reservoir Operations (MRO) plan and development of an Operations Support Tool (OST). Subsequent to this Department's conditional approval letter, our offices met to discuss certain technical/modeling issues related to the MRO/OST approach, and we also met for a detailed discussion of the Ashokan Reservoir structural alternatives. During this process, DEP provided an updated Phase III Implementation Schedule.

The Phase III Implementation Plan includes a schedule for development and implementation of the OST, completion of revised waste channel operations, and design and construction of Catskill Aqueduct improvements which will allow DEP to better manage turbidity releases from Ashokan Reservoir. Through this letter, DOH, EPA and DEC approve the Phase III Implementation Plan and Schedule pursuant to the 2007 FAD. However, please note that this approval under the FAD does not diminish or in any way affect DEC's review and enforcement authority with respect to DEP's Catskill Aqueduct Influent Chamber SPDES Permit (#NY 026

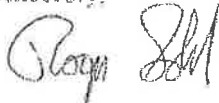
4652). DEP's compliance obligations as permittee for the Cat/Alum SPDES permit will be addressed separately by DEC.

This approval is also subject to the following additional FAD reporting requirements which are hereby established:

- By December 17, 2010 - DEP will provide a description / discussion on how the Ashokan Waste Channel is currently being used for turbidity control. While it is understood that the formal operating rules for the Waste Channel will be incorporated into the OST, a discussion of how the Waste Channel is currently being used is requested. This discussion should include: a description of conditions under which DEP would consider using the channel; how maximum release and flow ramping rates are determined and implemented; and how duration of use is determined.
- By January 7, 2011 - DEP will provide a status report detailing the progress made relative to all elements of the Catskill turbidity control effort. The report shall include a discussion of the milestones completed during the prior year and the milestones planned to be accomplished during the upcoming year. For any milestones which are missed or anticipated to be missed, DEP shall provide an explanation for the delay and actions taken or to be taken to mitigate the delay.
- By March 1, 2011 - DEP will develop, for review and approval, performance measures / criteria that can be used to evaluate the efficacy of the Catskill Turbidity Control Program once fully implemented. The performance measures should be developed to evaluate all aspects of the fully implemented program as to how it handles low, medium and high Esopus Creek inflow/ turbidity events.
- December 15, 2011 - As part of its Revised Long-Term Watershed Protection Program report, DEP will include a detailed plan regarding the ongoing and planned Catskill Turbidity Control program.
- Beginning in 2012 - DEP will convene, on an annual basis, a progress meeting with DOH, EPA and DEC, providing a forum for discussion of the status of the Catskill Turbidity Control program.

I look forward to the successful completion of all elements of the Catskill Turbidity Control program. If you have any questions regarding this letter, please do not hesitate to contact me or Dr. Pam Young at (518) 402-7650.

Sincerely,



Roger C. Sokol, Ph.D.
Acting Director
Bureau of Water Supply Protection

cc:

R. Chinery

V. Pisani

P. Young

J. Birman/J. Hyde

P. Sweeney - USEPA

T. Snow/K. Kosinski - NYSDEC

P. Bein - OAG