

Our Water, Our Future

Croton Watershed Clean Water Coalition Newsletter



Issue #1, January/February 2001

Welcome to our inaugural Our Water, Our Future, the CWCWC's newsletter that will keep you, our valuable members, on the leading edge of our Watershed protection activities. Through the generosity of the Noyes Foundation, both this newsletter and our website, { [HYPERLINK "http://www.newyorkwater.org"](http://www.newyorkwater.org) }, have been made possible.

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Three Definitive Arguments

By Marian Rose, PhD

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septic systems contributed to the overall pollution of the reservoirs in the watershed. This will no longer be the case.

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Sen. Clinton Opposes Croton Filtration Plant

Senator Hillary Clinton (D) stated her opposition to the filtration plant during her election campaign, noting, "I strongly believe that the Watershed is a natural and economic resource of priceless value. Residents of New York City have been blessed with amongst the purest water in the country. Rather than spending \$1 billion for a filtration plant, we should invest in less expensive efforts to protect the watershed at its source. I strongly support efforts to deter development in areas surrounding the Croton watershed and other steps to protect it from polluted runoff." Mrs. Clinton also stated, "I believe if we take the right steps now, we can avoid a filtration plant that would so negatively affect a number of communities in the Bronx."

(Cont. on page 2)

THE CASE AGAINST, cont.

OWatershed residents are fighting to prevent insensitive development and sprawl. In an unprecedented consensus in this home rule- dominated area, seven towns in the watershed voted overwhelmingly to raise taxes in order to acquire remaining open space.

OAlthough the EPA has ruled that the Croton must be filtered, it can be overruled by the courts, as a recent court decision in Boston has shown. In this case, the court ruled against the EPA for forcing the Massachusetts Water Resource Authority (MWRA) to filter, and ruled instead that the MWRA could use less expensive but equally adequate technologies to comply with federal regulations. This court decision sets an important precedent that could be used by the DEP if it so chose.

OThe NYS Department of Health (DOH), which has primacy over the Croton, has ruled that the Croton must be filtered because, at times, it violates the criteria for color and odor. This is not a health issue but an aesthetic issue. It could be solved if the DEP would use chlorine dioxide instead of chlorine as its primary disinfectant. So far, DEP has not been willing to pursue this promising option.

2. The Chemical Treatment/Filtration Plant Will Bring Hardships to Bronx Residents

The NYC Department of Environmental Protection (DEP) is proposing to build a chemical treatment/ filtration plant at the Mosholu golf course in Van Cortlandt Park in the Bronx.

Construction of the plant will necessitate massive blasting into bedrock to accommodate the 11-acre footprint of the building itself. Together, with additional facilities for a pumping station, water storage, parking etc., the final area will cover 23 acres or more.

The noise and dust from the blasting and crushing of millions of cubic yards of rock during the 5-year construction period, will blanket the nearby, largely minority community where asthma rates are among the highest in the nation. Undoubtedly, this will exacerbate an already intolerable health problem. The blasted area will be the equivalent of three Yankee Stadiums.

A mature forest will be destroyed and 28 acres of much-needed parkland, as well as a children's' playground, lost during the construction period.

The plant itself, which will rise up to 35 feet above present grade, will be "hidden" by berms, and a thin, 15" top layer of dirt and grass.

Toxic chemicals, needed to sanitize the water, will be stored within the plant. Thirty to forty tons of toxic, dewatered sludge will be removed by truck on a daily basis.

"Contaminated air" (DEP's own terminology) will be vented into the park through a series of louvers placed at frequent intervals in the berm surrounding the plant. Some of this contaminated air will be vented to a nearby children's playground, built by the local community.

TROUT UNLIMITED POLLUTION STUDY DEMANDS ATTENTION

By David Ferguson

John Keane of the Croton Watershed Chapter of Trout Unlimited, in conjunction with the CWCWC and NYWW, has released a year-long study of sites where uncontrolled stormwater runoff has washed large amounts of sediment, including contaminated sediment, into the Croton system's streams and reservoirs. The study documents 50 of the most egregious sites out of 200 cited, with photographs (some showing gullies as deep as 15 feet), detailed descriptions, listings of the responsible governmental agencies and legal implications.

At a September 15 hearing of the New York City Council, Keane castigated NYC and the Counties, "Heretofore, nothing has been done in the Croton Watershed to either reduce or eliminate the delivery of contaminated sediment in storm water discharging from existing storm water infrastructure or from erosion gullies created by faulty land use practices.

"NYC should put the pressure on the Westchester / Putnam Watershed Towns to work cooperatively and spend dedicated City money to start remediation work now.

THE CASE AGAINST, cont.

3. The Legal Case Against Building the Plant in Van Cortlandt Park

The purpose of a park, such as Van Cortlandt Park, is to restore some much-needed environmental quality to a highly urbanized area; and to provide opportunities for picnicking, hiking and other recreational activities.

Under the principles of the public trust doctrine, a public park is held in trust for the public and may not be used for any other purpose unless specifically allowed by the NYS Legislature. In other words, the park has to be "alienated" by the NYS Legislature. However, before ruling on the case, the Legislature must receive a "Home Rule" message, in this case from the New York City Council, requesting alienation. The City Council may oppose the plant being built in the park, and decide not to send a Home Rule message. Without alienation, the DEP could not then proceed with the building of the plant in Van Cortlandt Park.

The NYC Department of Environmental Protection (DEP) maintains that the park does not require alienation because the chemical treatment/filtration plant will be "underground" - i.e., below final grade. It appears DEP's definition of "underground" is a building rising up to 35 feet above present grade, but "hidden" by berms along most (not all) of its sides and covered on top by a thin toupee of 15 inches of dirt and grass.

A local group, the Norwood Community Action, initiated a lawsuit against the City, on the grounds that the park should be "alienated" before allowing it to be taken for non-park use. Others, including the New York State Attorney General's office have joined the lawsuit. The case is momentarily being argued in the New York State Court of Appeals.

If the courts, and the NYS legislature allow this monstrous industrial site to be built in the park, no public park will ever be safe from development.

What You Can Do

1. Write or phone your representative on the New York City Council and tell him or her to vote against allowing the plant to be built at the Mosholu site in Van Cortlandt park; and to vote against a Home Rule message from being sent to the NYS legislature requesting alienation.

2. Write or phone your representative and senator in the NYS legislature and ask them to vote against alienating the park. **You can find the names of your elected officials by contacting the Board of Elections at (800) 367-8683 or (914) 285-5700.**

3. A short note will suffice. Please feel free to use any or all of the arguments presented here. Please be sure to include your name and address in your letter.

For further information, please call CWCWC at (914) 234-6470; or Fay Muir at (718) 405-9186; or David Ferguson at (212) 989-0519.

TROUT, cont.

In fact, we have a particular erosion site already picked out on DEP property to begin that work. The work can be done quickly and the beneficial effects can be shown by test right away. The city needs to see some palpable evidence that all the money it has made available for water quality is delivering some measurable results, now."

Keane pointed out that the money, technology and expertise were available. All that was needed was the will to use them.

Citing EPA's concern, Keane quoted EPA literature on the threat to public health of neglecting stormwater erosion control. "The first step in solving the problem of contaminated sediments is understanding that they present risks to public health and to the environment. Just as water quality has been a major concern for the past 30 years, sediment quality needs to become a priority as well. The second step is preventing the discharge of more toxic contaminant into sediments."

Keane concluded his testimony with a quote from NYC DEP Commissioner, Joel Miele, "Filtration is not a guarantee of pure water, clean water is easier and less expensive to filter than water that has been polluted as a result of irresponsible development or other causes."

PLEASE JOIN US, the Croton Watershed Clean Water Coalition, which, through regional action, is dedicated to protecting and improving the naturally filtered, high-quality waters of the Croton Watershed for today and for generations to come.

SEND IN YOUR membership and receive membership mailings, a free copy of the multi-award winning video, *The Fight for the Croton Watershed*, and most importantly, a chance to preserve one of our most precious resources, our water.

Croton Watershed Clean Water Coalition Membership Application

Name _____

Address/City/State/ZIP _____

Phone _____ E-mail _____

Voting Group Membership \$25/year

Non-voting individual membership \$10/year

Make checks payable to Croton Watershed Clean Water Coalition and mail, along with your membership form, to Ms. Fay Muir, 286 Reservoir Place, Bronx, NY 10467. Thank you for joining CWCWC!

J/F01

VISIT OUR WEB SITE: { HYPERLINK "<http://WWW.NEWYORKWATER.ORG>" } *This newsletter and web site have been made possible through a generous grant by the Noyes Foundation.*

Our Water, Our Future

Please send articles for submission to editor David Ferguson, 411 W. 22nd Street, #4-F, New York, N.Y. 10011; (212) 989-0519. Deadlines for materials are 3/1, 5/1, 7/1, 9/1 and 11/1.

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**Croton Watershed Clean Water
Coalition Newsletter**

9 Old Corner Road
Bedford, N.Y. 10506

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