Comments of the Watershed Inspector General on the Draft Scoping for the Brewster Yards/ProSwing Project Draft Environmental Impact Statement

Town of Southeast

October 22, 2021

The Office of the Watershed Inspector General (WIG or WIG Office)[1] respectfully submits these comments on the scoping document for the draft environmental impact statement (DEIS) concerning the proposed Brewster Yards/ProSwing Project (Project). The Project is located in the Town of Southeast in Putnam County, NY. We write to recommend that the stormwater management section of the Project's DEIS employ more recent and accurate climate data.

Brewster Yards/ProSwing Project Description

The Project is an indoor/outdoor commercial recreation complex with a 34,855-square foot recreation building, smaller concession/restroom and maintenance buildings, nine baseball fields and one multi-sport field on an 82-acre site. The Project would be on sewer and would disturb approximately 46.6 acres of land, including 4.6 acres of wetland buffer/controlled area.

Middle Branch Reservoir

The Project is located entirely within the New York City Watershed (Watershed), an area that comprises only 4.2% of New York's lands yet serves as the source of drinking water for over 9 million people. Runoff from the proposed Project drains into the Middle Branch Reservoir that is part of the Croton Watershed. The Croton Watershed has traditionally provided drinking water to approximately 900,000 people on an average daily basis and is the source of drinking water for more than 2.5 million people during drought or emergency conditions. The New York State Department of Environmental Conservation (DEC) has designated the Middle Branch Reservoir as a class "A" water body. As such, the Middle Branch Reservoir is to be maintained at a very high quality – one that allows it to serve as a source of drinking water.

The Middle Branch Reservoir is classified as a "phosphorus restricted" basin by the New York City Department of Environmental Protection (DEP). Excess phosphorus in reservoir water can promote algae blooms, including growth of blue-green algae which can

[1] The position of WIG was established by Executive Order No. 86 on August 19, 1998 and continued in accordance with Executive Orders issued by successive governors. *See* 9 NYCRR §§ 5.86, 6.5. Pursuant to these Executive Orders, the WIG's purpose is "to enhance current efforts to protect the New York City drinking water supply from activities that have the potential to adversely affect the New York City Watershed reservoirs and tributaries." *See id.*, § 5.86. The WIG is a joint appointee of the Governor and Attorney General within the employ of the Attorney General.

release toxins. Algae blooms can lead to enormous increases in bacteria which consume and deplete oxygen from reservoir bottom waters. Low dissolved oxygen levels suffocate or drive off fish and can impair the taste, odor, and color of water. Iron, manganese and hydrogen sulfide, which are normally bound to the sediment at the bottom of the reservoir mobilize into the water column under low to no oxygen conditions.

Phosphorus levels in the Middle Branch Reservoir must be reduced to achieve water quality standards specified under state and federal law. The reservoir is subject to "total maximum daily loads" (TMDLs) under the Clean Water Act. This program establishes pollution "budgets" for a watershed that should not be exceeded. Under the current TMDL pollutant budgets approved by the U.S. Environmental Protection Agency, existing phosphorus loading to the Middle Branch Reservoir must be reduced by at least 204 kilograms per year (a 20% reduction). These reductions must come from mitigating polluted runoff from potential sources such as the Proposed Project, as the TMDL's pollutant budget already takes into account the full upgrade of all sewage treatment plants to their highest feasible technology levels.

WIG Recommendations

Stormwater Management

According to Chapter 10: Stormwater Management of the Draft Scoping Document, dated June 21, 2021, the DEIS will use the June 1986 "Urban Hydrology for Small Watersheds, Technical Release Number 55" to calculate and describe pre- and post-development peak run-off rates and volumes for the 2-, 10-, 25-, and 100-year storm events. The rainfall data and rainfall distribution curves in this document are out of date.

1. Essential to calculating the pre- and post-development peak run-off rates for the 1-year, 10-year, and 100-year, 24-hour storm events in a TMDL watershed in New York is the underlying climate data, as extreme precipitation events can result in stormwater pollution and localized and widespread flooding with damage to property, degradation of water quality, and possible loss of life. Accounting for these events is critical to effective engineering design and regulations. In January 2011, the Northeast Regional Climate Center (NRCC) website www.precip.net was created to provide access to and produce tables of current meteorological data. The DEIS needs to pair the current updated rainfall values with updated distribution curves to generate accurate rainfall runoff relationships. This can be accomplished by importing the updated NRCC rainfall value table into a HydroCAD (or other applicable hydrologic model) program, to create updated rainfall distribution curves. A step-by-step description of this process is presented on page B.6 in Appendix B of the November 2016 New York Standards and Specifications for Erosion and Sediment Control "Blue Book". Once these new rainfall distributions have been incorporated into the HydroCAD or another applicable model, the program

should be run. The results from this program should more accurately predict stormwater runoff performance based on current climate data. Another acceptable source of recent rainfall data and distribution curves is the Atlas 14 database (National Oceanic and Atmospheric Administration [NOAA] Atlas 14, Volume 10, Version 3, Revised 2019).

2. A pollutant loading analysis needs to be performed for phosphorus. We recommend that the pollutant loading rates published in the March 5, 2015 East of Hudson Watershed Corporation Stormwater Retrofit Project Design Manual (Revision 1) be used for this analysis. The Stormwater Pollution Prevention Plan (SWPPP) must demonstrate that there is no net increase in TP loads from the project site after development as compared to the site prior to disturbance. In addition, the existing TP load should be reduced by the appropriate percentages for the respective reservoir noted above. This may be accomplished with enhanced onsite stormwater management practices and/or offsite stormwater mitigation within these watersheds.

3. In addition to the DEP and DEC, please send the Watershed Inspector General's Office a copy of all preliminary and draft SWPPP documents for review.

If you have any questions about the WIG Office's scoping comments, please contact the undersigned.

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