

A Proposal For Project Funding: Water Quality Cooperative Agreement Under the Clean Water Act Section 104(b)(3)

Project Name Hudson River Estuary Data Collection & Needs Assessment

Point of Contact Rocco A. Ferraro, AICP, Executive Director
Capital District Regional Planning Commission
5 Computer Drive West, 2nd Floor, Albany, NY 12205
Phone · 518-453-0850 Fax · 518-453-0856 E-Mail · Rocky@cdrpc.org

Other EPA-Funded Projects

The Capital District Regional Planning Commission (CDRPC) has received pass-through grants of EPA funds from the New York State Department of Environmental Conservation (DEC) for 604(b) Water Quality Projects under the Clean Water Act. The Commission is currently completing the first year of a four-year, \$200,000 program (DEC Contract #C302279), which requires a 25% local match.

Proposed Award Amount \$150,000

Proposed Award Cost Share Proposed State and local funds of up to \$4 million

Description of General Budget Proposed to Support Project

A RFQ will be issued for a consultant to prepare a Baseline Inventory report. Consultant costs are expected to be in the \$60-\$75,000 range for the Inventory report and its associated by-products. The remaining funds will be used by CDRPC for intermunicipal public outreach activities and project management, including data collection based on the needs assessment.

Project Area

The project area is the Hudson River Estuary from the northern juncture of the confluence of the Mohawk and Hudson Rivers, south to the southern end of Houghtaling Island.

Project Description

The Regional Planning Commission has taken the lead in organizing a collaborative regional consortium to coordinate the efforts of a group of communities (the "*Albany Pool*" communities) to develop a comprehensive inter-municipal Phase I LTCP for Combined Sewer Overflows discharging into the portion of the Hudson River Estuarine District classified as Class C waters of the Hudson River Estuary. The goal is to develop and implement a Long Term Control Plan to make this portion of the Hudson suitable for contact recreation. The project is consistent with water quality policies and recommendations established in the Hudson River Estuary Plan, the Federal Combined Sewer Overflow Policy, and the 1999 and 2002 Waterbody Inventories and Priorities Lists for the Lower Hudson River and Mohawk River Basins.

The *Albany Pool* communities are the Cities of Albany, Cohoes, Rensselaer, Troy, and Watervliet, and the Village of Green Island. Each community has their own SPDES permit and fully supports this EPA application. Together with the Albany and Rensselaer County Sewer Districts, these communities have created a unique consortium to address their combined sewer overflow problems. On their behalf, CDRPC has applied in a single application for \$2 million NYS Environmental Protection Fund monies to prepare a Phase I LTCP. The communities have pledged to match the grant, resulting in a final study cost of up to \$4 million.

CDRPC has held a series of informational and technical meetings with representatives of the *Albany Pool* communities to develop a coordinated approach for a joint LTCP. Despite their willingness to cooperate, there are natural concerns regarding the risks associated with joint participation with communities that may be either greater contributors to the CSO problem or not as advanced in system characterization. Thus, it is necessary to undertake a data inventory and needs assessment to define baseline conditions as a first step in the planning process.

Federal regulations require that LTCPs include watershed characterization and combined sewer system assessment in order to determine baseline conditions. The baseline conditions are then used to project whether water quality standards can be met after implementation of CSO control alternatives and to track improvements. The analysis includes an evaluation of the amount of work that will be required for each community, the assets that each community brings to the project, and the amount of shared work that will be required. The result of the data needs assessment will be two-fold: the establishment of data benchmarks based on the baseline conditions, and the development of a fair cost allocation method to determine each community's appropriate share of the remaining elements of the Phase I study.

It is important that the consortium, early in the process, have the opportunity to understand the baseline conditions and to consider what information and data are necessary to evaluate and demonstrate the results of the LTCP. An investigation of the data will include gathering, reviewing, analyzing, and summarizing existing hydrological, water quality, and other environmental data and maps for the study area, as well as gathering field data to corroborate and supplement the existing information. Since there are six communities, the task of achieving agreement and consensus on cost-sharing for the remainder of the study based on the baseline information will be challenging. The grant will assure the collection of objective, comparable, and consistent data that is comprehensible to the six communities, public, DEC and EPA.

It is important to facilitate public participation and intermunicipal interaction during the system characterization phase to demonstrate benefits and successes. The unique effort by the six municipalities to work together and share the costs of the LTCP's preparation requires innovative approaches to address concerns and to assure a willingness to participate jointly to address the problems associated with the CSO's. CDRPC will develop the strategy and lead the public participation effort that will include a series of regional and community meetings. As an essential requirement of the LTCP, the public meetings will educate the public about CSO issues, gain public support for the LTCP, identify public concerns related to CSOs, inform the public of ongoing LTCP efforts, and provide public input to the process. These are in addition to the ongoing meetings of a technical advisory committee consisting of representatives from each of the *Albany Pool* communities, the two sewer districts, and New York State DEC. There will be a wealth of knowledge that can be gained and transferred to other municipalities involved in multi-jurisdictional watershed-based planning and management efforts. Resources from the grant will be used to coordinate these intermunicipal public outreach activities.

There are approximately 100 CSO's among the six communities within this stretch of the Hudson River making this the most complex CSO project in NYS. To add to the complexity of the data collection effort, this section of the Hudson is within the tidal basin. A portion of the funds will be applied to data collection based on the needs assessment leading to the development of a Characterization Monitoring and Modeling Plan that demonstrates the cause and effect of CSO impacts and the benefits and success of CSO control.

Expected Accomplishments

- A Baseline Inventory report summarizing the status of existing data and data collection in each community will be prepared within six to nine months of the grant award.
- An analysis of work to be conducted individually and jointly by each community, including a schedule of the type and value of in-kind contributions which each community will make during the plan's preparation, will be prepared as part of the Baseline Inventory report.
- A cost allocation plan for the completion of the Phase I LTCP among the *Albany Pool* communities will be completed within two months of the completion of the Baseline report.
- A public participation plan, including the results of meetings held during the system characterization phase of the control plan development process will be prepared within three months of the grant award, with ongoing community-based public and technical meetings held during the multi-jurisdictional assessment.
- The results of all of these efforts will be shared among all the participating communities and State and federal officials. All reports will be posted on CDRPC's web site for easy access and reference (<http://cdrpc.org>). Staff will also be available to present the study's findings on a request basis to other organizations proposing similar strategic approaches.

Evaluation Criteria

The Hudson River Estuary Plan identifies loss of recreational and economic opportunity as impairments known or suspected to exist as a result of combined sewer overflows. The Plan recommends supporting projects that reduce impairments to water quality and habitat caused by combined sewer overflow discharges. This effort will directly contribute to the reduction of known impairments to water quality affecting contact recreation and habitat caused by wet weather discharges from combined sewer overflows to the Class C waters of the Hudson. New York State endorses the goal of a Hudson River suitable for swimming from the Adirondacks to New York City, which was reiterated in the Governor's 2004 State-of-the-State address.

The Project is also consistent with the water quality policies and recommendations established in the Federal CSO Policy and the 1999 and 2002 Waterbody Inventories and Priority Waterbodies Lists for the Lower Hudson River and Mohawk River Basins.

The six *Albany Pool* communities and the two sewer districts have established a mutual level of cooperation to address CSO's in a cost effective manner. Addressing this important environmental issue collectively will result in substantial short- and long-term savings.

The funds requested will help leverage up to \$4 million in State and local funds to prepare a multi-jurisdictional Phase I LTCP for the project area.

The results of these efforts will be shared among all the participating communities and State and federal officials. All reports will be posted on CDRPC's web site for easy access and reference. Staff will also be available to present the study's findings on a request basis to other organizations proposing similar strategic approaches.

Non-Profit Status

The Capital District Regional Planning Commission is a public non-profit agency incorporated under the relevant New York State statutes for regional planning organizations. For State and federal tax and audit purposes, it is considered a branch of county government.