

January 9, 2007

Commissioner Emily Lloyd  
New York City Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, New York 11373

Dear Commissioner Lloyd:

On behalf of the Jamaica Bay Watershed Protection Plan Advisory Committee (“Advisory Committee” or “Committee”), we write to express the Advisory Committee’s significant concern that the New York City Department of Environmental Protection (“DEP”)’s October 2006 Comprehensive Jamaica Bay Report (“Jamaica Bay Report” or “Report”) does not adequately address the problem of nitrogen pollution in the Bay, thereby threatening to undercut DEP’s own ongoing effort to develop a long-term, comprehensive Jamaica Bay Watershed Protection Plan (“Jamaica Bay Plan” or “Plan”). The Advisory Committee would very much like the opportunity to meet with you in late January or early February to discuss our concerns with the Report and hear your views about how the Report fits into our mutual effort to help protect and restore Jamaica Bay.

As you know, pursuant to Local Law 71, the goal of the Jamaica Bay Plan is to restore and maintain the water quality and ecological integrity of the Bay. High nitrogen levels have been linked to water quality problems in the Bay, such as low dissolved oxygen levels, harmful algal blooms and declines in water visibility; recent studies suggest that mysterious disappearance of thousands of acres of the Bay’s marshlands may be due, at least in part, to excessive sulfides in marsh sediments as a result of this water pollution. Accordingly, this summer, the Advisory Committee recommended that DEP incorporate in the Plan changes in the City’s wastewater treatment system so as to significantly reduce nitrogen discharges into the Bay.

We understand that the Report is intended specifically to satisfy the terms of a consent judgment with New York State’s Department of Environmental Conservation. The Report is, however, also directed at one of the Bay’s most pressing problems, and was developed concurrent with the ongoing development of the Jamaica Bay Plan. The Committee thus believes that the Report represents a missed opportunity to more fully address the Bay’s nitrogen pollution issues in a manner consistent with the Plan’s goals.

Specifically, the Committee is concerned that the Report appears to propose no reduction in the City’s planned discharges of nitrogen pollution into the Bay over the long-term. Rather, in terms of new commitments, DEP appears willing to make only to a moderate improvement in nitrogen treatment at one of the Bay’s treatment plants (the Jamaica plant). The Report did not consider other reasonable treatment alternatives, including the obvious one of accomplishing the same type of nitrogen reduction at the Jamaica and 26<sup>th</sup> Ward plants that has been committed to at plants on the East River in order to reduce nitrogen discharges into western Long Island Sound. The manner of the Report’s consideration of various non-treatment alternatives, such as the “recontouring” of Grassy Bay, outfall relocation and changes to legal classifications for parts of the Bay, as well as some of the assumptions made in the Report, also seem to detract from, rather than enhance, a comprehensive and unbiased discussion of DEP’s options.

We know that your agency shares the Advisory Committee's view that Jamaica Bay's value to the City, as well as the region and the nation, is immeasurable. While the Advisory Committee was disappointed this last fall when DEP decided to continue to study all our preliminary recommendations for the Plan, rather than embrace any of them, we also believe that DEP has worked extremely hard since that time to ensure that it understands and considers our proposals as fully as possible. The skill and dedication of DEP's staff as they have worked and continue to work to develop the Plan is truly commendable.

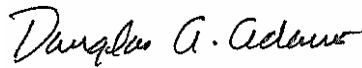
We hope we will have the opportunity to meet with you soon to discuss the Report. Such a meeting might also serve as overdue opportunity to discuss with you the progress of the Jamaica Bay Plan's development more generally.

We look forward to continuing to work together to restore and protect Jamaica Bay.

Respectfully yours,

A handwritten signature in dark ink, appearing to read 'Brad Sewell', with a stylized, flowing script.

Brad Sewell  
Jamaica Bay Watershed Protection Plan Advisory Committee Co-Chair

A handwritten signature in dark ink, appearing to read 'Doug Adamo', with a stylized, flowing script.

Doug Adamo  
Jamaica Bay Watershed Protection Plan Advisory Committee Co-Chair

cc: Department of Environmental Conservation Commissioner Denise Sheehan  
Council Member James F. Gennaro  
Rohit Aggarwala, Director of the Office of Long-term Planning and Sustainability,  
Mayor's Office of Operations  
Angela Licata, Deputy Commissioner for the Bureau of Environmental Planning and  
Analysis, Department of Environmental Protection