

I am sure many may be interested in just how the recent unprecedented Nitrogen agreement came about and the tremendous efforts put into this dictate that if nothing else it be recorded and noted accurately in how it came to be and who was involved in its creation-:

In 2004 as a result of reports received indicating ever increasing number of sludge boats entering the bay for treatment the Jamaica Bay Ecowatchers (JBEW) started a dialogue with the DEP as to this development and as to the current nitrogen loading limits and permits that regulated this. After numerous discussions and meetings with DEP staff, including taking out their staff on a boat tour of the bay, it became apparent to the JBEW that it was critical for us to contact the DEC staff, that were currently working on the future nitrogen permit levels for the bay, and who would be reaching an agreement with the DEP which would have huge implications for the bay in the amount of nitrogen loading permitted for years to come. These initial conversations led to the DEC staff traveling down from Albany to meet with the JBEW's and other members of the JBTF group. This meeting, as well as subsequent meetings and dozens of conference calls, allowed the DEC to have much more information as to the current health of the bay and the impact it was believed that nitrogen was having. Information that in many cases DEC staff was unaware of, and information that they indicated would help them in making a stronger case for greater nitrogen reductions in their discussions with the DEP.

Along the way the DEP issued the "Comprehensive Plan" for nitrogen reduction which was rejected as well as the "white Paper" which was also dismissed as inadequate. The negotiations slowed down and it became apparent that after years of waiting and hoping to see a real commitment on the city's part to upgrade the treatment plants the political will was not there and no such agreement would be seen without a "game changer" . That "game changer" was the NRDC and their decision in august of 2009 to go to federal court and seek a resolution thru the clean water act and a "citizen suit".

The NRDC had been involved in urging the city to make substantial upgrades to these plants and had participated in dozens of conference calls with the JBEW's and the DEC in an effort to force the state to mandate the city to make these changes. Both the JBEW's and the NRDC agreed in the summer of 2009 that we were at a standstill. They proposed the court action and both parties reached out to the NY /NJ Baykeeper and the Littoral Society to sign on. Both groups agreed and the city was notified of the impending court action. This created an unprecedented level of concern and involvement on the city's part. Over the next four months heavy negotiations took place between our groups, the DEP, the Mayor's Staff, the DEC and the attorney generals representative. More than one of the sessions ended with our group stating that they were heading to the courthouse the following morning, over dissatisfaction with movement on the city's part, only to be called back down the next day after gaining further concessions. The agreement you now see is the result of these discussions and the looming lawsuit. The NRDC were absolutely critical to this achievement. Both Larry Levine as well as Brad Sewell put in hundreds of hours of effort and brought a real passion to the table in order to make this agreement happen. Debbie Manns and Chris Len of the Baykeeper as well as Don Riepe and Tim Dillingham of the Littoral society were unbelievable in their support and the time they committed to this effort including numerous long trips to city hall in all types of inclement weather. I would personally like to thank all of those above as well as the Mayor and his staff, the DEC, The DEP and the Attorney General's office for their time and effort. While each involved played a different roles, which were dictated by the various agencies and concerns they represented, at the end of the day I do believe that this agreement would not have been

reached if all did not truly share a genuine concern for the bay and a wish to protect this unique resource for future generations.

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