Legislation Details (With Text)

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Title: Resolution strongly urging the New York State Department of Environmental Conservation to immediately develop and implement a total maximum daily load for nitrogen pollution into Jamaica Bay in order to preserve and protect this New York City jewel possessing exceptional ecological diversity.

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Res. No. 830

Resolution strongly urging the New York State Department of Environmental Conservation to immediately develop and implement a total maximum daily load for nitrogen pollution into Jamaica Bay in order to preserve and protect this New York City jewel possessing exceptional ecological diversity.

By Council Members Gennaro, Addabbo Jr., Barron, Brewer, Clarke, Comrie, Fidler, Gentile, Jennings, Koppell, Liu, Lopez, Nelson, Palma, Quinn, Recchia Jr., Sanders Jr. and Weprin

Whereas, In October of 1972 the United States Congress established the Gateway National Recreation Area as part of an effort to bring the National Park System and its ethic of preserving and protecting outstanding resources closer to major urban areas; and

Whereas, The Gateway National Recreation Area encompasses numerous sites of critical natural and

cultural importance to the health of local ecosystems, to the life of migratory and native species, and, according to the National Park Service, this area is the only extensive public natural area in the New York City region; and

Whereas, The Jamaica Bay Unit is one of several units consisting of lands, waters, marshes and submerged lands comprising the Gateway National Recreation Area, and the Jamaica Bay Wildlife Refuge, established by the City of New York in 1948, is located within this unit; and

Whereas, The Jamaica Bay Wildlife Refuge, which is one of the largest and most productive coastal ecosystems in the state of New York, as well as the entire Northeastern United States, encompasses 2,500 acres within the boroughs of Brooklyn and Queens; and

Whereas, The Jamaica Bay Wildlife Refuge, the only wildlife refuge in the National Park System, provides a shelter for rare and endangered birds and a variety of habitats for more than 300 kinds of waterfowl and shorebirds; and

Whereas, The Jamaica Bay Wildlife Refuge is a critical stop-over area along the Eastern Flyway migration route and is one of the best bird-watching locations in the Western Hemisphere; and

Whereas, Jamaica Bay has been designated a Significant Coastal Fish and Wildlife Habitat by the New York State Department of State, a Critical Environmental Area by the New York State Department of Environmental Conservation (DEC), a Special Natural Waterfront Area by the New York City Waterfront Revitalization Plan, a “Geographically Targeted Area” of the New York-New Jersey Harbor Estuary Program’s Comprehensive Conservation and Management Plan, and an Important Bird Area by the National Audubon Society; and

Whereas, Jamaica Bay’s future as an oasis of great ecological importance is in severe jeopardy due to the fact that thousands of acres of the Bay’s marshlands are rapidly and mysteriously vanishing; and

Whereas, Jamaica Bay’s marshlands serve as critical nesting and feeding areas for an abundance of birds and other wildlife, important barriers to area flooding, and as a filter for pollutants; and

Whereas, In November of 2002 and October of 2004, the New York City Council Committee on

Environmental Protection held oversight hearings on the future of Jamaica Bay, with a specific focus on environmental impacts and the Bay's disappearing marshes; and

Whereas, During these oversight hearings, witnesses, including then Commissioner Christopher Ward of the New York City Department of Environmental Protection (DEP), then Superintendent Billy G. Garrett of the Gateway National Recreation Area Jamaica Bay Unit, and several knowledgeable environmental scientists, testified that Jamaica Bay had experienced a tremendous loss of tidal wetlands.

Whereas, Scientists, including those who testified at the Council oversight hearings, predict that nearly all of Jamaica Bay's wetlands could be lost within the next several decades, if the cause of their deterioration and a solution to their preservation are not found, and have suggested that excess nitrogen could be contributing to such wetlands loss, as well as impacting the larger estuary biodiversity and food web; and

Whereas, As a result of excess nitrogen, water clarity in Jamaica Bay has declined almost 30% since 1986, and the DEP has identified the Bay as the only major City waterbody not to improve over the last decade; and

Whereas, Under Section 303(d) of the 1972 Clean Water Act, states, territories, and authorized tribes are required to develop lists of "impaired waters," waters that do not meet water quality standards set for them even after point sources of pollution have installed the minimum required levels of pollution control technology; and

Whereas, The Clean Water Act requires these jurisdictions to develop Total Maximum Daily Loads (TMDLs) for impaired waters in order to restore and protect the waterbodies' uses; and

Whereas, A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources; and

Whereas, TMDL implementation involves the reduction of pollutant loadings pursuant to load allocations for purposes of achieving water quality standards; and

Whereas, Jamaica Bay and many of its tributaries are identified in the DEC January 28, 2004 Section 303(d) List of Impaired Waters Requiring a TMDL for nitrogen and pathogens pollution and oxygen demand; and

Whereas, The United States Environmental Protection Agency and the DEC previously agreed to implement TMDL for Jamaica Bay by 2005 and this schedule was subsequently delayed until 2006; and

Whereas, DEC is not currently developing a TMDL for nitrogen pollution into Jamaica Bay for implementation in 2006; and

Whereas, Excess nitrogen in a waterbody causes harmful algal blooms that contribute to hypoxia, or low levels of dissolved oxygen in deeper waters, and dissolved oxygen is important for the feeding, growth, and reproduction of aquatic life; and

Whereas, When hypoxic conditions occur in Jamaica Bay, the water quality standards for dissolved oxygen are violated; and

Whereas, Discharges from four New York City wastewater treatment plants and their combined sewage overflows are the primary sources of nitrogen enrichment to Jamaica Bay; and

Whereas, The DEC and the DEP recognize that currently-planned Jamaica Bay wastewater treatment plant upgrades will not result in achieving the applicable water quality standards in Jamaica Bay; and

Whereas, The Council of the City of New York believes that nitrogen pollution is directly contributing to the deterioration of Jamaica Bay, and that the immediate development and implementation of a TMDL to reduce nitrogen inputs into the Bay is essential to restoring and sustaining its ecological health; and

Whereas, Jamaica Bay, its marshlands, and its aquatic environment serve as valuable habitat for many species, contribute to and impact the health of the large regional ecosystem and are a sanctuary that allows people to experience solitude, relaxation, and natural landscapes in the midst of one of the most populated urban areas in the county; now, therefore, be it

Resolved, That the Council of the City of New York strongly urges the New York State Department of

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Environmental Conservation to immediately develop and implement a total maximum daily load for nitrogen pollution into Jamaica Bay in order to preserve and protect this New York City jewel possessing exceptional ecological diversity.

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