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2 NEW YORK CITY DEPARTMENT OF

3 ENVIRONMENTAL PROTECTION

4 -----x

5 PUBLIC HEARING

6 RE: Hunts Point Water Pollution Control Plant

7 Draft Environmental Impact Statement

8 -----x

9 The Point Community

10 Development Corporation

11 940 Garrison Avenue

12 Hunts Point, New York

13

14 April 12, 2007

15 7:58 p.m.

16

17 B e f o r e:

18

19 ESTHER SISKIND,

20 New York City Department of

21 Environmental Protection,

22 THE HEARING OFFICER

23

24

25

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

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2 A P P E A R A N C E S :

3 For New York City Department of

4 Environmental Protection:

5 Esther Siskind

6 Assistant Commissioner - Bureau of

7 Environmental Planning & Assessment

8 Matthew S. Osit

9 Chief - Division of Facilities Design

10 North, Bureau of Engineering

11 Design & Construction

12 Julie A. Stein

13 Project Manager

14 Jairo Rojas

15 Spanish Interpreter

16 For AKRF, Inc.:

17 Allison E. Ruddock

18 Senior Planner

19

20 ALSO PRESENT:

21 The Public

22

23 Marc Russo

24 Reporter

25

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I N D E X   O F   S P E A K E R S :

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Speaker:

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LAURA STOCKSTILL.....8

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Representing Bronx Borough President

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Adolfo Carrion, Jr.

8

CARMEN AQUINO.....14

9

Representing Council Member Maria del

10

Carmen Arroyo, 17th District

11

RALPH ACEVEDO.....16

12

Hunts Point Monitoring Committee

13

Member (HPMC)

14

CERITA PARKER.....24

15

MOM Member - Mothers On the Move

16

MARIA TORRES.....26

17           President and COO of The Point &  
18           HPMC Member  
19       TYMEISHA MASSEY.....34  
20           A.C.T.I.O.N.  
21       ROBERT INGRAM.....36  
22           A.C.T.I.O.N.  
23       YESENIA ADORNO.....37  
24           A.C.T.I.O.N.  
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I N D E X   O F   S P E A K E R S :

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HPMC Member & Community Board #2 Member

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Sustainable South Bronx

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Representing Congressman Jose Serrano

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Solid Waste & Energy Coordinator -

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Sustainable South Bronx & HPMC Member

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LAURA TRUETTNER.....76

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Technical Advisor

17 MATTY STANISLAUS.....82

18 Technical Advisor

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P R O C E E D I N G S

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THE HEARING OFFICER: Okay. If

5

people can have their seats, we are now ready to

6

begin the formal public hearing to hear your

7

comments on the project and the EIS.

8

This public hearing is being

9

conducted in accordance with the following rules

10

and regulations, the State Environmental Quality

11

Review Act and its implementing regulations as set

12

forth in 6NYCRR Part 617, the New York City

13

Environmental Quality Review process as set forth

14

in Executive Order 91 of 1997 and its amendments,

15

the State Environmental Review Process under the

16

State Revolving Loan -- the Revolving Fund

17 Program, and the New York State Environmental  
18 Justice Policy CP29 Environmental Justice and  
19 Permitting.

20 I have to say that at every public  
21 hearing.

22 We'll be calling up elected  
23 officials and then people in the order in which  
24 they signed up to speak.

25 If you haven't signed up yet, you

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2 can go to the front table and sign up and we will  
3 be calling you. We are going to be here for as  
4 long as you want to comment. We ask that people  
5 try to limit their comments to about three minutes  
6 to respect everyone's opportunity to speak.

7 And when you speak, if you could  
8 please state your name and affiliation for the  
9 record. There's a stenographer that's going to be  
10 recording comments. And also, if there's anyone  
11 here who would prefer to give their comments in  
12 Spanish, Jairo Rojas is here to assist with that.

13 MS. ELENA CONTE: I have a  
14 request.

15 THE HEARING OFFICER: Sure.

16 MS. ELENA CONTE: I have a request

17        regarding time. I understand that three minutes  
18        is a guideline that you're asking. Considering  
19        there's - I forget how many are on the list -  
20        fifteen to twenty to speak, I request that the  
21        members of the Hunts Point Monitoring Committee,  
22        who are part of the Committee that have been  
23        working very closely with the DEP to oversee this  
24        process, that they be allotted additional time to  
25        give their comments, not that we change the order,

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2 but because they've been following it very  
3 closely, that their time be expanded to fifteen  
4 minutes. But we'll try to be as respectable as  
5 possible; just Monitoring Committee people.

6 THE HEARING OFFICER: Well, why  
7 don't we see how it goes. I'm not sure where you  
8 -- who's going to be speaking on behalf --

9 MS. ELENA CONTE: Well, the  
10 members are speaking individually. We're  
11 splitting things up.

12 THE HEARING OFFICER: Oh, so a  
13 total of fifteen for everybody. That's fine.

14 MS. ELENA CONTE: No. I think  
15 it's up to fifteen minutes for each. We're going  
16 to each be speaking.

17 THE HEARING OFFICER: Fifteen for  
18 each speaker? I think then in deference to other  
19 people here who might want to speak, maybe we  
20 should allow you to go first so not everybody --  
21 it's to respect everybody who's here who signed up  
22 to speak.

23 MS. ELENA CONTE: No, we'll be  
24 respectful as well. I think the order is fine in  
25 which they signed up. And we'll try to be

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2 respectful of time. But also, I guess we're just  
3 requesting you weigh the amount of time for our  
4 individual members who have worked very hard on  
5 this.

6 THE HEARING OFFICER: We're asking  
7 people to try to stay to three minutes to respect  
8 others here who wanted to speak. We are not going  
9 to be pulling you with hook off the stage.

10 If you go beyond three minutes, we  
11 might say "it's three minutes, if you can start to  
12 wrap up," that kind of thing. But we're going to  
13 be loose about it. It's just more to respect the  
14 forum. Because we do have eighteen speakers  
15 tonight.

16 (Translation by interpreter.)

17 THE HEARING OFFICER: Okay. Thank

18 you.

19 Okay. Laura Stockstill from the

20 Borough President's Office, Borough President

21 Carrion.

22 (Audience participation.)

23 MS. LAURA STOCKSTILL: My name is

24 Laura Stockstill. And I'm reading this testimony

25 on behalf of Bronx Borough President Adolfo

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2 Carrion.

3 I offer these comments as an initial  
4 response to the Draft Environmental Impact  
5 Statement.

6 In my formal review of this project  
7 under the Uniform Land Use Review Process, I will  
8 submit a full recommendation to the City Planning  
9 Commission after holding my own public hearing  
10 where I hope to receive further input from the  
11 public.

12 The following comments also  
13 reiterate some of the concerns I raised at the  
14 scoping meeting for this project in February 2005.  
15 I recognize the Department of Environmental  
16 Protection's challenge in its dual role as both

17       enforcer of environmental regulations and operator  
18       of the City's water utilities, but I believe that  
19       in the fullest sense of environmental stewardship,  
20       the DEP can be an environmental leader and a role  
21       model in all aspects of its operations.  DEP's  
22       mandate allows the agency to simultaneously  
23       protect and improve the environment while  
24       upgrading its infrastructure.

25                                   Environmental Impact Statements are

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2       constructive tools to the degree that they fully  
3       disclose and assess the impacts of major projects.  
4       Therefore, it's essential that the DEIS provide as  
5       much detail on the effects of a proposed project,  
6       the various alternatives considered, and the  
7       possible means of addressing negative impacts.

8                       Several sections of the DEIS require  
9       additional information and analysis for a thorough  
10      assessment. These include, pedestrian impacts,  
11      odor control and air quality.

12                      Hunts Point is a community in  
13      transition, with substantial investment planned  
14      for a new greenway that will connect new  
15      neighborhood parks and bring more people to the  
16      plant vicinity. The EIS must consider the

17 potential impacts of the project on the South  
18 Bronx Greenway and offer mitigation measures to  
19 protect the integrity of these valuable new  
20 community resources.

21 I appreciate the odor control  
22 measures already undertaken at the plant and DEP's  
23 commitment to ensuring that equipment performs at  
24 the highest standards. However, with the Hunts  
25 Point neighbors still burdened by odors, I wish to

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2 see a more detailed evaluation of additional  
3 potential odor control measures that may be  
4 warranted. Furthermore, I call upon the DEP to  
5 commit to further odor studies of the community  
6 and continued work towards improving the odor  
7 reporting and response systems.

8 DEP must improve and formalize its  
9 communication channels with both the Hunts Point  
10 Monitoring Committee and the surrounding  
11 community. While I appreciate the cooperation  
12 that DEP has given to the Monitoring Committee  
13 since its creation, the agency should seek an even  
14 more effective working relationship going forward.

15 Communication and procedural  
16 challenges must be overcome. To this end, I call

17 for a commitment from DEP for a community-selected  
18 full-time, community liaison to work with the  
19 Monitoring Committee for the duration of the  
20 review, approval, and construction phases of this  
21 project.

22 (Applause.)

23 MS. LAURA STOCKSTILL: Having set  
24 a precedent at the Newtown Creek facility by  
25 hiring a Community Liaison, DEP owes, and our

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2 community deserves, an equal commitment in Hunts  
3 Point.

4 Waterfront access is a priority of  
5 my administration. The nature walk currently  
6 under construction along Newtown Creek will  
7 provide a beautiful amenity for Brooklyn's  
8 Greenpoint community. Therefore, I call on DEP to  
9 work with the Monitoring Committee on a creative  
10 plan for developing public access and natural  
11 habitat areas on the water side of its Hunts Point  
12 plant.

13 All unnecessary emissions are  
14 unacceptable. As you all know, Hunts Point and  
15 the South Bronx are burdened with high levels of  
16 air pollution and extremely high asthma rates.

17 (Applause.)

18 MS. LAURA STOCKSTILL: Given these

19 background conditions, I consider any avoidable

20 emissions from the Hunts Point Plant to be

21 unacceptable, including the air quality burden

22 created by the plant's participation in Con

23 Edison's Peak Load Management program.

24 I recognize the PLM program's value

25 in regulating energy consumption during times of

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2 high demand. However, DEP's use of dirty diesel  
3 generators at the plant will contribute to the  
4 degraded air quality and asthma emergencies that  
5 typically coincide with these peak load periods.

6 I therefore call on DEP either to  
7 withdraw from the PLM program or preferably, to  
8 upgrade to clean-burning equipment.

9 (Audience participation.)

10 MS. LAURA STOCKSTILL: Use of  
11 highly polluting diesel generators is contrary to  
12 the City's own emissions reduction goals and DEP  
13 should take the lead in switching to clean  
14 technologies for its back-up power sources as well  
15 as its normal operations.

16 This is a crucial time in the

17 assessment process and all stakeholders must  
18 continue working together towards the best  
19 possible solutions.

20 I wish to thank DEP for its ongoing  
21 collaboration in the planning of this facility and  
22 call on the agency to make every effort to  
23 minimize negative impacts and find ways of  
24 demonstrating environmental leadership at its  
25 Hunts Point facility.

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Thank you.

3

(Audience participation.)

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MS. LAURA STOCKSTILL: There are

5

copies of my statement on the table near the door.

6

(Audience participation.)

7

THE HEARING OFFICER: The next

8

speaker is Carmen Aquino.

9

MS. CARMEN AQUINO: Good evening.

10

My name is Carmen Aquino. I'm

11

coming from Council Member Arroyo's office.

12

I'm going read in a statement that

13

Council Member Arroyo wrote since she has already

14

prior engagements and she couldn't be here.

15

I would like to begin my statement

16

by expressing appreciation to the New York City

17 Department of Environmental Protection,  
18 Commissioner Emily Lloyd and her staff, for her  
19 ongoing commitment to hear and understand the  
20 issues surrounding environmental justice we raise  
21 as individuals and as a community.

22 With regards to the Draft  
23 Environmental Impact Statements we are here to  
24 discuss tonight, I, again, ask that DEP continue  
25 to listen to the concerns raised by Community

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2 Board #2, local environmental justice advocates,  
3 community-based organizations and community  
4 residents.

5 The approval of this project brings  
6 with it significant and long-term impacts. We must  
7 ensure issues that can negatively impact our  
8 community are mitigated to the greatest extent  
9 possible.

10 The areas of concern include:

11 Visual character of the design;

12 Shadow impacts from the digesters;

13 Noise, odors and dust during

14 excavation and construction;

15 Traffic volumes and impact;

16 Particulate matter standard used

17 when determining adverse impact; and

18 The capital investment to be  
19 committed for the various projects identified by  
20 the Community Board and the Hunts Point Monitoring  
21 Committee.

22 I urge DEP to make a commitment to  
23 work with us to resolve these issues and to help  
24 us ensure the safety and well being of our  
25 community.

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Thank you for the opportunity to

3

share my concerns on behalf of the constituents of

4

the 17th Council District.

5

Thank you.

6

(Applause.)

7

THE HEARING OFFICER: Okay. Are

8

there any other elected officials who would like

9

to speak?

10

(No response.)

11

THE HEARING OFFICER: Okay. We're

12

going to begin with Ralph Acevedo.

13

(Audience participation.)

14

MR. RALPH ACEVEDO: Good evening,

15

everyone.

16

My name is Ralph Acevedo. I'm a

17 long-time Hunts Point resident. And I am a  
18 Committee Member on the Monitoring Committee.

19 I have a couple of comments on a  
20 couple of issues that I want to go over.

21 First, I want talk about the  
22 alternatives.

23 In addition to the years of  
24 environmental burdens experienced by this  
25 community, the Hunts Point community has

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2 historically been and continues to be underserved  
3 with respect to parks and open space.

4 We have one of the highest  
5 percentages of population under eighteen years old  
6 in the City and our youth, as well as our families  
7 and senior citizens need open space and parks.

8 (Audience participation.)

9 MR. RALPH ACEVEDO: The South  
10 Bronx Greenway and Barretto Point Park are the  
11 result of many years of work by the South Bronx  
12 residents and its elected officials. And these  
13 amenities are two important steps forward in  
14 making the South Bronx livable and sustainable.  
15 These amenities are there for all of the residents  
16 to enjoy and will be used for playing, walking,

17 sitting and bicycling.

18 DEP's expansion cannot reduce the

19 value, the use or the enjoyment of these

20 amenities. All impacts to the users of the

21 greenway must be fully acknowledged and avoided

22 and DEP must conduct this analysis of impacts to

23 the greenway based on the assumption that

24 residents will sit on benches for up to an hour.

25 Impacts to the greenway cannot be dismissed on the

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2 basis of DEP's misguided notions there will only  
3 be transient use of this new amenity.

4 (Audience participation.)

5 MR. RALPH ACEVEDO: Furthermore,  
6 the idea of extending the greenway along the  
7 waterfront must be re-examined. In light of our  
8 recent trip to Newtown Creek and the proximity of  
9 the nature walk to the plan, we see no reason why  
10 the greenway cannot also be designed to work in  
11 conjunction with the plan.

12 (Audience participation.)

13 MR. RALPH ACEVEDO: If the safety  
14 issues can be resolved in Newtown Creek, it can  
15 certainly be resolved here. Through good planning  
16 and scheduling, the placement of the greenway on

17 the Hunts Point property along the waterfront can  
18 be designed and managed to ensure that the loading  
19 of sludge can occur.

20 There is no reason why Hunts Point  
21 residents cannot get access to the waterfront.

22 The recently completed Barretto Park, Barretto  
23 Point Park must likewise be protected to ensure  
24 that it can serve its intended function.

25 However, as currently planned, the

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2 Phase III upgrade would entail the placement of  
3 four large egg-shaped digesters adjacent to the  
4 park. The bulk and the height of the digesters  
5 will be overwhelming to park users. The 130-foot,  
6 stainless steel eggs will tower over the adjacent  
7 park structures and significantly affect the way  
8 kids and adults experience the park.

9 Furthermore, the eggs will likely  
10 impact views for those walking and bicycling along  
11 the Ryawa Avenue and Manida Street portions of the  
12 greenway.

13 (Audience participation.)

14 MR. RALPH ACEVEDO: The EIS  
15 implies that the community agreed to live with the  
16 impact of the eggs on the park because the two

17 projects were contemporaneously planned but this  
18 is not the case. The community had no idea of the  
19 extent of the impact of the eggs on the park until  
20 the DEIS was released.

21 The community strenuously objects to  
22 this significant visual impact on the park.

23 (Audience participation.)

24 MR. RALPH ACEVEDO: Hold on. Hold  
25 on. We got more. We got more.

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Furthermore, DEP has identified an

3

alternative in the DEIS that would avoid these

4

visual impacts altogether. Site Plan Alternative

5

II will place the egg-shaped digesters in the

6

location of the current digesters.

7

DEP's initial analysis of this

8

alternative was that the construction will be more

9

complex, take longer and cost more. However, the

10

current estimates suggests that it will only take

11

an additional year and a half of construction per

12

pair of digesters.

13

Further, the additional cost of this

14

alternative is about \$15 million which is an

15

increase of about two percent to the current \$700

16

million budget for all three phases of this

17 expansion.

18 DEP also expressed a certain --

19 sorry. DEP also expressed some concern that under

20 this scenario the treating of sludge might not

21 meet the PSRP. However, it was later clarified

22 that it was only under maximum design sludge

23 production conditions, which are based on a 2045

24 population, that the PSRP might not be met. And to

25 the extent that NYOFCo will have the extra

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2 capacity as the egg digesters in Newtown Creek are  
3 put into operation, the City will have the  
4 capacity to treat additional sludge that does not  
5 meet the PSRP.

6                   Lastly, DEP has identified a number  
7 of speculative potential future plant needs that  
8 could be placed at the current digester locations.  
9 However, in absence of a definite approved plan  
10 for future projects that is part of the DEP's  
11 current proposed action, such future speculative  
12 actions cannot consider the CEQR analysis or the  
13 related ULURP proposal.

14                   DEP must examine Site Plan  
15 Alternative II more carefully and thoroughly. It  
16 represents a viable alternative to the current

17 plan for placing the egg-shaped digesters next to  
18 the park and preserve a critical community  
19 amenity.

20 I want to discuss, really fast,  
21 about the soil excavation impacts.

22 DEP is clearly cognizant of the  
23 likelihood of impacts to park users in the  
24 community during excavation of contaminated soils  
25 from the location of the former paint and varnish

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2 facility. They have proposed to conduct an  
3 excavation with a ten-foot structure that is  
4 maintained under negative pressure to prevent the  
5 release of any odors or airborne particulates.

6 In addition, the contractor is  
7 required to conduct a community air monitoring  
8 program. The HPMC appreciates the extra care that  
9 DEP has taken and would like the opportunity to  
10 review the air monitoring data collected during  
11 this excavation.

12 Other areas such as south of the  
13 paint and varnish facility and under the waste gas  
14 burners, will also require excavation as part of  
15 the expansion, soils in this vicinity of the waste  
16 gas burner and the likely -- and those underneath

17 the southern most digesters are contaminated.

18 While excavation of these soils may not require a

19 tent, a community air monitoring program is

20 critical to verify that these works does not

21 impact park users.

22 The site specific health and safety

23 plan will not address these concerns because its

24 primary focus is on the health and safety of the

25 contractor personnel and not the community and

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2 more specifically the park users -- are used  
3 specifically to park users.

4 At a minimum, DEP should require the  
5 contractor to develop a community air monitoring  
6 program during excavation activities. Further,  
7 the results may be provided to the HPMC so that  
8 they may review the data and inform the community.

9 THE HEARING OFFICER: It's time to  
10 close your --

11 MR. RALPH ACEVEDO: I have one  
12 more. One more?

13 THE HEARING OFFICER: Okay.

14 MR. RALPH ACEVEDO: The final  
15 remedy selected for the 5.5 acre parcel of the  
16 plant included excavation of the point-seven acre

17 former paint and varnish facility area and  
18 placement of the decoration liner, two feet of  
19 soil across the remainder of the parcel.

20 This remedy was selected despite the  
21 fact that significant concentrations of  
22 contaminants were detected in the soils.

23 Since DEP has decided to leave  
24 contamination in the subsurface, DEP must have a  
25 process to ensure that any further excavation at

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17 protection of park users must be included in the

18 DEIS.

19 Thank you very much.

20 (Audience participation.)

21 THE HEARING OFFICER: Thank you

22 for your comments.

23 Cerita Parker.

24 (Audience participation.)

25 MS. CERITA PARKER: Good evening,

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2 everyone and DEP and the community.

3 My name is Cerita Parker and I'm

4 Mothers on the Move.

5 (Audience participation.)

6 MS. CERITA PARKER: And the first

7 thing that I want to say is that I don't

8 particularly understand all of the technical

9 jargon. And what prompted me to come to this

10 meeting was the picture. And they say a picture

11 speaks a thousand words.

12 It was the picture of the two egg

13 digesters, the two proposed egg digesters in the

14 middle of what looked like an oasis, a heaven. I

15 mean just a paradise.

16 (Audience participation.)

17 MS. CERITA PARKER: That's what  
18 prompted me to come here. I personally don't  
19 understand half of what you showed. But I'm going  
20 to defer the rest of my minutes to the Monitoring  
21 Committee who do know more than I do.

22 But I want it on the record that I  
23 think that totally, if you have to do all that you  
24 have to do, there has to be a compromise. And the  
25 eggs got to go.

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(Audience participation.)

3

THE HEARING OFFICER: Maria

4

Torres.

5

Thank you for your comments, by the

6

way.

7

Maria Torres.

8

(Audience participation.)

9

MS. MARIA TORRES: This one's for

10

Maria.

11

Okay. Good evening.

12

My name's Maria Torres. Am I a --

13

the President and COO of The Point CDC as well as

14

a HPMC Member, as well as a community resident.

15

Hunts Point has suffered for many

16

years from an overabundance of environmental

17 burdens. The Bruckner, the Sheridan, the  
18 Cross-Bronx and the Major Deegan have been major  
19 sources of diesel fumes and particulates.

20 We are home to waste transfer  
21 stations, wastewater treatment plants and the only  
22 facility in the City that pelletizes sludge,  
23 NYOFCo.

24 Our kids have one of the highest  
25 rates of asthma hospitalizations in the City and

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2 have the additional burden of one of the lowest  
3 rates of open space in the City. Only two percent  
4 of the community district is open space which puts  
5 Community Board #2 in the lowest five percent of  
6 the community boards in the City.

7 We need to improve the health of our  
8 residents. We need to reduce current levels of  
9 pollution. We need to increase the amount of  
10 safe, usable green space, and we need to reverse  
11 the long history -- the long history of  
12 environmental impacts to the community.

13 The plant expansion --

14 (Audience participation.)

15 MS. MARIA TORRES: The plant  
16 expansion cannot add to the burdens. The expansion

17 must be part of a new effort to create a  
18 sustainable environment. The expansion cannot be  
19 allowed to diminish the value of our brand new  
20 open spaces and must be built with the goal of  
21 bettering the Hunts Point environment.

22 This means DEP setting an example  
23 that it will do more than the minimum - that it  
24 will change its operations and install pollution  
25 controls so that we can build a sustainable

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2 community in Hunts Point.

3 PM 2.5 is one of the most

4 significant air pollutants in urban centers,

5 especially in lower income communities. The health

6 effects associated with short-term exposure to

7 fine particles, PM 2.5, include:

8 Premature death in people with heart

9 and lung disease;

10 Non-fatal heart attacks;

11 Increased hospital admissions,

12 emergency room visits and doctor's visits for

13 respiratory and cardiovascular diseases;

14 Increased respiratory systems --

15 symptoms such as coughing, wheezing and shortness

16 of breath;

17                                   Lung function changes, especially in  
18                   children and people with lung diseases such as  
19                   asthma; and

20                                   Irregular heartbeat.

21                                   The existing air monitoring  
22                   information shows levels of PM 2.5 in Hunts Point  
23                   exceed the U.S. EPA PM 2.5 standard for 24-hour  
24                   exposure. However, recent studies indicate that  
25                   Hunts Point residents are being exposed to much

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2 higher levels of air pollution and are susceptible  
3 to severe health impacts because of continuous  
4 vehicle emissions from one of the largest  
5 concentrations of vehicle traffic in the country -  
6 especially from diesel trucks that travel in and  
7 around Hunts Point daily.

8 This means that there is already an  
9 unhealthy level of PM 2.5 in the air quality. The  
10 fact that the Hunts Point community is vulnerable  
11 to these impacts must be acknowledged in the EIS.

12 Furthermore -- furthermore, DEP  
13 cannot rely on the outdated DEC Interim PM 2.5  
14 Policy that does not account for the more recent  
15 technical evaluation of the New York State --  
16 evaluation by New York State and all the

17 Northeastern states which recommends that a lower  
18 threshold for PM 2.5 is critical for protection of  
19 urban populations, nor does it account for the  
20 change in EPA's PM 2.5 24-hour standard, nor does  
21 it -- I'm sorry.

22 -- take into consideration  
23 background levels -- I'm sorry. Maria. I'm sorry.

24 (Audience participation.)

25 MS. MARIA TORRES: Okay.

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2

Nor does it account for the change

3

in the EPA's PM 2.5 24-hour standard,

4

consideration of background levels of 2.5.

5

At a minimum, DEP must assess its PM

6

2.5 impacts on the basis of New York State DEC's

7

recent technical recommendation for an impact

8

threshold of two. And based on this impact

9

threshold, it must be recognized in the EIS that

10

the impacts to Barretto Point Park and to the

11

South Bronx Greenway are significant.

12

The largest source of PM 2.5 at the

13

plant is the use of the emergency generators in

14

the peak load management program. We see no

15

reason why the plant should volunteer for this

16

program. Use of emergency generators, which don't

17        have any pollution control and use dirty diesel,  
18        will contribute additional pollutants to the air  
19        during times of already degraded air quality in  
20        Hunts Point, which makes this an unacceptable  
21        alternative.

22                                These pollutants will be emitted  
23        during the portion of the day that the parks will  
24        be used. The fact that it can only be used for  
25        fifteen days does not reduce its potential impacts

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2 because it will be during the worst air quality  
3 days in the summer and a single day's exposure  
4 would have health impacts.

5 The emissions from the emergency  
6 generators during this period will probably be at  
7 least the equivalent of 79 diesel trucks. This is  
8 dirty energy and DEP's plan to use emergency  
9 generators to create dirty energy conflicts with  
10 the Mayor's sustainability goals for clean energy.

11 Barretto Point Park and the Greenway  
12 could also experience significant impacts during  
13 other operating scenarios - normal plant and  
14 emergency testing - a major reason for these  
15 impacts is the use of diesel at the plant.

16 DEP must mitigate the impacts of PM

17 2.5 by reexamining the use of the emergency  
18 generators in the PLM program and looking to use  
19 cleaner fuels during normal operations.

20 There are a number of other air  
21 pollutants that DEP needs to address.

22 DEP has not done an analysis of the  
23 impacts of acrolein, a compound that is known to  
24 cause health impacts. DEP must perform an  
25 analysis of the potential acrolein impacts based

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2 on available information even if such analysis  
3 would overestimate the impacts.

4 DEP's analysis shows that the Hunts  
5 Point Plant exceeds the annual New York State  
6 levels for three hazardous air pollutants:  
7 1,4-Dichlorobenzene, chloroform,  
8 dichlorobromoethane.

9 DEP states that it would be too  
10 costly to reduce the levels of these air  
11 pollutants. DEP must acknowledge that these are  
12 additional impacts to the community and DEP must  
13 more fully investigate other alternatives to  
14 reduce the emissions of these pollutants.

15 We would like to move forward in  
16 partnership with DEP as we try to make Hunts Point

17 a more livable and sustainable community. We need  
18 to improve the health of the residents and we need  
19 to address residential needs for housing, open  
20 space and sustainable jobs.

21 DEP can help with all of these goals  
22 by becoming an environmental leader and by making  
23 the two City-owned facilities in Hunts Point  
24 models of minimal environmental impacts.

25 These facilities could be operated

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2 in such a way as to reduce pollution burdens  
3 rather than to increase them and could become  
4 anchors in our efforts to improve the community.

5 If the internal conflict at DEP that  
6 is created by being a regulator and an operator  
7 could be resolved, we believe that DEP could make  
8 some significant changes that would benefit Hunts  
9 Point and other overburdened communities in the  
10 City.

11 THE HEARING OFFICER: If you can  
12 try to close.

13 MS. MARIA TORRES: I am. Look,  
14 it's only that (indicating.)

15 As for next steps, DEP has promised  
16 us several additional analyses that we were

17       supposed -- that were supposed to be complete  
18       prior to the hearing tonight and which we have not  
19       received.

20                       In view of the delays, we request a  
21       two-week extension of the -- to the date for  
22       submission of final comments to give us a chance  
23       to review the new material.

24                       We expect DEP to work with the HPMC  
25       and its consultants to address its comments and

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2       develop mitigation measures before the Final DEIS.  
3       We expect that DEP will provide resources,  
4       including an office, for a community liaison who  
5       can serve as a go-between between DEP and the  
6       community during construction.

7                               (Audience participation.)

8                       MS. MARIA TORRES:     We expect a  
9       re-examination of routing of the Greenway along  
10      the waterfront. We expect DEP to continue to work  
11      with the HPMC and its consultants during  
12      construction activities so that we can monitor the  
13      implementation of mitigation measures and prevent  
14      impacts to the community.

15                               And finally, we expect that DEP will  
16      install at least two monitoring stations, one at

17 the park and one along the greenway, to monitor  
18 impacts to these receptors during the expansion.

19 Thank you.

20 (Audience participation.)

21 THE HEARING OFFICER: Thank you  
22 for your comments.

23 Tymeisha Massey.

24 (Applause.)

25 MS. TYMEISHA MASSEY: Massey.

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2

Good evening. My name is Tymeisha

3

Massey. And I work with A.C.T.I.O.N. which is

4

affiliated with The Point CDC.

5

And I live and work in this

6

community so I am directly effected by many of the

7

actions that go on in this community.

8

I would just like to say that I'm

9

very grateful for the park that this community was

10

given. And like many of the politicians who were

11

there at the opening expressed, I agree with the

12

sentiments that it will help to revolutionize the

13

way people view Hunts Point and communities like

14

Hunts Point.

15

But I feel like by having these

16

digesters placed so close to the park that it's

17 taking away the effect that the park was supposed

18 to have.

19 (Audience participation.)

20 MS. TYMEISHA MASSEY: Also, you

21 take into consideration that the park -- it's

22 going to cast a shadow over the park, but you

23 haven't looked at the fact that we are trying to

24 build a greenway that it will directly impact as

25 well.

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(Applause.)

3

MS. TYMEISHA MASSEY: Lastly, I

4

don't know if you heard, but the Mayor has a plan

5

for New York City as far as into 2030. And I just

6

wanted to know where DEP sees itself and how it's

7

planning to fit into that plan. Because from what

8

-- my decision, it's not really taking it into

9

consideration.

10

(Audience participation.)

11

THE HEARING OFFICER: Thank you

12

for your comments.

13

Robert Ingram.

14

(Audience participation.)

15

MR. ROBERT INGRAM: I'm Robert

16

Ingram.

17 I'm from A.C.T.I.O.N. at The Point

18 and this is my statement.

19 I've been at The Point for all my

20 life and it's been an honor. The Hunts Point

21 community has grown on me and I enjoy coming here.

22 I was also very excited that the

23 City was giving us a park. But I don't like the

24 idea that 130 feet egg digester-looking buildings

25 are going to be built right near the park and the

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2       volley ball field.

3                       I understand the City gave us

4       Barretto Park but now DEP is saying that we knew

5       the eggs were going to be built. I would like to

6       know where they told us that because I didn't hear

7       that about eggs going on when the ribbon cutting

8       was there so.

9                       I mean -- excuse me. It is -- I

10       mean it is a beautiful park, but unfortunately

11       that beautiful park is going to be known as the

12       "park with the ugly eggs near it," which I don't

13       think is going to be cool. And all I ask is that

14       the park -- I mean that if the eggs can be built

15       somewhere else on DEP land.

16                       Thank you.

17 (Audience participation.)

18 THE HEARING OFFICER: Thank you

19 for your comments.

20 Yesenia Adorno.

21 (Applause.)

22 MS. YESENIA ADORNO: Good evening.

23 My name is Yesenia Adorno and I'm

24 with The Point CDC.

25 This is a statement on behalf of all

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2 the members of A.C.T.I.O.N.

3 First and foremost, we want to say  
4 that we love our brand new park given to us by the  
5 New York City Parks Department. A few of us were  
6 at Barretto Point Park on the day of its grand  
7 opening.

8 Many political leaders were there,  
9 too and bragged about how great the park is for  
10 the community and how it will be a great place for  
11 the people in the community to get together. They  
12 spoke about the real need for open space in the  
13 South Bronx and how a park like this was long  
14 overdue.

15 We agree. But much later on we  
16 learned about these large digester eggs that are

17 going to be put right next to this park. And we  
18 just want to ask you, why would you do this to us.  
19 The Department -- the DEP claims that "we" knew  
20 all about the digesters being built from the very  
21 beginning. But who do they mean by "we"? I mean I  
22 know that I had no idea about the building of  
23 these egg-shaped objects and neither did anyone  
24 else I spoke to about the park.

25 If this is really -- if this was

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2 known, how come it was never mentioned on that day  
3 when the park opened and all those guys had plenty  
4 of time in front of the microphones and cameras to  
5 talk about how wonderful the park was now and in  
6 the future.

7 We were there and not a single  
8 person mentioned it on that day either. How and  
9 why would they just give us this great park  
10 without telling us anything about the fine print.

11 Just to be clear, we are not against  
12 the eggs in general. We like the idea that they  
13 are going to improve the waste-handling facilities  
14 and everything else. But we do not like the  
15 location chosen. We would like to ask you to  
16 reconsider the location for the eggs because it is

17 too close to the park, which the community is  
18 excited to use.

19 We understand that it would cost  
20 more money and take a longer period of time for  
21 these relocations. We're okay with that. What is  
22 a couple of years waiting time to get the results  
23 we want compared to getting a result we do not  
24 want for the rest of our lives.

25 We feel as though it is better to

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2 take longer for the eggs to be built in a  
3 different location than to deal with the long-term  
4 effects of having it built so close to the park.  
5 Why build them there and not in a more secluded  
6 area away from where people are going to be.

7 Also, DEP says that the digesters  
8 will only cast a shadow over the park between 7  
9 and 9:45 a.m. and so shadows are not a concern.  
10 However, after 9:45 a.m. they will start to cast a  
11 shadow over the area soon to be the South Bronx  
12 Greenway.

13 While the DEP did not have to think  
14 about the greenway because it does not exist, we  
15 do think about the greenway because we are excited  
16 about it and are looking forward to using it. But

17           how great would it be walking through the greenway

18           in darkness created by these gigantic eggs.

19                           The last issue we want to address is

20           air quality. Not that we're experts on it, but as

21           teenagers living in the South Bronx we are exposed

22           to air pollution daily, especially in Hunts Point,

23           asthma rates are very high.

24                           Recently, A.C.T.I.O.N. attended a

25           youth event outlining the Mayor's sustainability

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2 plan for the year 2030. They had all these cool  
3 ideas for the future and ways to make the City  
4 better.

5 DEP has a chance to do the same  
6 thing here in regards to air pollution, but  
7 instead are only trying to just meet required  
8 standards. Why not try to step forward and have  
9 vision, future planning like the Mayor's plan, to  
10 actually change things for the better of this  
11 community instead of just following the limits.

12 We, at A.C.T.I.O.N., believe the air  
13 quality should be improved instead of just  
14 maintaining status quo or maybe even getting  
15 worse.

16 Our question for you is, what if

17       this was your neighborhood, would you want your  
18       park made uglier by 13-story eggs placed right  
19       next to it? Would you want stretches of your new  
20       greenway in constant shadow? Would you want major  
21       development in your area that pays no attention to  
22       the health problems that are already a major  
23       concern? Well, neither would we.

24                               (Audience participation.)

25                               THE HEARING OFFICER:     Thank you

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2 for your comments.

3 Frank Marrero.

4 (Audience participation.)

5 MR. FRANK MARRERO: Okay. Give me

6 a second while I compose myself. This is a very

7 tough issue for myself after dealing almost

8 fifteen years, maybe twenty years with this

9 problem with DEP.

10 Frank Marrero.

11 I'm a community resident first, a

12 Community Board #2 member, a HPMC member and a

13 mechanical engineer by trade.

14 I'm going to read this because I

15 think this is important we have, as a result of

16 your listening, to a lot of these being ready.

17 But the HPMC worked very close with our consultant  
18 to prepare these so they could be put in the  
19 minutes of this public hearing. So I just want  
20 you to bear with us as we read these into the  
21 record, okay?

22 For fifteen years I have been  
23 complaining about odors in the community and  
24 particularly odors from this plant. That's a  
25 mistake. I've been complaining more than fifteen

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2 years. It's more like 25 years. I've been a  
3 resident in this community for fifty years.

4 DEP has been -- known for years,  
5 since the consultant published its report in 1996,  
6 that the plant is a source of significant odors  
7 that need to be addressed. The fact that little  
8 to nothing has been done to address these odors is  
9 extremely frustrating to the Hunts Point residents  
10 and the elected public officials.

11 The question we keep asking is why  
12 has nothing been done. And we think that one of  
13 the answers is that DEP plays the role of plant  
14 operator and plant regulator. That's like the fox  
15 watching the chicken.

16 There's an inherent conflict with an

17           entity that is operating a facility and is also

18           responsible for regulating that facility.

19                               There needs to be complete

20           independence between the operation of the facility

21           at Hunts Point and their regulatory oversight.

22           The City needs to completely separate the

23           regulatory side of DEP from the utility operation

24           side.

25                               The HPMC --

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(Audience participation.)

3

MR. FRANK MARRERO: The HPMC no

4

longer has any confidence in the ability of DEP to

5

regulate itself. Why should DEP facilities have

6

less independent oversight than a private company.

7

While we do not have a solution for this very

8

frustrating problem, one idea might be to have the

9

regulatory side of DEP report directly to the

10

Mayor and leave the utility side under the DEP

11

Commissioner.

12

If the regulators who are writing

13

the EIS could do so independently of the operators

14

who will be overseeing the construction, it might

15

enable a more objective assessment of the impacts

16

of proposed construction projects.

17 (Audience participation.)

18 MR. FRANK MARRERO: As it stands  
19 now, the regulators are in the awkward position of  
20 having to defend their actions to their coworkers  
21 which is likely to bring more erroneous tasks and  
22 have more repercussions than defending their  
23 actions to a private company.

24 The current construction schedule  
25 included in the DEIS is a case in point. The

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2 construction schedule, which shows that  
3 construction will be complete in 2014, does not  
4 include all of the activities described in the EIS  
5 and is therefore an inaccurate representation of  
6 the construction for Phase III.

7 The schedule is missing the timing  
8 the construct a second set of digesters, which  
9 according to the EIS, will start as early as 2015  
10 and will add four more years of construction to  
11 the schedule. I'll have you know that there's two  
12 going up but there's really four of them that are  
13 going to be eventually constructed.

14 The schedule is also missing, as far  
15 as showing the time needed, one, the time needed  
16 to complete the remediation of the point-seven

17 acre.

18 Two, the remediation of the  
19 remainder of the 4.3 acre parcel with the new  
20 digesters, and

21 Three, the 1.2 acre construction  
22 staging area that is to be added to the park after  
23 the construction is complete.

24 The DEIS specifically states that  
25 the remediation of the 4.3 and the 1.2 acre

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2 parcels will happen at the completion of the  
3 construction staging, which indicates that these  
4 activities will increase the duration of the  
5 project, which is -- the schedule could be short  
6 by as much as five years as it stands now.

7 Construction noise. That's a joke,  
8 right?

9 The analysis of the EIS included --  
10 concluded that the noise caused by the  
11 construction would exceed acceptable levels at the  
12 park during one 1.5-year interval and later in the  
13 project for three months.

14 The HPMC strenuously objects to the  
15 conclusion in the EIS that these noise impacts are  
16 not significant because of their duration.



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2

The construction noise impact must

3

be acknowledged in the EIS as a significant impact

4

and all potential options must be presented to

5

reduce the noise impact.

6

Then there's the construction

7

pedestrian impacts.

8

The EIS did not contain a

9

quantitative analysis of the pedestrian impacts

10

from the project. The rationale provided was that

11

no dangerous intersections were located in the

12

study area. However, the Hunts Point Vision Plan

13

reported that there were several dangerous

14

intersections on Hunts Point Avenue with unusually

15

high pedestrian accident rates.

16

(Audience participation.)

17 MR. FRANK MARRERO: Furthermore,  
18 the EIS was based on current pedestrian activities  
19 and these will change, particularly during the  
20 summer with the opening of the park.

21 Although DOT may be evaluating  
22 traffic calming measures for pedestrians using the  
23 park, these measures did not take into account the  
24 impacts of the project. And the DOT study cannot  
25 be used as a substitute for a quantitative

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2 pedestrian analysis.

3

In addition to concerns about

4

construction impacts to pedestrians using Hunts

5

Point Avenue and to those using the park, the EIS

6

should be consistent with the Hunts Point Vision

7

Plan which identifies support of safe connections

8

as one of its primary goals. DEP must recognize

9

all of these concern/conditions and conduct

10

qualitative analysis of pedestrian impacts.

11

Construction, air quality impacts.

12

The DEIS indicates that construction

13

activities will generate PM 2.5 concentration in

14

excess of the proposed New York State DEC

15

threshold of two at the Barretto Point Park

16

fenceline and on Manida Street along the greenway.

17                               In addition, the DEIS reported that  
18                               sludge and grit removal from the digesters and the  
19                               sludge storage tanks had the potential to cause  
20                               odors. Yet the DEIS did not contain a  
21                               quantitative analysis of these odor impacts.

22                               DEP cannot dismiss these air and  
23                               odor impacts. They must be more carefully  
24                               quantified and measured and measures developed for  
25                               mitigation.

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2

You know, I -- I just want to add

3

this. When I go to these meetings with DEP and

4

there's like five of us that are community

5

residents and there's about twenty that are from

6

DEP. And I am very frustrated of the fact that

7

we're the ones that are smelling the odors in the

8

communities.

9

(Audience participation.)

10

MR. FRANK MARRERO: And there's

11

four of us and there's twenty of them and to them

12

we just a number of PM 2.5. We are just well,

13

you're not going to have a problem with this park

14

because, you know, the hours that the shadows are

15

going to be there are between this and this and

16

the fence line. Don't go near the fence line.

17       You can't be near the fence line for an hour and a  
18       half, you know.

19                       And what I suggested at the meeting  
20       was that all you guys of the DEP should come and  
21       move into this neighborhood.

22                       (Audience participation.)

23                       MR. FRANK MARRERO:     Okay?  And you  
24       should smell this stuff, okay, and then you will  
25       know what we're going through, okay?

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Finally, as far as the size of the

3

digesters -- we were advised of the digesters that

4

they were coming in. But I was -- I had the

5

misfortune of seeing what you saw. And what I say

6

is that they told us that we were going to get a

7

yacht. We ended up getting a cruise line.

8

This -- these digesters are

9

humongous. We went to see the ones in Newtown

10

Creek. I don't think they can fit it in that plot

11

of land they have over there, not one, let alone

12

four.

13

If you see them, you see 13 feet --

14

I mean 13 stories up in the air, but they are four

15

stories in the ground, okay. And they're so

16

wide. I never seen anything like that. I'm



1

51

2

Now, another thing I just want to

3

mention is that there's -- they talk about our

4

consultant, the HPMC consultant. The HPMC

5

consultant, I have to give props to Elena --

6

(Applause.)

7

MR. FRANK MARRERO: -- because

8

Elena was the loan voice on all these twenty

9

people against her for us to get a consultant.

10

They fought us for every inch we got. And we

11

finally got Matti and Enviro Sciences (phonetic.)

12

They even picked up a competitor to come against

13

you, right? We fought them off.

14

But we have a consultant and thank

15

God he's independent and he's working with us.

16

And I want to give a round of applause to him.

17 (Applause.)

18 MR. FRANK MARRERO: Thank you very

19 much.

20 That's the end of my comment.

21 THE HEARING OFFICER: Menaka

22 Mohan.

23 Thank you for your comments, Frank.

24 Menaka.

25 MS. MENAKA MOHAN: Good evening.

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2

My name is Menaka Mohan and I'm

3

representing Sustainable South Bronx.

4

Sustainable South Bronx is a

5

nonprofit organization dedicated to the

6

implementation of sustainable development projects

7

for the South Bronx that are formed by the needs

8

of the community and the values of environmental

9

justice.

10

For the past two years I've had the

11

pleasure to work as a South Bronx Greenway

12

coordinator. As part of SSB's efforts to improve

13

the health and quality of life for South Bronx

14

residents, the organization helped to spearhead

15

the South Bronx Greenway.

16

When completed, the South Bronx

17 Greenway will be a nine-mile green bike and  
18 pedestrian path all along the Hunts Point and Port  
19 Morris waterfront. The Greenway will have many  
20 uses including biking, walking, and will have  
21 destinations where people can just sit and relax.

22 It provides a linear park system in  
23 an area that hosts 11,000 per day, fifteen waste  
24 transfer stations, and has less than point-five  
25 acres per thousand residents of open space. The

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2 New York City average is around 6.2 acres per  
3 thousand residents.

4 The greenway is a solution to the  
5 devastating health impacts such as asthma, obesity  
6 and diabetes that the South Bronx is facing.

7 There are projects along the  
8 greenway that will be effected by the expansion of  
9 the GEP Waste Water Treatment plant, for example,  
10 the plant at Ryawa Avenue including a  
11 demonstration garden that will show the benefits  
12 of storm water filtration and cleansing.

13 Currently DEP conducts its  
14 environmental impact analysis based on assuming  
15 that residents will be moving through Ryawa Avenue  
16 quickly and this is not using the federal one-hour

17 standard.

18                               It's not a big leap to assume that  
19 people will sit and enjoy the park and eat lunch  
20 for more than an hour. In other words, DEP is  
21 assuming that residents will be spending less than  
22 an hour on the demonstration garden.

23                               DEP cannot restrict the uses of the  
24 greenway. Users of the greenway will be stopping  
25 at several places for extended lengths of time and

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2 as projects continue to get built, the design will  
3 change to reflect the needs of the neighborhood.  
4 Benches will be added, benches could be -- lights  
5 could be added. You can't restrict what people  
6 will be doing on their biking and walking.

7 The other major destination along  
8 the greenway is Barretto Point Park. The park is  
9 a welcomed addition to the community that is  
10 starved with open space. Barretto Point Park  
11 opened last year and will be significantly  
12 impacted by the DEP expansion.

13 DEP's current plans for the egg  
14 digesters will be overwhelming to park users. DEP  
15 must fully consider eliminating the impacts to the  
16 Barretto Point Park by placing the digesters at

17 their location that would be by the existing ones.

18 The slight cost in time increase and

19 constructional difficulties are well worth

20 preserving the community residents' enjoyment and

21 the investments in the park and the greenway.

22 Many of the users at Barretto Point Park are

23 children who live in this community and who suffer

24 health impacts such as asthma. DEP must be a

25 leader in reducing air pollution.

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2

Currently DEP's existing levels of

3

PM 2.5 exceed the U.S. EPA standard. PM 2.5 is

4

particulate matter and is one of the most

5

significant air pollutants in urban areas. This

6

means that there are unhealthy levels of air

7

quality and that residents are more susceptible to

8

health problems such as asthma in children --

9

sorry. Premature death in people with heart

10

disease and increased hospital admission and ER

11

visits for cardiovascular disease.

12

The DEIS could expect construction

13

activities will generate PM 2.5 concentrations in

14

excess of the Federal standard at Barretto Point

15

Park and on other streets and the greenway.

16

Recently, the Bronx Borough

17 President's office pulled together the Bronx  
18 Greenway Task Force to develop the Bronx Greenway  
19 Plan. And when it's completed, it will be a  
20 comprehensive document that shows all the  
21 different greenways in the Bronx.

22 Many recommendations were made to  
23 the plan, including bike signs along Manida Street  
24 as the designated route to Barretto Point Park.  
25 DEP cannot dismiss these impacts. They must be

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2 more carefully quantified and measures developed  
3 for mitigation.

4 The construction timeline for the  
5 plant did not include the time it will take to  
6 construct the second set of digester eggs which  
7 will have an enormous impact on the continued  
8 development of the greenway.

9 The greenway is also broken down  
10 into several construction phases. The first one,  
11 five to ten years, which would also be 2015.

12 DEP must also do a quantitative  
13 analysis of residents walking to Barretto Point  
14 Park and they must continue to do this as the  
15 greenway continues to be constructed.

16 Finally, I ask that DEP re-examine

17 the routing of the greenway along the waterfront.

18 As other speakers have stated, there is precedent

19 for the Newtown Creek and Hunts Point residents

20 deserve the same.

21 Thank you for your time.

22 THE HEARING OFFICER: Thank you

23 for your comments.

24 I'd like to give the opportunity to

25 Siddhartha Sanchez from Congressman Serrano's

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2 office.

3

(Audience participation.)

4

MR. SIDDHARTHA SANCHEZ: On behalf

5

of Congressman Serrano, I'd like to present a

6

partial statement regarding the expansion of the

7

Hunts Point Water Pollution Control plant.

8

I am writing a response to the Draft

9

Environmental Impact Study of the Hunts Point

10

Water Pollution Control Plant Phase III expansion

11

conducted by our agency.

12

I have a number of concerns about

13

this project, its potential impacts on the

14

surrounding community, the environmental justice

15

precedent it sets and the lack of transparency and

16

oversight by which this project has been advanced.

17                               In addressing the impacts from the  
18                               expansion of the water pollution control plant,  
19                               the context of the community which hosts this  
20                               facility - a facility that serves to benefit the  
21                               entire City - needs to be considered carefully in  
22                               assessing both impacts and mitigating efforts.

23                               The Hunts Point community's health  
24                               is effected by numerous sources of contamination.  
25                               As circled by major highways, Hunts Point has one

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2 of the highest numbers of daily truck traffic in  
3 the country. Compounded by local truck traffic to  
4 the Hunts Point Market and waste transfer station  
5 serving the region, diesel soot levels currently  
6 exceed 24-hour standards.

7 The South Bronx Environmental Health  
8 and Policy Study, a study that I commissioned to  
9 understand the impact of soot, recently confirmed  
10 that this contaminant is directly related and  
11 responsible for childhood asthma rates in this  
12 community.

13 DEP's reliance on the DEIS on the  
14 outdated PM 2.5 standards does not account for the  
15 change in EPA's PM 2.5 24-hour standard nor does  
16 it take into consideration background levels of PM

17           2.5.    At a minimum, DEP must assess its PM 2.5  
18           impacts on the basis of DEC'S recent technical  
19           recommendation for two micrograms per cubic meter  
20           impact threshold.

21                               Using this benchmark, the DEIS must  
22           recognize that the impacts to Barretto Point Park  
23           and to the South Bronx Greenway are significant.

24                               My biggest concerns with regard to  
25           the potential air quality impact of the plant are

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2 the dirty generators - essentially the worst kind  
3 of power plant and how what they will have spewed  
4 will affect the children of Hunts Point.

5 For DEP to propose plants to  
6 generate dirty plants for this City flies in the  
7 face of the history of this community as it  
8 struggles to improve industrial contamination of  
9 air.

10 Just one day of these generators is  
11 enough to make a healthy adult sick, according to  
12 state samples. To propose running these  
13 generators for fifteen days at a time during the  
14 summer months when Barretto Point Park is most in  
15 use, is incomprehensible.

16 I oppose any power generation that

17 is not absolutely necessary for plant operations  
18 and that does not use the cleanest of  
19 technologies.

20 My goal is to make Hunts Point more  
21 livable and odor impacts from the proposed  
22 expansion are impediments in meeting that goal.  
23 DEP's stake in this community is significant.  
24 Operating a sewage treatment plant and contracting  
25 a sewage pelletizer plant adjacent to the first

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2 major waterfront park in decades, DEP can choose  
3 to either add to the problem or add to the  
4 solution.

5 For decades odor complaints from the  
6 water pollution control plant were ignored and  
7 even after identifying sources, measures taken to  
8 address these serious problems have been slow and  
9 insufficient.

10 Similarly to odor problem in NYOFCo  
11 where private entities processes sewage on behalf  
12 of DEP, the water pollution control plant has the  
13 conflict that DEP, charged with addressing odor  
14 problems, is, in fact, creating the odors through  
15 its operations and practices of the water  
16 pollution control plant.



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2

DEP needs to lead by example rather

3

than dismissing the need to address these odors

4

based on the assumption that people will pass

5

through the bad smell coming from the plant.

6

A thorough analysis of odor control

7

options for each of the odor switches of the plant

8

is essential to understanding the best way of

9

addressing odors.

10

The consultant DEP hired ten years

11

ago to assess odor problems recommended the

12

implementation of a comprehensive odor management

13

program. The time for this plan is long overdue.

14

DEP must diligently pursue odor

15

complaints for the water pollution control plant

16

and NYOFCo, at both facilities, to ensure that

17 complaints are addressed. To assume that my  
18 constituents can identify the origins of odors in  
19 the sewage treatment process and therefore, not  
20 investigate both sewage processing plants is  
21 irresponsible and disrespectful to the community.

22 As in the odor survey performed last  
23 winter, it was determined odors from one facility  
24 can travel the two blocks apart from separating  
25 the plants and vice versa.

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In addition, odor monitoring devices

3

must be incorporated into the water pollution

4

control plant to ensure that neither the current

5

park adjacent to the plant nor the future linear

6

park, that will cross in front of the plant, will

7

be impacted by the plant's operations.

8

One of my major concerns with

9

regards to the vertical expansion of the water

10

pollution control plant is the potential visual

11

impact on the Barretto Point Park.

12

As it's currently planned, DEP will

13

place four large egg-shaped digester structures

14

immediately adjacent to the park. The tremendous

15

size and towering aspect of these structures will

16

significantly affect the park user's experience of

17 the park.

18 DEP dishonestly dismisses these  
19 impacts in the DEIS by claiming that the community  
20 agreed to these impacts in planning a park next to  
21 the park -- next to the plant during its  
22 expansion. The truth is that the location of  
23 these structures, the tallest buildings in Hunts  
24 Point, was not clear to me until the DEIS was  
25 released. The impact of these mammoth structures

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2 changes dramatically the closer they are to the  
3 park.

4 As included in the DEIS, an  
5 alternative build site would minimize impacts with  
6 only a two percent increase in cost and an  
7 additional year and a half in construction  
8 schedule.

9 Any project of this scale presents  
10 obvious construction impacts which is significant,  
11 particularly considering the proximity of truck  
12 deliveries and heavy equipment, to children and  
13 families using the adjacent park.

14 However, DEP's role in assessing  
15 this impact is limited by the fact that what is  
16 being built is also being managed by DEP.

17                               The role of DEP as both regulator  
18                               and operator conflict conspicuously when assessing  
19                               the impact of construction. To begin with, the  
20                               role of construction schedule does not -- the role  
21                               of the construction does not include all of the  
22                               activities described in the EIS and is therefore,  
23                               an inaccurate presentation of the construction for  
24                               Phase III.

25                               This schedule completely leaves out:

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2

The time needed to build the second

3

set of digesters;

4

The remediation of the point-seven

5

acre lot;

6

The remediation of the rest of the

7

lot currently preferred for the new digester

8

structures; and

9

The remediation of lot 901 that

10

would revert to parkland after the expansion.

11

By counting for these omissions and

12

the fact that the park's phase II construction are

13

behind by up to three years, the schedule should

14

-- could be short by as much as five years,

15

dragging construction as long as 2019.

16

Furthermore, the noise impacts of

17 construction is acknowledged in the DEIS to exceed  
18 acceptable levels at the park for a 1.5 year  
19 interval, year-and-a-half interval and later in  
20 the project for up to three months.

21 To say, as the DEIS claims, that  
22 these noise impacts are not significant because of  
23 the short time span, is ludicrous when considering  
24 the park as a sensitive receptor. These  
25 construction noise impacts must be recognized as

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2 serious and all potential alternative options must  
3 be explored through these impacts.

4 The DEIS did not include a  
5 substantial analysis of pedestrian impacts from  
6 the expansion. DEP claims that no dangerous  
7 intersections were located in the study area.  
8 These claims are based on current pedestrian  
9 activities, that will necessarily change,  
10 particularly during the summer with the opening of  
11 Barretto Point Park.

12 The impact of construction,  
13 furthermore, on air quality is minimized by DEP in  
14 the DEIS. Although it is acknowledged that the  
15 use of diesel machinery and trucking of material  
16 will result in the DEC standard for PM 2.5 being

17 exceeded both at the park and greenway, and that  
18 odors are likely -- are likely work related to  
19 existing digesters and storage tanks, nothing is  
20 proposed to quantify these problems and mitigate  
21 for these significant impacts on a community  
22 already burdened by poor air quality.

23 With regards to soil remediation and  
24 the excavation of hazardous materials, it is  
25 essential that DEP monitor air quality in the

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2 community and particularly in the park in a formal  
3 and transparent manner. Choosing to leave  
4 contaminants in place and not considering the  
5 likelihood of contaminants existing in the area  
6 immediately adjacent to the toxic stores, DEP  
7 needs to ensure that no hazardous materials are  
8 released by accident during any remediation of the  
9 proposed build site.

10 Asbestos and lead-based paint removal  
11 should also be treated with the same intention,  
12 monitoring and reporting to the community  
13 particulate levels of these containments during  
14 any work dealing with these toxins. Furthermore, a  
15 clear plan for dealing with future excavation and  
16 the containments left in place must be detailed in

17       considering the health of the community and park  
18       users.

19                       This statement represents a piece of  
20       what I have to say with regards to this expansion.  
21       I will be submitting a more comprehensive analysis  
22       within the next few weeks that will further detail  
23       the problem and potential mitigation measures that  
24       DEP must consider.

25                       Thank you.

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2

(Applause.)

3

THE HEARING OFFICER: Thank for

4

your comments.

5

Elena Conte.

6

(Audience participation.)

7

MS. ELENA CONTE: Hello? Is that

8

clear? Is that good?

9

Hi. Good evening.

10

My name is Elena Conte. And I'm the

11

Solid Waste and Energy Coordinator for Sustainable

12

South Bronx.

13

And we are a community-based

14

organization that is dedicated to environmental

15

justice. I'm also a member of the Hunts Point

16

Monitoring Committee.

17                               This is not going to be our full  
18                               comment. We will submit longer ones in writing.  
19                               But I'm going to talk a little tonight about odors  
20                               and about mitigations.

21                               Okay.

22                               So the Hunts Point Monitoring  
23                               Committee -- sorry.

24                               The Hunts Point Community has one of  
25                               highest percentages of population under eighteen

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2 years old in the City and one of the worst child  
3 asthma hospitalization rates in the City. We all  
4 know that it's predominately a community of color  
5 comprised of groups who are especially vulnerable  
6 to air pollutants and who experience a high  
7 occurrence of upper respiratory illnesses and  
8 cardiovascular disease.

9 The community has a long history of  
10 environmental impacts from many sources, including  
11 the highways that envelope the area, the waste  
12 transfer stations, NYOFCo, and this plant that's  
13 being discussed tonight.

14 The background levels of particulate  
15 matter 2.5 in this community already exceed the  
16 EPA's 24-hour standard and we don't need and

17 simply cannot tolerate any additional impacts from  
18 the plant.

19 We need to move the Hunts Point  
20 community from an overburdened community to one  
21 that is more livable and sustainable. This is the  
22 goal that the Mayor has embraced and one that DEP  
23 must support in all of its projects.

24 Sustainable South Bronx's goal is to  
25 make Hunts Point more livable and the odor impacts

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2 from the -- and odor impacts from the proposed  
3 expansion stand in the way of this being a truly  
4 livable community.

5 The Hunts Point community has  
6 complained for many, many years about the odor  
7 impacts from the plants. And in '96, as a result  
8 of these complaints, DEP had a consultant conduct  
9 an odor survey at the plant. And the consultant  
10 identified numerous sources of odors that were  
11 impacting the community.

12 However, ten years later, DEP has  
13 not meaningfully addressed odors in Hunts Point  
14 and the community has continued to suffer as a  
15 result.

16 A proactive environmental agency

17 would never accept such delays by a private  
18 facility. And what's even worse, that this delay  
19 in ignoring the problem is being done by the very  
20 agency that has the responsibility of addressing  
21 odor impacts.

22 Now, in all fairness, DEP's recent  
23 construction of some odor controls at the plant is  
24 a welcome beginning, but it's just not enough.

25 The expansion provides DEP with an

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2

excellent opportunity to be a leader in

3

controlling odors in the community by controlling

4

odors from their own plant first.

5

Right now, DEP's own analysis in the

6

EIS shows that the odors from the Hunts Point

7

Water Pollution Control Plant will exceed the

8

City's odor impact standard on the greenway. DEP

9

cannot simply dismiss the need to address the

10

odors by stating that people will never be at a

11

location for more than an hour or for even an

12

hour.

13

DEP needs to be a leader. We want to

14

help you be a leader, and not, you know, try and

15

figure out how to just get away with the bear

16

minimum in this community.

17 DEP needs to conduct a comprehensive  
18 analysis of odor control options for each of the  
19 odor sources at the plant. Look at what's going  
20 on there, do a full analysis and then start from  
21 there.

22 And DEP needs to develop a  
23 comprehensive odor management program as was  
24 recommended a time ago by its very own  
25 consultants.

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2

DEP must also become more vigilant

3

about investigating the plant when it receives an

4

odor complaint. Even if the complaint comes in

5

under NYOFCo, they should check their own plants.

6

It's a similar smell. They should be expected to

7

know it. It's a very simple procedural thing that

8

needs to be done in tracking responses to odor

9

complaints and is essential in making sure the

10

sources of the complaints are addressed.

11

DEP must also install H2s monitors

12

to verify that the DEP plant is not impacting the

13

Barretto Point Park and the greenway. DEP must be

14

a partner with the community to address odors from

15

its facilities, both plants in NYOFCo. And it's

16

very fair to consider NYOFCo a DEP facility since

17       it contracts with it under City contract and DEP

18       pays them.

19                               DEP has promised for over ten years

20       that it will control the odors from NYOFCo and

21       other sources in the community and we want

22       results. The community demands a transparent

23       process for investigating and controlling odors

24       from NYOFCo, the plant and other significant

25       sources in the community. You have an able and

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2 willing community that will work with you on that  
3 to set up the appropriate provision that need to  
4 happen so that you can have that happen honestly.  
5 But it must happen.

6 Mitigation measures.

7 Okay. The DEIS right now, the  
8 study that we're talking about, really only says  
9 that there's two impacts: One, the eggs are big  
10 and you can see them. It says that, it  
11 acknowledges that.

12 And it acknowledges that at one  
13 intersection it's going to be a little bit more  
14 crowded with trucks and so we've got to change the  
15 light signal. That's the only full  
16 acknowledgement. There's a lot of spin there.

17       There's a lot of chatter.  There's a lot of  
18       yackety-yak but at the end when they summarize it  
19       up, they're only saying those are the only two  
20       impacts that we're going to speak to acknowledge.  
21       That is deeply insufficient.

22                       The DEIS must acknowledge that  
23       particulate matter 2.5 generated by the peak load  
24       mass program, that's the generator program, as  
25       well as the odors and the volatile organic

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2 compound generated by plant operations, will  
3 impact the greenway and the park. We can start by  
4 building trust by acknowledging what the impacts  
5 are and then working together to actually address  
6 them.

7 We should also acknowledge that  
8 there are going to be permanent shadow impacts  
9 created by the egg both on the park and on Manida  
10 Street. And in addition to that, construction is  
11 going to cause air quality and noise impacts and  
12 possibly pedestrian impacts. And the current and  
13 future excavation of the plant is likely to cause  
14 additional dust and air quality concerns. So it  
15 is going to be important to consider the duration  
16 of construction.



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2       just as it must not dismiss the impacts already  
3       discussed, particularly because the City has  
4       invested a significant amount of time and effort  
5       to building that very resource like the park and  
6       the greenway and these are where most of the  
7       impacts are going to occur.

8                       The treatment plant cannot restrict  
9       the use or reduce the value of these community  
10      amenities. Instead, the construction and  
11      operation of the plant should be designed to meet  
12      the goals established in the Hunts Point Vision  
13      plan for safe connections, improved environmental  
14      quality and health.

15                      So some of those impacts that are  
16      noted can be mitigated in the following way.

17                                   The particulate matter 2.5 impact  
18                   could be eliminated by agreeing up front that the  
19                   plant will not participate in the peak load mass  
20                   program and by using cleaner diesel fuel. It is  
21                   also possible that a more careful evaluation of  
22                   odor-causing operations could lead to the  
23                   implementation of individual or smaller scale odor  
24                   control operations.

25                                   It may be possible to get a lot more

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2           bang for your buck in terms of odor control if you  
3           actually do that survey and look at what's there.

4                           The visual and shadow impacts  
5           created the egg digester could be eliminated by  
6           constructing the Site Plan Alternative II. At the  
7           very least, it really needs to be fully analyzed  
8           and considered and not considered a done deal.

9                           Agreements to implement community  
10          air monitoring programs during any excavation on  
11          the 5.5 acre parcel, such as the land that they're  
12          going to be expanding into, so basically --  
13          anyhow, could mitigate the impact of any  
14          construction and will provide the data through the  
15          Monitoring Committee, to the group that's going to  
16          be, you know, ongoing, watching it to ensure that

17 dust control issues are effected.

18 So it may also be that the visual

19 shadow, VOC and noise impacts cannot be avoided.

20 In that case, DEP must find alternative ways of

21 mitigating the impacts. But these methods can

22 only be developed once all of the impacts are

23 fully acknowledged. Let's just say where we're

24 starting from, put that out there and then we can

25 do the work together.

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2                   So all mitigation measures and any  
3 amenities provided to the community in connection  
4 with the upgrade must be included in the ULURP  
5 process via a ULURP resolution. This procedure  
6 has been used in other ULURP actions and it's  
7 really the only thing that will ensure that DEP  
8 addresses the impacts. And actually, in a certain  
9 way, gets DEP off the hook from having to enforce  
10 it. It's written into the ULURP resolution. You  
11 know what you have to follow. You know what the  
12 law is and you have backup.

13                   And with that I'll wrap up.

14                   Thank you.

15                   (Applause.)

16                   THE HEARING OFFICER:     Thank you

17 for your comments.

18 Eva Sanjujo?

19 (No response.)

20 A VOICE: She left.

21 THE HEARING OFFICER: Okay. Laura

22 Truettner.

23 MS. LAURA TRUETTNER: I'm Laura

24 Truettner. And I'm one of the technical advisors

25 to the Hunts Point Monitoring Committee, who have

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2 done a fabulous job tonight. But there are a  
3 couple of points that I would like to reiterate  
4 that are related to the construction impacts, the  
5 hazardous material impacts and the way open space  
6 -- and the way open space is evaluated.

7 In terms of the -- the EIS does a  
8 good job of laying out the different impacts that  
9 need to be considered. But one of them, one of  
10 the critical impacts, which is the construction of  
11 the second pair of digesters, is not included in  
12 the EIS schedule.

13 And in order for the EIS schedule to  
14 be consistent with the activities described in the  
15 EIS, and in order for this document to fully  
16 disclose all the impacts of the project, the

17 second set -- pair of digesters must be included  
18 in the schedule.

19 Similarly, the construction noise  
20 impacts that were acknowledged as being presented  
21 for -- at the one-and-a-half-year interval, need  
22 to be acknowledged and included in the EIS.

23 These noise impacts are going to  
24 happen fifty feet from the park, from activities  
25 like pile-driving and construction equipment. And

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2 they will absolutely have an impact, particularly  
3 during the summer when the park is used during the  
4 week.

5 Similarly, the pedestrian impacts  
6 need to be evaluated. The EIS stated that between  
7 500 and a thousand daily visits are anticipated to  
8 the park. And the pedestrian impacts from the  
9 project on those visitors has not been evaluated.

10 In terms of the soil excavation  
11 impacts, I think that DEP and DEC have done an  
12 exemplary job of protecting the community and the  
13 park during the excavation of the point-seven acre  
14 area. But we would ask that they use similar  
15 procedures when they're excavating in other parts  
16 of that 5.5 acre parcel.



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I also want to touch on the

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institutional controls that are supposed to be put

4

in place to protect park users after the

5

excavation is done.

6

These required laying down a plastic

7

membrane and then two feet of soil cover on top of

8

that. But that two foot of soil cover needs to be

9

maintained or if it doesn't, it will not protect

10

either plant workers or park users.

11

And any time DEP has to work on the

12

underground utilities, underground piping, there's

13

going to be soil excavation. And there needs to

14

be procedures in place that explain how the park

15

users and the greenway users will be protected.

16

We've actually asked for these

17 procedures and we have yet to receive them. And

18 HPMC really needs to be able to review those

19 procedures before the EIS is completed.

20 The last thing I want to touch on is

21 the way the open space impacts have been

22 evaluated.

23 As you've heard tonight, the park

24 and the greenway are a very significant and

25 important amenity the community and the impacts to

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2 the park and greenway from the proposed action are  
3 a very significant concern.

4 Barretto Point Park, as I'm sure  
5 most of you know, is a five-acre, waterfront park  
6 with basketball courts, playing equipment, an  
7 amphitheater, a boat launch, landscaping and a  
8 waterfront promenade.

9 And I cannot overemphasize the  
10 importance of this park to the community and the  
11 fact that the park has a series of benefits beyond  
12 just recreation, including neighborhood  
13 revitalization, economic opportunity for youth,  
14 creation of social fabric and promotion of good  
15 health.

16 The CEQR technical manual recognizes

17 the value of open space and provides a directive  
18 to evaluate impacts on open space. And I'm not  
19 just talking about the shadow impact and the  
20 visual impact that we've discussed, but a  
21 comprehensive analysis of all the potential  
22 impacts, including air quality, including noise  
23 and including odors.

24 While some of these analysis are  
25 included in the EIS, as it stands, the results

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2       have generally been dismissed as insignificant  
3       and they should -- they cannot be dismissed. And  
4       moreover, they need to be examined collectively so  
5       that they provide a complete picture of the  
6       impacts to the open space.

7                       The CEQR Technical Manual also  
8       recommends a user survey be conducted to determine  
9       whether any of these impacts would discourage  
10      public use. There needs to be a user survey done  
11      to determine whether the siting of the eggs would  
12      discourage use of the park, whether the air  
13      quality impacts would discourage use of the park.  
14      And this has not been done yet.

15                      So in closing I would say that DEP  
16      really needs to analyze the impacts of the

17 expansion on both the park and the greenway and  
18 they need to do it comprehensively and they need  
19 to consider all the impacts together rather than  
20 in fragmented sections the way they've done.

21 Thank you.

22 (Audience participation.)

23 THE HEARING OFFICER: Thank you for  
24 your comment.

25 Marie Horne?

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(No response.)

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THE HEARING OFFICER: I may be

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pronouncing the name wrong.

5

Corpus Christi Monastery?

6

A VOICE: They had to leave.

7

THE HEARING OFFICER: They had to

8

leave.

9

Marie Davis?

10

A VOICE: She also left.

11

THE HEARING OFFICER: Matty

12

Stanislaus.

13

MR. MATTY STANISLAUS: Hi. Matty

14

Stanislaus, also a technical advisor to the Hunts

15

Point Monitoring Committee.

16

And I'm going to limit my comments

17 to two issues, air quality and odors. And I'm  
18 going to be working with the Hunts Point  
19 Monitoring Committee to submit some formal written  
20 comments.

21 First I want to start with PM 2.5.

22 And I'm happy that DEP, I think, has  
23 agreed to use a two-microgram-per-meter standard  
24 to assess the impacts. I think that's the only  
25 choice that they have. It is the recommendation

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2 by the DEC's technical staff. It has been adopted  
3 by all other Northeastern states as a technical  
4 basis. And it is the same organization or same  
5 group of Northeastern states that DEC used to  
6 develop its interim policy. So DEC does not stand  
7 behind the five-micrograms-per-meter standard now,  
8 neither should DEP.

9 And DEC has told me just last week  
10 they will issue a letter stating that they stand  
11 behind the two-microgram-per-meter standard as the  
12 basis for determining significant impacts from a  
13 technical basis.

14 So I think it's a good thing that  
15 DEP is going to look at that in terms of assessing  
16 the significance of the impacts. But I also want

17 to kind of address some of the current statements

18 in the DEIS.

19 One of the things is that even

20 though they may have not accounted for the fact of

21 the revised 24-hour standard, they've gone beyond

22 it because they looked at the fact that when

23 people will be in those areas like the park and

24 the greenway, to be exposed.

25 And I will say that is a completely

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2 incorrect position by DEP to take. It conflicts  
3 with U.S. EPA methodologies. It conflicts with  
4 DEC methodology. If you exceed an impact  
5 threshold, the accepted methodology is that you  
6 have to mitigate. You cannot explain that way.

7                   Moreover, one thing that is not  
8 acknowledged in the DEIS is the fact that the use  
9 of emergency generators during the PLM program is  
10 in -- coincides identically to when the park is  
11 open. And so the maximum impact occurs when the  
12 park is open.

13                   And it is true that the PLM program  
14 is for fifteen days. It is expected to be the  
15 fifteen worst days of the summer, with the worst  
16 ozone air quality and so there is tremendous

17 concerns because of that.

18 EPA's recent federal rules regarding  
19 the 24-hour standard acknowledges that a single  
20 day of excessive impact will result in health  
21 consequences. So, again, the two-microgram-per  
22 meter standard must be used to assess the impacts  
23 and mitigation must be done.

24 Secondly, in terms of construction  
25 impacts, again, if you use the two-micrograms-per

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2 meter standard, there would be excessive impacts  
3 at Barretto Point Park and the greenway. So DEP  
4 must look at mitigations to reduce it below the  
5 two-micrograms-per-meter standard.

6 The last item I'm going to address  
7 is odors and it is a significant issue, as you  
8 heard, from many people.

9 DEP does, in fact, exceed the DEP  
10 threshold. But DEP again tries to explain it away  
11 by saying that people will only be there in  
12 transit periods of time.

13 The CEQR Technical Manual does not  
14 permit such explanation.

15 I will quote from the CEQR Technical  
16 Manual.

17 DEP considers a 1 ppb increase of  
18 H2S as a significant odor impact on waste water  
19 related processes.

20 So first, DEP must acknowledge that  
21 it is a significant impact. It cannot explain it  
22 away. The CEQR Technical Manual simply does not  
23 permit that.

24 So the other aspect of the CEQR  
25 Technical Manual that DEP must look at is the CEQR

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17 don't know. And we don't know because DEP assumes  
18 the background of odors is zero, and I think given  
19 the fact that just this week DEP disclosed the  
20 fact there were multiple odors in the Hunts Point  
21 area.

22 So at a minimum, DEP should  
23 acknowledge and document the multiples of odor  
24 sources in the area with one particular  
25 significant odor source that the community has

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2 complained for years known as NYOFCo.

3 DEP could and has the tools to

4 conduct a cumulative impact analysis as it has

5 done for other air quality analysis. And I think

6 this is one of the communities in the City that

7 such cumulative impact analysis should be used

8 given the multiples of the H2S impacts.

9 And, again, DEP should perform

10 short-term air monitoring at Barretto Point Park

11 and the greenway once the upgrade is completed.

12 In terms of the odor analysis

13 itself, I believe DEP has underestimated the odor

14 impacts discussed by DEP. And I believe DEP is

15 looking at this as they conduct a further

16 analysis.

17 I believe DEP underestimated the  
18 impact from a very significant odor source known  
19 as a sludge storage tank and that DEP must look at  
20 the increased odors from the sludge storage tank.

21 DEP also makes an assumption that  
22 even the sludge storage tank that drives sludge,  
23 that has formed a floating crust with some cracks,  
24 will act as a permanent control. And I just have  
25 a hard time agreeing with sludge crust as being an

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2 equivalent to a design control.

3 And I think DEP must re-examine the

4 odors coming from cracks in the crust and whether

5 it is acceptable to assume that dry crust is a

6 proper and permanent control of odors.

7 DEP has a number of uncontrolled

8 sources at the plant and I'll go through some of

9 them:

10 The primary clarifying weirs;

11 The primary effluence channel;

12 The secondary aeration tanks;

13 Sludge thickeners;

14 Sludge storage tanks 8 and 9; and

15 The return of sludge channels.

16 In an odor study done in 1996 by a

17 consultant hired by DEP, it concluded that DEP  
18 should investigate a number of odor control  
19 measures. These include:

20 Looking at sludge thickeners;

21 Looking at chemical treatment of  
22 sludge and the production of a sludge blanket;

23 Covering of the acrolein wiers;

24 Increasing the odor control

25 efficiency to control odors from the sludgy

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2 watering, particularly during upset conditions.

3 And my recommendation to DEP is to

4 conduct a comprehensive odor analysis and not

5 merely dismiss that it would be expensive. And I

6 think an odor analysis should contain -- should be

7 broken up in two separate parts.

8 One is an odor control analysis to

9 look at permanent, fixed controls of each of the

10 uncontrolled areas that are identified.

11 Separately, an odor management

12 program that looks at a continuous management of

13 odors, you know, beginning with the recommendation

14 in the 1996 report.

15 And I will close with an acrolein

16 compound which is a compound from combustion. DEP

17 has, in fact, done an analysis at Newtown Creek  
18 under similar conditions. They can use the same  
19 methodologies. And I acknowledge that there are  
20 some issues with the data that may overestimate  
21 that.

22 DEP could do exactly what it did to  
23 determine that. They could do the analysis and  
24 explain the findings from that analysis as it  
25 relates to the State standard.

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Thank you and you'll be getting some

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specific written comments as whenever the hearing

4

here will be due to DEP.

5

Thank you.

6

(Audience participation.)

7

THE HEARING OFFICER: Would anyone

8

else like to speak?

9

(No response.)

10

THE HEARING OFFICER: Okay. This

11

concludes the formal public comment period.

12

I want to remind people that they

13

can submit written comments until April 23rd. And

14

the address where to send the comments to is at

15

the front desk here.

16

Thank you for your comments.

17                               We received many thoughtful comments  
18                               tonight and that they are going to give us a lot  
19                               of food-for-thought. And we will be writing  
20                               responses that will be incorporated into the Final  
21                               Environmental Impact Statement.

22                               Thank you very much.

23                               (At 9:22 p.m., the proceedings were  
24                               concluded.)

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4 STATE OF NEW YORK )

5 SS.

6 COUNTY OF NEW YORK )

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9 I, MARC RUSSO, a Shorthand

10 (Stenotype) Reporter and Notary

11 Public within and for the State of

12 New York, do hereby certify that the

13 foregoing pages 1 through 91 taken

14 at the time and place aforesaid, is

15 a true and correct transcription of

16 my shorthand notes.

17

IN WITNESS WHEREOF, I have

18

hereunto set my name this 16th day

19

of April, 2007.

20

\_\_\_\_\_

21

MARC RUSSO

22

23

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