City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME East Branch Aeration

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
13DEP010Q	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of Environmental Protection			New York City Department of Environmental Protection		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Angela Licata, Deputy Commissioner, Sustainability			Vincent Sapienza, Deputy Commissioner, BEDC		
ADDRESS 59-17 Junction Boulevard, 11th Floor			ADDRESS 96-05 Horace Harding Expressway, 5th Floor - Low Rise		
CITY Corona	STATE NY	ZIP 11373	CITY Flushing	STATE NY	ZIP 11368
TELEPHONE 718-595-4398	EMAIL ALicata@dep.nyc.gov		TELEPHONE 718-595-4906	EMAIL vsapienza@dep.nyc.gov	

3. *Action Classification and Type*

SEQRA Classification

☒ UNLISTED ☐ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☒ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description*

The proposed action involves the construction of a blower building containing two blowers and a diffused aeration system for aerating the East Branch and portions of Newtown Creek.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 5	STREET ADDRESS 58-26 47th Street
TAX BLOCK(S) AND LOT(S) Block 2601 Lot 25		ZIP CODE 11378
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS North of Grand Avenue and South of 58th Road		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M3-1		ZONING SECTIONAL MAP NUMBER 13a

5. *Required Actions or Approvals* (check all that apply)

City Planning Commission: ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT ☐ ZONING CERTIFICATION ☐ CONCESSION
☐ ZONING MAP AMENDMENT ☐ ZONING AUTHORIZATION ☐ UDAAP
☐ ZONING TEXT AMENDMENT ☐ ACQUISITION—REAL PROPERTY ☐ REVOCABLE CONSENT
☒ SITE SELECTION—PUBLIC FACILITY ☐ DISPOSITION—REAL PROPERTY ☐ FRANCHISE
☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: ☐ YES ☒ NO

☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:

☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☒ OTHER, explain: Mayoral Overide for Zoning
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☒ OTHER, explain: Design Commision

***State or Federal Actions/Approvals/Funding*:** ☒ YES ☐ NO If "yes," specify:
- New York State Department of State - Federal Coastal Consistency Assessment Form
- New York State Department of Environmental Conservation - Section 401 Water Quality Certification Protection of Waters (6 NYCRR Part 608) and Tidal Wetlands (6 NYCRR Part 661)
- United State Army Corps of Engineers - USACE Individual Permit
-State Revolving Funds

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 71,610
Waterbody area (sq. ft.) and type: 2250
Roads, buildings, and other paved surfaces (sq. ft.):
Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 71,610
NUMBER OF BUILDINGS: 2
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 2700 + 900
HEIGHT OF EACH BUILDING (ft.): 32 + 18
NUMBER OF STORIES OF EACH BUILDING: 1

Does the proposed project involve changes in zoning on one or more sites? ☐ YES ☒ NO
If "yes," specify: The total square feet owned or controlled by the applicant:
The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 71,610 sq. ft. (width x length)
VOLUME OF DISTURBANCE: 600,000 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 0 sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 36
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Construction 6/2015 thru 6/2018

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☐ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Type of use			Blower building / Shed	
Gross floor area (sq. ft.)			2,700	
Open storage area (sq. ft.)			900	
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☒ YES ☐ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," describe:	Paved lot w/o building			
Publicly Accessible Open Space	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	M3-1	M3-1	M3-1	
Maximum amount of floor area that can be developed	2.0	2.0	2.0	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Manufaturing	Manufacturing	Manufacturing	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
○ Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
○ Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☐	☐
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☐	☐
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
○ If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	☐	☐

	YES	NO
percent?		
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10.		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☒	☐
○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources. Newtown Creek		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☒	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☒	☐
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Asbestos Tiles	☒	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? Completed April 2012	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of	☐	☒

	YES	NO
commercial space in the Bronx, Brooklyn, Staten Island, or Queens?		
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week):		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 1.8x10^9		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☐	☒
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐

	YES	NO
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☒	☐
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☒	☐
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒

(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

Construction would last for a maximum of 36 months, anticipated from June 2015 to June 2018. All construction would be performed between 7:00am and 6:00pm, in accordance with all applicable rules and regulations.

To minimize fugitive dust from becoming airborne during construction operations, the following measures would be implemented: use of water to control dust during clearing, excavation, backfill, and grading operations; application of water to unpaved paths/roadways, material stockpiles and other surfaces that would generate airborne dust over extended periods; covering of open body trucks transporting earth, rock and other materials likely to generate airborne dust at all times when in motion, and; prompt removal of earth, rock or other materials from paved streets or other surfaces.

In addition, construction activities would be in compliance with the Noise Code.

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity

that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.		
APPLICANT/REPRESENTATIVE NAME New York City Department of Environmental Protection	SIGNATURE	DATE 12/11/14

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

City of New York
Department of Environmental Protection

ATTACHMENT A

ENVIRONMENTAL ASSESSMENT STATEMENT

EAST BRANCH AERATION PROJECT

November 2014

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1.0 PROJECT DESCRIPTION

1.1 DESCRIPTION OF PROJECT

The New York City Department of Environmental Protection (DEP) proposes to construct and operate the East Branch Aeration facility. The project, under contract Combined Sewer Overflow Newtown Creek 3 (CSO-NC-3), would include the construction of a blower building housing two blowers and a diffused aeration system for the East Branch and portions of Newtown Creek. The blower building would be located at 58-26 47th Street in Maspeth, New York, as shown in (Figure 1), and air header piping with diffusers would be located along the bottom channel of the East Branch and portions of Newtown Creek, as shown in (Figure 2).

The project is part of a strategy to improve the water quality of Newtown Creek and its tributaries to a New York State Department of Environmental Conservation (NYSDEC) mandated Class SD water, which requires a minimum dissolved oxygen (DO) concentration of 3 mg/L.

This aeration system would contain two positive displacement blowers installed in a blower building, as shown in Figure 3. The blowers would be activated periodically for 15 minutes during non-operating periods (October through April), for increased periods (12 hours per day) during transition periods (May and September), and 24 hours per day during peak operation periods (June through August).

Two blowers would be installed (one blower would be active and the other would be a standby) to aerate East Branch and portions of Newtown Creek. The blowers would connect to a 12-inch diameter discharge pipe that will lead to a 16-inch stainless steel air header contained inside the building. The header would tee-off into two pipes, one 6-inch diameter and one 14-inch diameter. Each pipe will be fitted with a butterfly valve located inside the building to control air flow.

The 6-inch diameter stainless steel pipe exits the building in a westerly direction, changing to polypropylene pipe upon entering the water. Once in the water it would run for 825 feet in a southern direction to East Branch. The pipe would run underneath the Grand Street Bridge. Approximately 100 feet south of the bridge, the pipe would tee into two 6-inch diameter pipes.

One pipe would then travel 75 feet in a westerly direction and the other 100 feet in an easterly direction.

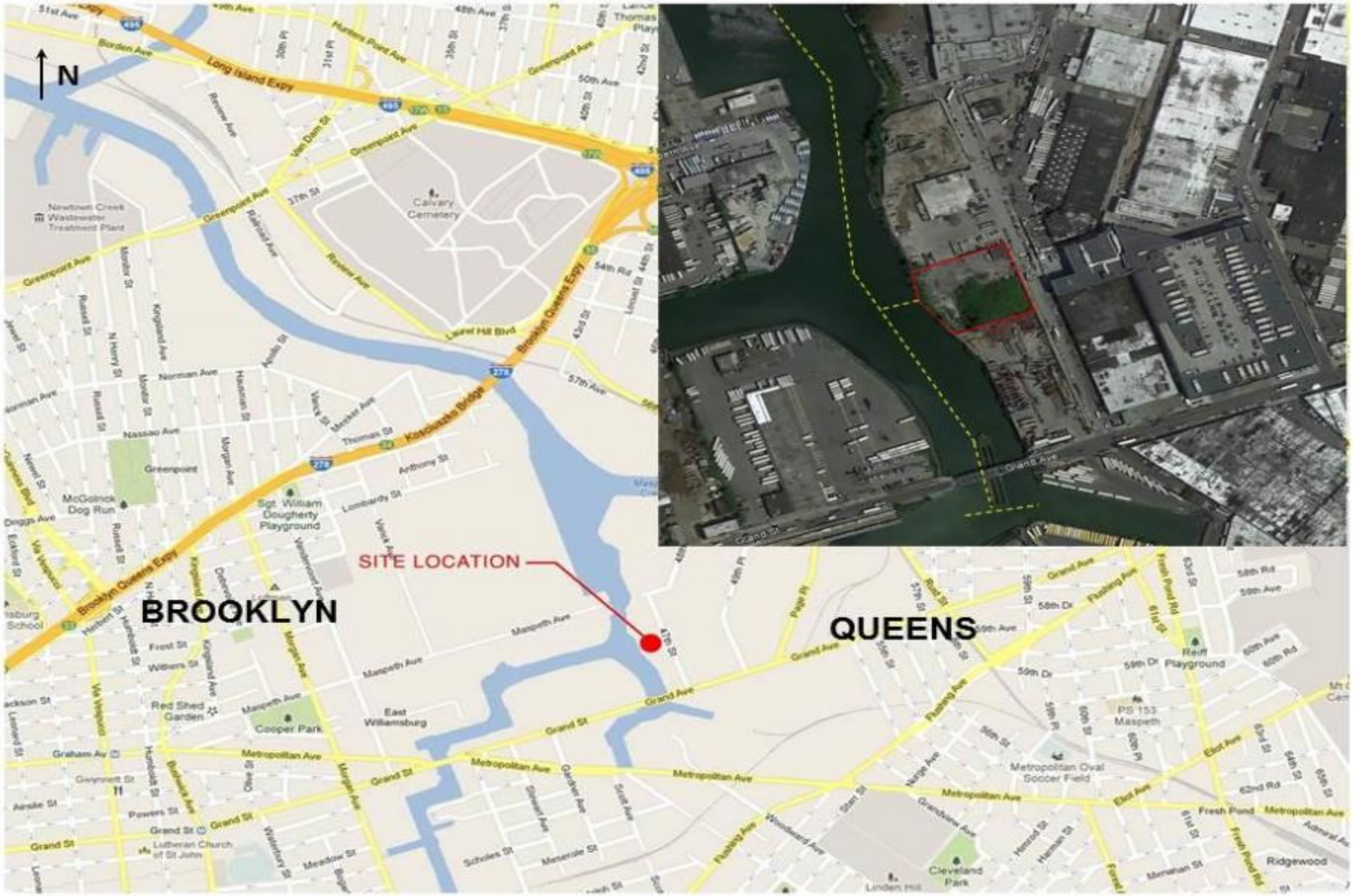
The 14-inch diameter stainless steel pipe also exits the building in a westerly direction, changing to polypropylene pipe upon entering the water. Once in the water, the pipe would run for 1,500 feet in a northerly direction in Newtown Creek.

For both the 6-inch and 14-inch diameter pipes, diffusers would be installed at six foot intervals and the pipeline would be held in place using concrete ballast collars spaced at eight feet intervals for the southern 8-inch diameter pipe, and spaced at approximately four feet for the northerly 14-inch diameter pipe.

The site will also have a storage shed, which will house emergency equipment for DEP to use for projects in the area. The blower building and associated operational uses would occupy 55% of the property. The other 45% of the property will include a naturalized open space and rain garden designed to capture onsite surface and rooftop runoff. In addition, all pavements will be constructed of porous bituminous asphalt. The porous pavements will be placed upon a crushed stone reservoir designed to capture and slowly infiltrate the stormwater. In the event of a larger storm event, runoff from the pavement is directed to a shallow rain garden located within the open space. Additional stormwater storage is provided in the rain garden, where the water elevation is controlled by an outlet structure, connected to an existing storm drain. The open space will occupy 0.72 acres of the 1.64 acre lot and provide a visual connection between 47th street and Newtown Creek. A rain garden will be an integral part of the open space. All surfaces will be planted with a meadow mix, resulting in a significant reduction of the amount of pervious pavement on the property; currently the site is completely paved.

The proposed action includes a zoning override of the requirement to provide waterfront access at this site. DEP has determined that the provision of waterfront public access space on the site, at this time, is not appropriate given the isolated location of the facility. The proposed project is an industrial use consisting of a building which will not be staffed full-time, but rather visited only on an as-needed basis. Thus, there will be no regular presence of any DEP staff at the site. In addition, the adjacent area consists of similar heavy industrial uses and is generally unsafe for pedestrians. Specifically, land uses within a 400-foot radius of the proposed action consist of industrial, manufacturing, parking, transportation and vacant land. There is an MTA Bus Depot across the street from the project and large delivery trucks frequently pass the project site which further complicates public use of the waterfront.

In consultation with Queens Community Board 5, DEP has developed a plan to install benches and trees along the sidewalk to create a seating area for the community. Furthermore, if in the future nearby properties have developed publicly-accessible waterfront spaces, DEP will enhance the site with waterfront access.



Base Map Copyrighted by Google, 2012

Approximate outline of proposed land based action site

Approximate outline of proposed water based action site

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 1

Site Location

New York City
Department of Environmental Protection

Base Map Copyrighted by Google, 2012

Approximate outline of proposed land based action site

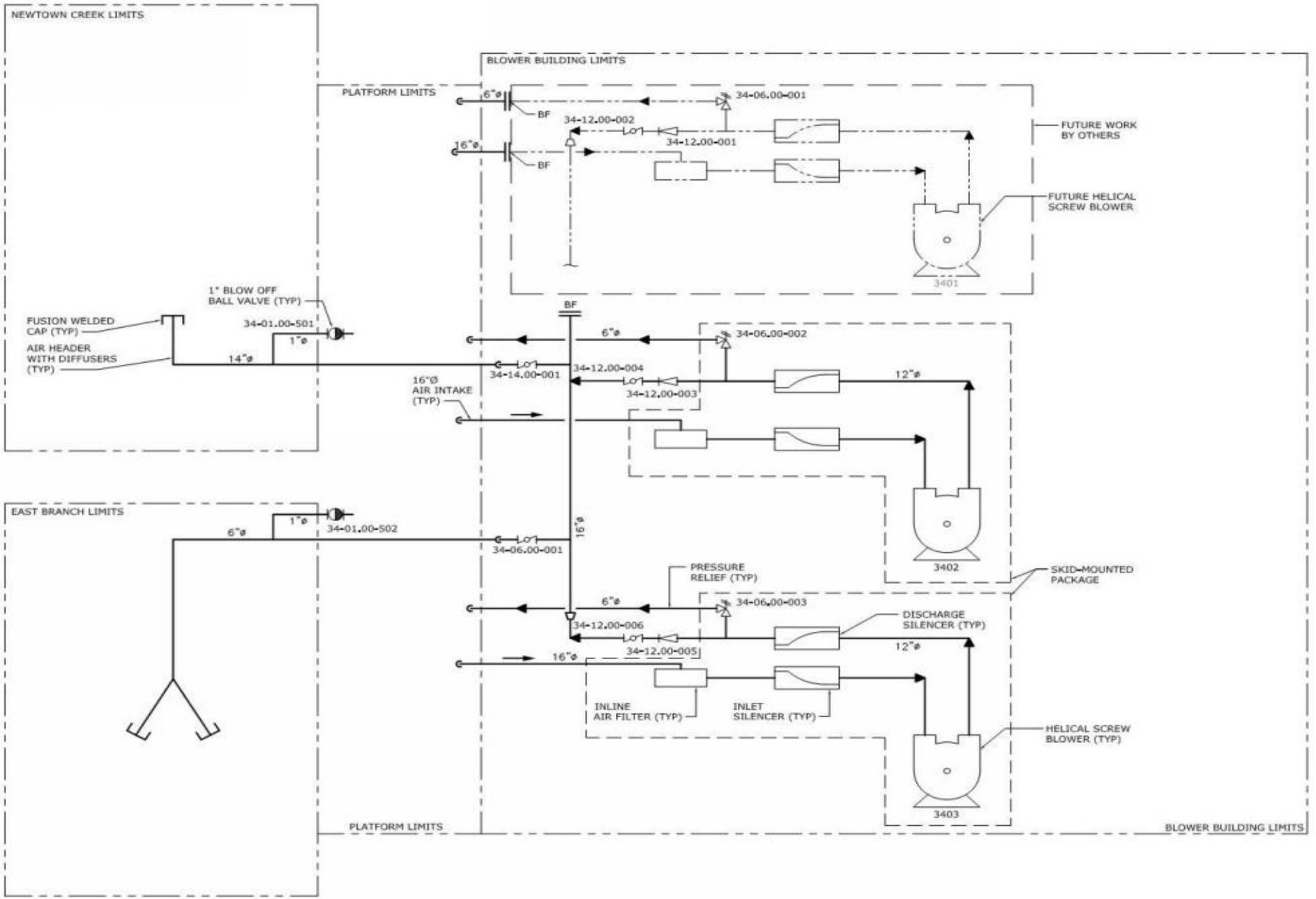
Approximate outline of proposed water based action site

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 2

New York City
Department of Environmental Protection

Project Overview



Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 3

New York City
Department of Environmental Protection

Project Schematic Plan

1.2 PROJECT PURPOSE AND NEED

During some heavy rain and snow storms, combined sewers receive higher than normal flows. Treatment plants are unable to handle flows that are more than twice design capacity and when this occurs, a mix of excess stormwater and untreated wastewater discharges directly into the City's waterways at certain outfalls. These combined sewer overflows (CSO) negatively affect the water quality of the City's waterbodies.

In 1992, the City entered into a Consent Order with the NYSDEC calling for construction of CSO retention facilities in CSO areas. In 2004, the NYSDEC renegotiated with DEP and established the 2004 Administrative CSO Consent Order (2004 Consent Order). The 2004 Consent Order requires the City to adopt a more comprehensive watershed-based approach and incorporate existing facility plans and other system improvements into the waterbody /watershed based long-term CSO control plans. The 2004 Consent Order requires the planning, design, and construction of over thirty projects City-wide, including improved water quality through CSO and non-CSO abatement strategies.

Part of this Consent Order mandated that Newtown Creek and its tributaries achieve NYSDEC Class SD water quality. The NYSDEC definition of the Class SD water quality standard is "The best usage of Class SD waters is fishing. These waters shall be suitable for fish, shellfish, and wildlife survival. This classification may be given to those waters that, because of natural or man-made conditions, cannot meet the requirements for primary and secondary contact recreation and fish propagation." A requirement of the Class SD waters is that they maintain minimum dissolved oxygen (DO) of 3 mg/l. DO is used as an indicator of ecological health, and with the increased DO concentration, water quality would be improved, the production of objectionable odors would cease, and aquatic life could be restored.

Contract CSO-NC-3 is the implementation of this Consent Order to bring East Branch, a tributary of Newtown Creek, and the southern portion of Newtown Creek into compliance with the DO requirement. The proposed action would raise the DO concentration in the East Branch and portions of Newtown Creek to levels necessary to meet the NYSDEC mandated Class SD water quality. As such, the proposed action would be consistent with the requirements of the 2004 Consent Order.

1.3 PROJECT BACKGROUND

The Newtown Creek Water Quality Facility Design Project (WQFP) is one of several tributary area studies comprising DEP's City-Wide Combined Sewer Overflow (CSO) Abatement Program. The goal of the Newtown Creek WQFP is to develop CSO and non-CSO abatement strategies to improve the water quality of Newtown Creek and its tributaries to a New York State Department of Environmental Conservation (NYSDEC) mandated Class SD water, which requires a minimum dissolved oxygen (DO) concentration of 3 mg/L.

Newtown Creek, located between the New York City boroughs of Brooklyn and Queens is a tidal tributary of the East River. The creek extends approximately 3.5 miles, and comprises five smaller tributaries: Dutch Kills, Maspeth Creek, Whale Creek, the East Branch, and English Kills. The water quality classification for Newtown Creek is Class SD. As designated by the NYSDEC, Class SD saline surface shall be suitable for fish, shellfish, and wildlife survival, and DO concentration should equal or exceed 3.0 mg/L at all times. However, the DO concentration in the lower depths of the tributaries of Newtown Creek rarely exceed 0.0 mg/L, and surface DO concentration varies widely during the summer months. During dry periods, the water is stratified and the DO concentration at the surface varies from lows at or near zero to photosynthetically created highs above the saturation level. As such, DEP has been involved with various planning studies, which aim to improve the water quality of Newtown Creek. A summary of each of these studies follows.

1993 Facilities Plan Report

A Facilities Plan Report for the Newtown Creek (WQFP) was issued in January 1993 containing recommendations for CSO abatement, regulator operations, sewer rehabilitation, and wastewater treatment plant utilization. The primary conclusion of the 1993 Report was that removal of CSOs from Newtown Creek would not yield a significant improvement in the water quality of the dead-end branches as long as DO concentration during the summer remains at or near zero. However, water quality model simulations suggested that by increasing the DO concentration in Newtown Creek, subsequent CSO abatement or removal could yield better results.

A target water quality objective to maintain minimum DO concentration above 1.0 mg/L throughout Newtown Creek was selected, a level above which hydrogen sulfide (H2S) production essentially ceases and aerobic conditions prevail. To increase DO concentration, an aeration system with an inversion/oxygenation system, which uses micro porous ceramic diffusers to provide mixing and aeration, was selected as the best alternative.

1998 Aeration Pilot Study Report

The results of the aeration pilot study and recommendations for implementation of the in-stream aeration were presented in an Aeration Pilot Study Report, issued in February 1998. Aeration requirements were established using the receiving water quality model calibrated to the pilot study data. The data from the 1995 and 1996 pilot testing showed that a larger system, delivering greater quantities of air would be required to achieve a minimum DO concentration of 1.0 mg/L throughout Newtown Creek, and the greatest improvement in DO concentration was achieved with a configuration of diffusers placed along Newtown Creek's bottom.

Because of the uncertainty in calculating the boundary effects, the pilot test report recommended that aeration facilities be constructed in two phases. The Phase I building would be large enough to minimize the effect of boundary conditions, and would provide data to adjust the design criteria for Phase II. The location recommended for Phase I was the Upper English Kills and for Phase II, the Lower English Kills, the East Branch, and Dutch Kills. Polyethylene piping was proposed for the air header along the bottom of Newtown Creek. However, evaluation of the piping design identified the potential for temperature fluctuation issues with the use of

polyethylene piping. To eliminate temperature fluctuation issues, perforated polypropylene piping was recommended.

2007 Newtown Creek Waterbody/Watershed Facility Plan Report

The City-wide Long Term CSO Control Planning Project, Newtown Creek Waterbody/Watershed Facility Plan Report was issued in June 2007. The report details the implementation of the phases of the Final Facility Plan. An update to the in-stream aeration projection contained in the June 2007 Waterbody/Watershed Facility Plan based on the mathematical model re-calibration and data collected from the English Kills aeration system was submitted to DEP on March 26, 2010. This update gives the design goal of delivering 4,000 standard cubic feet per minute (CFM) to East Branch and 4,100 standard CFM of air to the southern portion of Newtown Creek. These values are being used to size the aeration system, which were used to determine the size of the blower building and building related systems.

Upper English Kills

The first phase of Newtown Creek Aeration Project consisted of the construction of a blower building and the installation of two blowers, air header, and diffusers for aerating Upper English Kills. The building is located at 1106 Grand Street, Brooklyn, NY. The building and aeration system were installed under DEP Contract NC-EK11. Two blowers were installed, with the design intent of one blower being active and one blower as back-up.

The system was activated in December 2008. The air header and diffuser were modified from the original design intent of producing 1.0 mg/L DO concentration in the water body. The piping layout was given a U-turn so that the air header runs parallel, in a shorter length, delivering a greater amount of air. This was evaluated to determine if a DO concentration of 3.0 mg/L can be met with the increased air flow in the shorter area. This data were used in the mathematical model re-calibration and subsequent aeration modeling memo, which is being used in the basis of design of the future aeration systems.

The Upper English Kills aeration system has been in operation since 2008. Habitat monitoring data from pre- and post-operational reports demonstrate that the Upper English Kills aeration project has been largely beneficial to the environment. The study included a three-year sampling program, which was undertaken to evaluate the effectiveness of the aeration system and to identify potential environmental concerns. The sampling program involved the collection of sediment and water column samples along with the conduction of ecological and benthic studies. Some of the key parameters analyzed in the water column included target analyte metals, suspended solids, and dissolved oxygen. The water column sampling identified no indication of metals or suspended solids being transferred into the water column as a result of this aeration system. Air sampling for hydrogen sulfide showed an initial spike in hydrogen sulfide when the system was activated in the summer of 2009. However, hydrogen sulfide has not been detected in the subsequent years since DEP has been activating the system just prior to the start of summer to prevent the waterbody from becoming hypoxic, thus eliminating any potential for hydrogen sulfide formation.

Lower English Kills

Under Contract NC-EK11 space and utility capacity were provided in the building for a third blower. This third blower and aeration system for Lower English Kills was installed under Contract CSO-NC-2 and is operational as of January 2014.

Summary

Based on facility planning, recommended non-CSO abatement strategies for improving the water quality of Newtown Creek include the use of diffused aeration systems in Newtown Creek and its tributaries – Dutch Kills, the East Branch, and English Kills. These aeration systems comprise blowers that supply air to diffusers through an air header pipeline that runs along the bottom of each tributary resulting in increasing the DO concentration and improving water quality. Implementation of the Newtown Creek WQFP Project would represent substantial compliance by DEP with CSO controls mandated by the NYSDEC and United States Environmental Protection Agency (USEPA).

There has been no sampling for biological pathogens but DEP doesn't anticipate pathogens being released into the atmosphere from this in-stream aeration facility based on its experience at its fourteen wastewater treatment plants (WWTPs). The WWTPs treat sanitary wastewater with significantly higher levels of pathogens and it aerates these systems using almost 1,000 times more air per unit volume than the Newtown Creek aeration systems. Based on records maintained by DEP staff and contractors working in accordance with the NYS Department of Labor Public Employee Safety and Health (PESH) requirements, there have been no incidents of illness or work related complaints associated with exposure to airborne pathogens reported over the last five years. The PESH Recording and Reporting Public Employee's Occupational Injuries and Illnesses Standard (12 NYCRR Part 801) meets or exceeds all requirements of the equivalent federal standard (OSHA 29 CFR 1904). In addition, there is no OSHA or PESH related requirement for the sewage treatment workers or contractors to wear respiratory equipment in the vicinity of the aeration tanks.

During the permitting process for Lower English Kills Aeration, comments were received which cited studies concerned with the possible relation of aeration and air-borne pathogens. In general, the scientific studies that have been brought to the attention of and reviewed by DEP fail to establish any cause-effect relationship of direct or indirect risk of exposures or infections from aerosols of sewage or other sources (freshwater and sea water) that may contain pathogens.

Most of the study results were limited to the evaluation of the presence of pathogens at certain concentrations in various parts of several sewage treatment plants or other aquatic environments. Others were specifically designed and conducted to measure the levels of endotoxins and investigate work related symptoms in wastewater treatment workers that could be exposed to biological and chemical agents. However, none of the studies attempted to evaluate the risks to wastewater treatment workers or to the general public specifically from the aerosolization of viable pathogenic bacteria and endotoxins as a result of aeration conducted in sewage treatment plants. In all cases with workers showing symptoms of illness, the studies were not able to show any direct or indirect risks of exposure to pathogens from specific sources. They were also not able to establish any clear pathways of pathogens exposure from specific tasks or operations

conducted at wastewater treatment facilities. Several other studies have shown no higher infection rates (i.e. diagnosed diseases) for sewage treatment workers compared to the general population of workers not exposed to sewage.

Further literature reviews found that numerous studies have been conducted by various agencies (USEPA, CDC, local health departments and other public and private institutions in the United States as well as overseas) to assess the health risks associated with WWTPs. These studies were conducted to identify health risks to WWTP workers and to quantify exposures to airborne bioaerosols. Generally, these studies are of exposures that are of much greater magnitude than the potential for microbial concentrations from the aeration processes anticipated in Newtown Creek. Such studies have largely indicated that although concentrations for indoor levels of bioaerosols are elevated within closed buildings at these facilities, adverse health effects are insignificant for potentially exposed workers. Furthermore, studies have also shown there is little health risk to being near aeration tanks at WWTPs.

1.4 PERMITS AND APPROVALS

DEP and/or its contractor would acquire the permits and approvals necessary to allow for the construction of the proposed action. The proposed action would include the construction of a blower building and the installation of two blowers and a diffused aeration system for aerating the East Branch and portions of Newtown Creek. The blowers would be installed through a one-phase construction process.

The proposed action is within the New York City Coastal Zone; and therefore, is regulated under the Waterfront Revitalization Program, as described in Section 2.1.1 – Waterfront Revitalization Program. The proposed action would require the following State and Federal permits:

1. United State Army Corps of Engineers
   - USACE Individual Permit
2. New York State Department of State (NYDOS)
   - Federal Coastal Consistency Assessment
3. New York State Department of Environmental Conservation (NYSDEC)
   - Section 401 Water Quality Certification Protection of Waters (6 NYCRR PART 608)
   - Tidal Wetlands (6 NYCRR Part 661)
4. New York City Public Design Commission (NYCPDC)
   - Design Commission Approval
5. New York City Department of City Planning (NYCDCP)
   - Uniform Land Use Review Procedure (ULURP)
   - New York City Waterfront Revitalization Program – Consistency Assessment
6. Office of the Mayor of New York
   - Mayoral override to waive the public access requirements of the Zoning Resolution
7. New York City Department of Environmental Protection (NYCDEP)
   - City Environmental Quality Review Environmental Assessment Statement (CEQR)
8. New York City Small Business Services
   - Work Notice/Permit

Additionally, the NYSDEC was consulted for the Natural Heritage Program as was the NYC Landmark Preservation Commission. A letter stating there were no concerns for the proposed work was provided in response to the request for review by both agencies.

2.0 ENVIRONMENTAL ASSESSMENT

2.1 LAND USE, ZONING AND PUBLIC POLICY

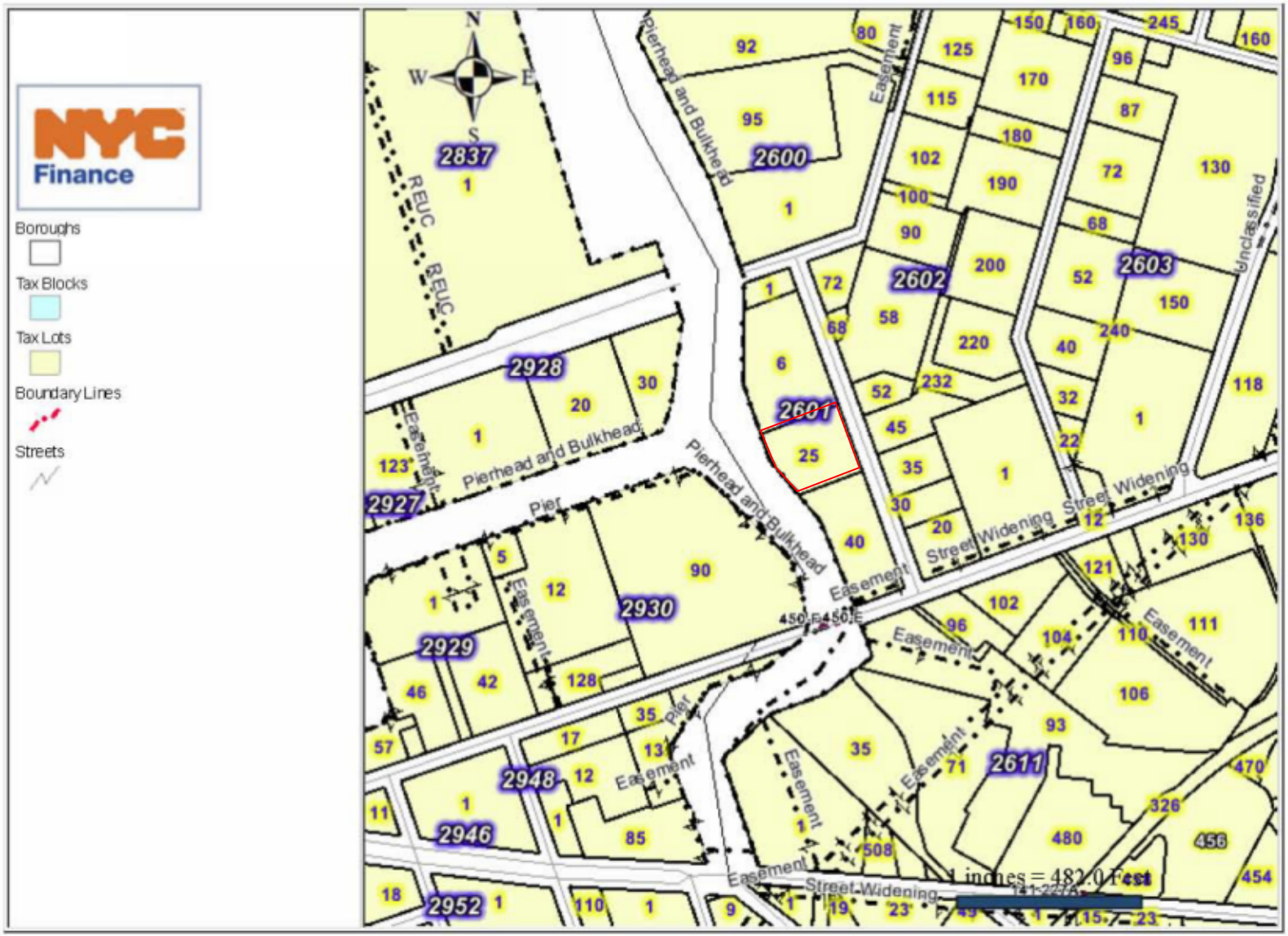
In accordance with the *CEQR Technical Manual*, land use is defined as "an activity that is occurring on land and within the structures that occupy it". A land use assessment analyzes the land uses in the vicinity of the proposed action to determine if they may be affected by the proposed action and if the proposed action would be compatible with the existing uses and development trends.

The proposed action is located on Block 2601, Lot 25 (Figure 4) in the neighborhood of Maspeth, Community District 5 in the borough of Queens (Figure 5). Land uses within a 400-foot radius of the proposed action consist of industrial / manufacturing, parking, transportation and vacant land.

The proposed action includes the construction of a blower building and the installation of two blowers and a diffused aeration system for aerating the East Branch and portions of Newtown Creek. In addition to the aeration facility, the site will also have a storage shed, to house emergency equipment for DEP to use for projects in the area, and would include a naturalized planting area. Streetscape upgrades along the entire frontage with 47th Street are also proposed. The proposed building is consistent with the surrounding manufacturing land use.

The proposed action would not have a significant effect on existing or proposed land uses in the study area, as it would not displace existing land use or generate land use that would be incompatible with the surrounding area. The existing site is a vacant lot in an industrial and commercial area. Therefore, the proposed action would not result in significant adverse impacts to land use, and no further land assessment is warranted.

The New York City's Zoning Resolution controls the use, density, and bulk of development within the entire City. The proposed action would be located within a M3-1 zoning district (Figure 6), a designation permitting the heaviest industrial uses. DEP is seeking approval from the City Planning Commission (CPC) for site selection of the Project pursuant to the City's Uniform Land Use Review Procedure (ULURP). The site meets the selection requirements of the project, is surrounded by other M3-1 facilities and does not cause over concentration of public facilities in the area, thereby meeting the zoning and fair share criteria. The Project is located in an M3-1 zoning that falls within Use Group 6D, which requires lots located on the waterfront and over 10,000 square feet to meet certain public open space requirements. Based on safety and security concerns, DEP is requesting a mayoral override of Zoning Resolution, Article VI: Special Regulations Applicable To Certain Areas, Chapter 2 - Special Regulations Applying in the Waterfront Area. DEP has determined that the provision of waterfront public access space on the site, at this time, is not appropriate given the isolated location of the facility. The proposed project is an industrial use consisting of a building which will not be staffed full-time, but rather visited only on an as-needed basis.



Base Map Copyrighted by New York City Department of Taxation, 2010

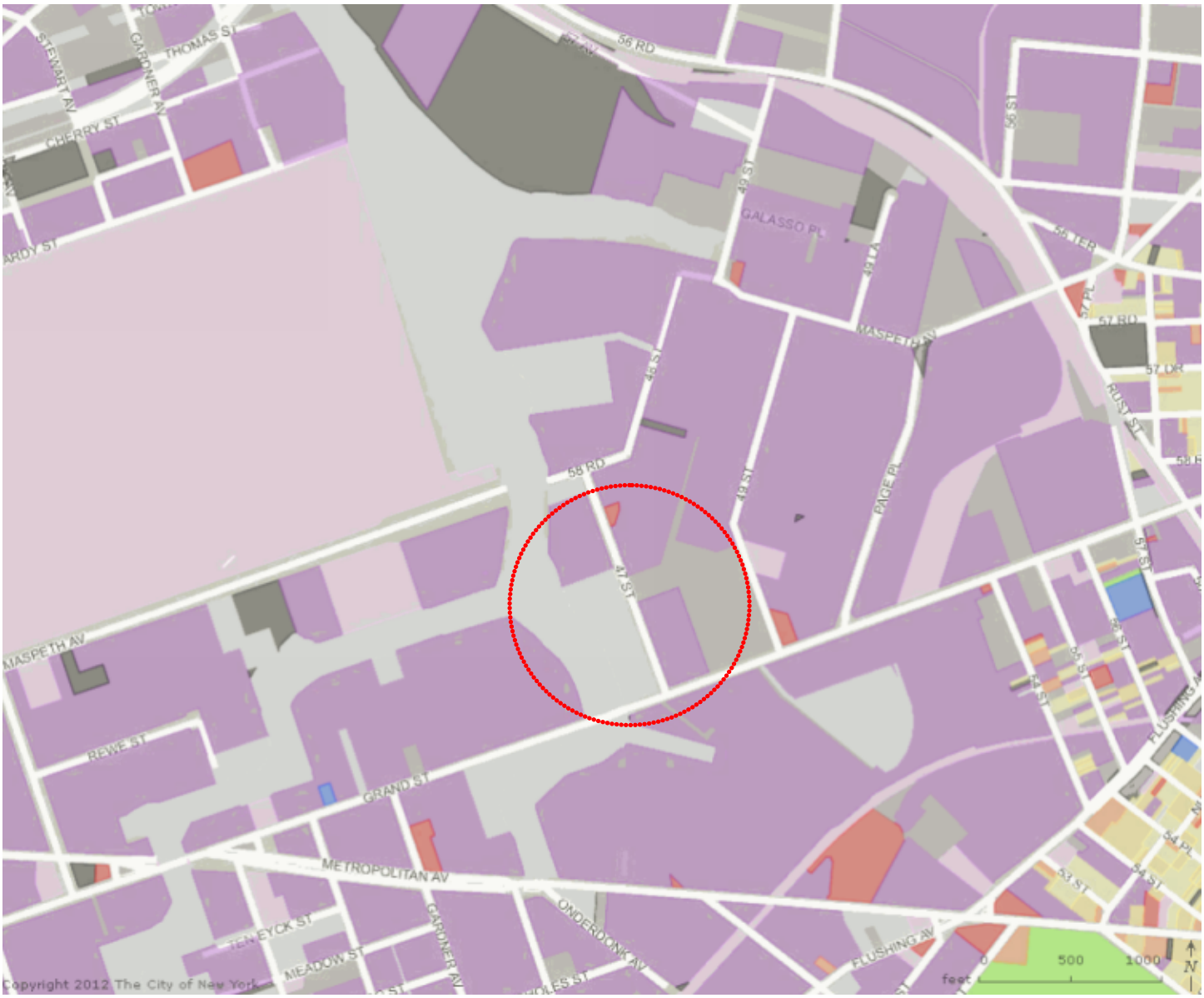
Approximate outline of proposed action site

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 4

Tax Map

New York City
Department of Environmental Protection



Base Map Copyrighted by the City of New York, 2012
Approximate 400 foot radius of proposed action

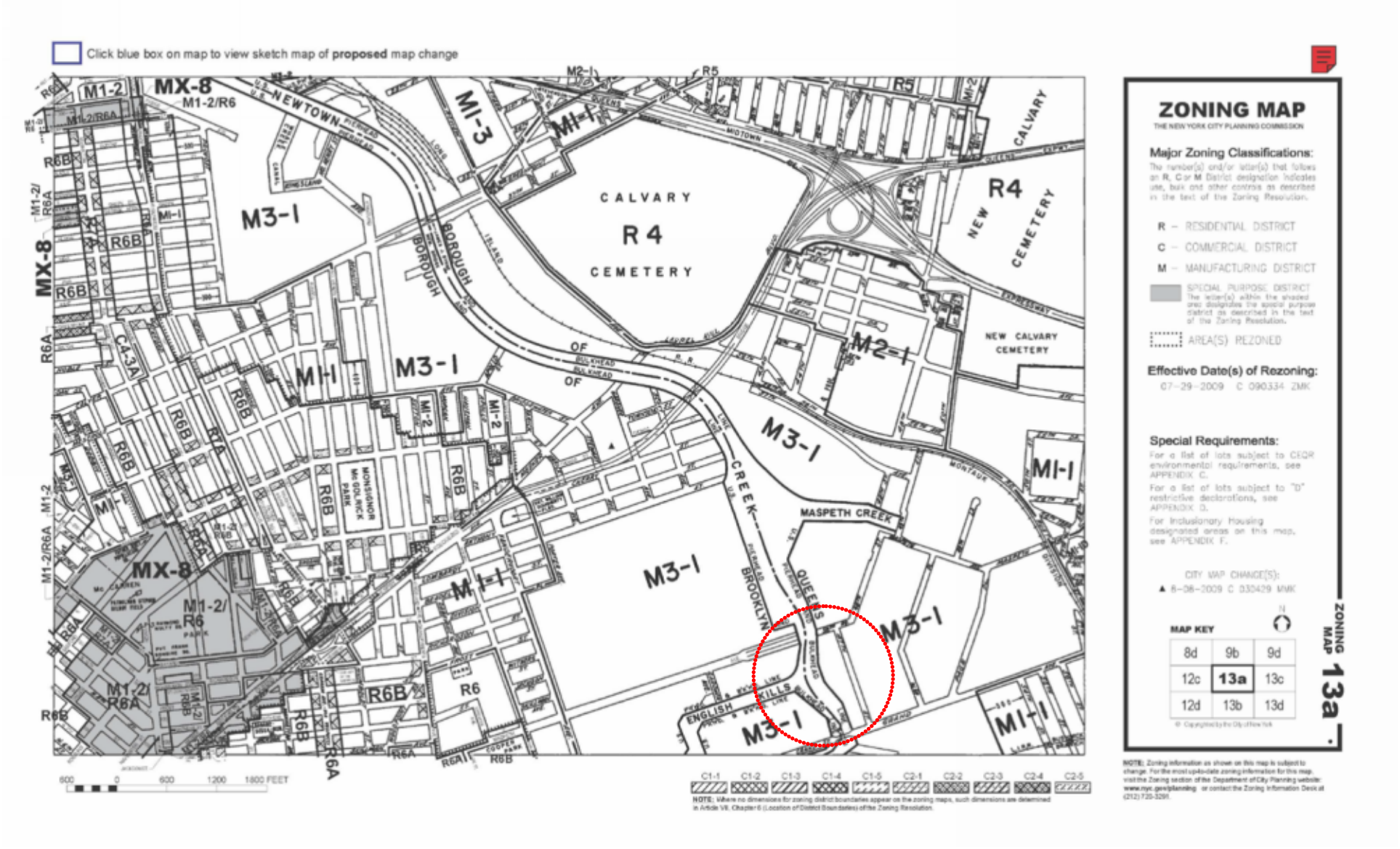
- One & Two Family Residence
- Multi-Family Residence (Walkup)
- Multi-Family Residence (Elevator)
- Mixed Residential & Commercial
- Commercial Use
- Industrial / Manufacturing
- Transportation / Utility
- Public Facilities and Institutions
- Open Space & Recreation
- Parking
- Vacant Land

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 5

New York City
Department of Environmental Protection

Land Use



Base Map Copyrighted by the New York City Department of City Planning, 2009

Approximate 400 foot radius of proposed action

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 6

Zoning

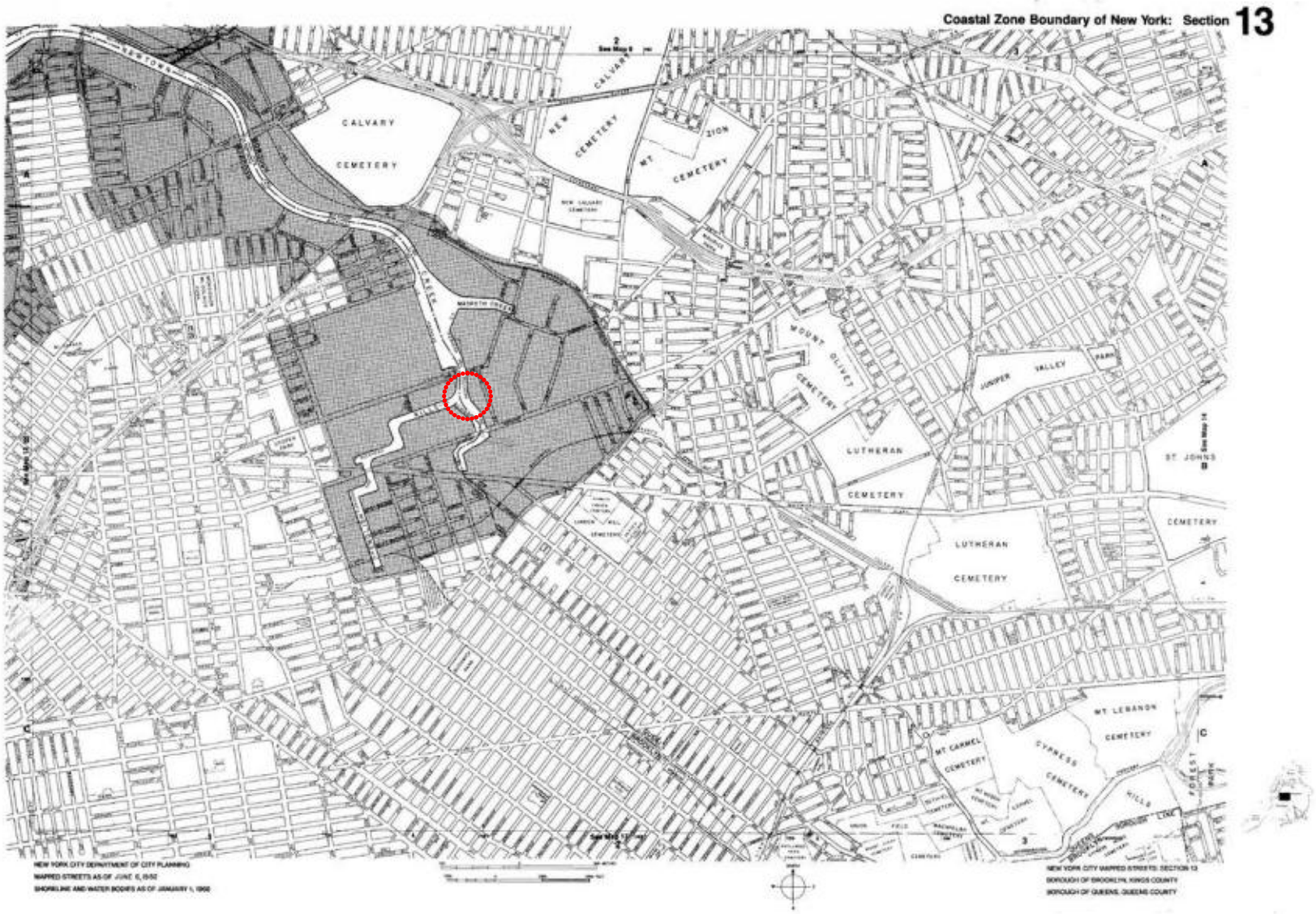
New York City
Department of Environmental Protection

In addition to land use and zoning, other public polices describe the intended use of an area. The proposed action would be located within an area governed by the City's Waterfront Revitalization Program (WRP). As described in Section 2.1.1 – Waterfront Revitalization Program, the proposed action is subject to review under The Waterfront Revitalization Program since it occurs within the coastal area. Based on this review, the proposed action is consistent with and would support and encourage each of the WRP policies. Therefore, the proposed action would not result in significant impacts to public policy, and no further public policy assessment is warranted.

2.1.1 Waterfront Revitalization Program

The Federal Coastal Zone Management Act of 1972 established coastal zone management programs to preserve, protect, develop, and restore the coastal zone of the United States. The proposed action would be within the City's coastal zone boundary (Figure 7), within Reach 13: Newtown Creek, as indicated within the 1992 New York City Comprehensive Waterfront Plan. The proposed action is, therefore, subject to review under the ten primary policies identified within "The New York City Waterfront Revitalization Program (WRP)" that address the waterfront's important natural, recreational, industrial, commercial, ecological, cultural, aesthetic, and energy resources. (See Appendix B for Form).

In October 2013, the New York City Council approved revisions to the WRP to advance the long term goals of the Vision 2020: The New York City Comprehensive Waterfront Plan, which was released in 2011. The revisions to WRP are currently pending State and Federal approval in to order to go into effect; they were assessed below in anticipation of the revisions being adopted in 2015.



Base Map Copyrighted by the New York City Department of City Planning, 1982

••••••••• Approximate 400 foot radius of proposed action

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

Figure 7

New York City
Department of Environmental Protection

Coastal Zone

The proposed action was reviewed to determine general consistency with each of the 52 policy questions found within the WRP Consistency Assessment Form (See Appendix B for Form). These questions represent, in a broad sense, the ten polices of the WRP. The Consistency Assessment Form, an assessment of a proposed action's consistency with the City's Coastal Zone Management policies, is provided in Appendix A. For all "yes" responses, an assessment of the effects of the proposed action on the relevant policies is included, as well as an explanation on how the proposed action would be consistent with the goals of those policies and standards. The proposed action is consistent with each of the WRP policies and would support and encourage specific policies as described below. Therefore, the proposed action is not expected to result in potential significant adverse impacts to the City's coastal zone or waterfront.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Proposed Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas

I. *Promote the development and operation of working waterfront uses in a manner that protects the health and well-being of surrounding communities, businesses and local workers and natural resources.*

K *Prioritize maritime, maritime support and water-dependent uses when siting municipal facilities and disposing publicly owned property. Discourage the location of non-water dependent municipal facilities, other than parks, on sites with waterfront access, unless available upland sites are not feasible or appropriate for intended use.*

- *WRP Consistency Assessment Form Policy Question #4: Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site?*

  The proposed project will convert an unused site with illegal dumping of landscape waste material that is blocking the view of the water into a site with a new building that houses equipment that will improve the water quality and a planted area with public seating along the front of the property from where the water can be viewed. The mound of landscape material blocking the view and asbestos tiles, which are part of the illegal dumping will also be removed which makes this use consistent with Policy 2 of the WRP.

- *WRP Consistency Assessment Form Policy Question #8: Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA)?*

  The proposed action is located within the Newtown Creek Significant Maritime and Industrial Area (SMIA). The proposed action would not displace any industrial or water dependent business. The proposed facility is a water-dependent, industrial use that will have a benefit to the water quality of Newtown Creek and the East Branch by increasing the levels of dissolved oxygen. The proposed project is therefore consistent with the SMIA and with Policy 2 of the WRP.

- *WRP Consistency Assessment Form Policy Question #9: Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project site?*

  The site includes a concrete bulkhead for about half of the interface with Newtown Creek. The remainder of the Creek bank is stabilized with stone and construction rubble. The proposed action would not affect this resource, since it is to remain in its present condition. Therefore, the proposed action would be consistent with Policy 2 of the WRP.

- *WRP Consistency Assessment Form Policy Question #12: Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads?*

The proposed action includes concrete repair of a crack on the existing bulkhead along Newtown Creek. This work will not alter the structure. Therefore, the proposed action would be consistent with Policy 2 of the WRP.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Proposed Policy 4.5: Protect and Restore tidal and freshwater wetlands

- *WRP Consistency Assessment Form Policy Question #21: Would the action involve any activity in or near a tidal or freshwater wetland?*

  By nature of the action, limited activity in the tidal wetlands and adjacent area are proposed. The action requires locating aeration pipes in Newtown Creek and East Branch. To authorize this work, a joint application to New York State Department of Environmental Conservation (NYSDEC) and the United States Army Core of Engineers (USACE) was submitted. A NYSDEC 401 Water Quality Certification and Tidal Wetlands and USACE Individual permit would be required.

  In addition, the proposed action would raise the DO concentration in the East Branch and portions of Newtown Creek during the summer and other warm month to levels necessary to meet the NYSDEC mandated Class SD, which is water quality making the affected waters suitable for fish, shellfish, and wildlife survival. Currently the water quality does not allow for wildlife because of the lack of oxygen in warm months, so this project is consistent with Policy 4 of the WRP.

Policy 5: Protect and Improve water quality in New York City coastal area.

There will be no point sources or nonpoint sources of pollution that will be generated during this project. This project will be blowing air from a pipe network, being held down with concrete ballasts to ensure that the creek bed is not disturbed, into the waterway. The creek has very low dissolved oxygen in it. This project is design to increase the DO and therefore increase life in the creek. The same technology operating in the English Kills has increased DO to SD quality and resulted in return of wildlife to that waterbody. Because this project improves water quality without creating pollution, it is consistent with Policy 5 of the WRP.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

The site grading and stormwater management practices will minimize the runoff into Newtown Creek. All of the on-site stormwater will be sent to the rain garden on site. The rain garden is a bio-retention area to treat the stormwater on site prior to infiltration. Additionally, porous pavement will be used on site rather than standard asphalt, making this project consistent with Policy 5 of the WRP.

Policy 6: Minimize loss of life, structures, and natural resources caused by flooding and erosion.

Proposed Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate for the site, the use of the property to be protected and the surrounding area.

Proposed Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the New York City Panel on Climate Change (NPCC), or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

- *WRP Consistency Assessment Form Policy Question #32: Would the action result in any construction activities within a federally designated flood hazard area or state-designated erosion hazard area?*

  The proposed action would be located within a federally designated flood hazard area (Figure 8). These designations are:

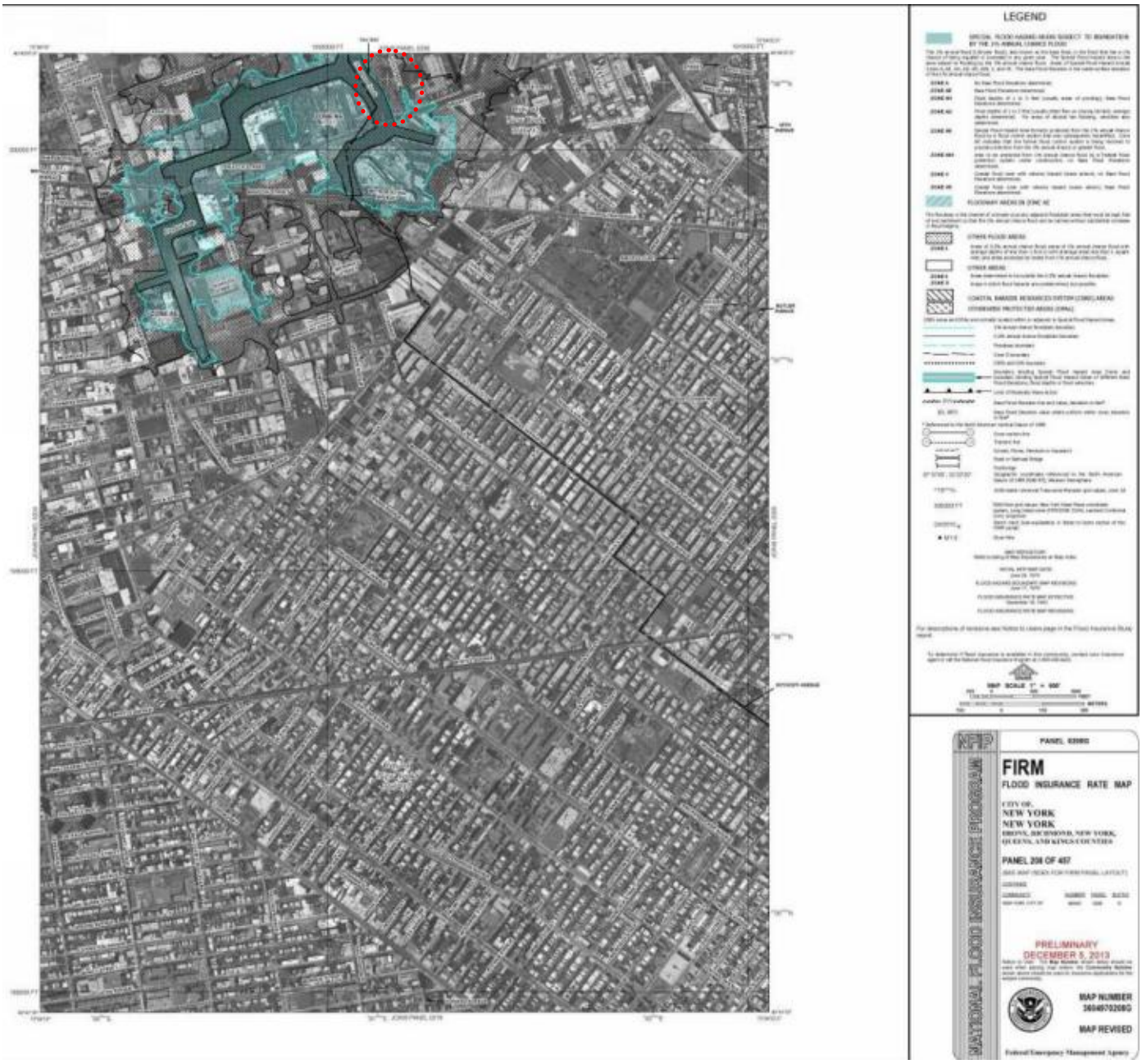
  – Special Flood Hazard (Zone AE) – areas subject to inundation by the 1 percent annual chance flood (100-year flood), the flood that has a 1 percent chance of being equaled or exceeded in any given year.

  – Other Flood Areas (Zone X) – areas of 0.2 percent annual chance flood; areas of 1 percent annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance flood.

  The blower building has been designed to have floor elevation 5.50 feet above 100 year flood elevation. According to FIRM map, 3604970208G dated Preliminary December 5, 2013 the local flood elevation is 10 feet. The site is located in zone AE. The finished floor elevation will be 15.5 feet. The existing rip-rap will not be affected and is a stable slope up to the point where the building will be constructed. Contract drawing CSO-NC-3G C-12: Proposed Grading and Drainage Plan depicts the information about the existing elevations in the flood area and the BFE of the buildings on site.

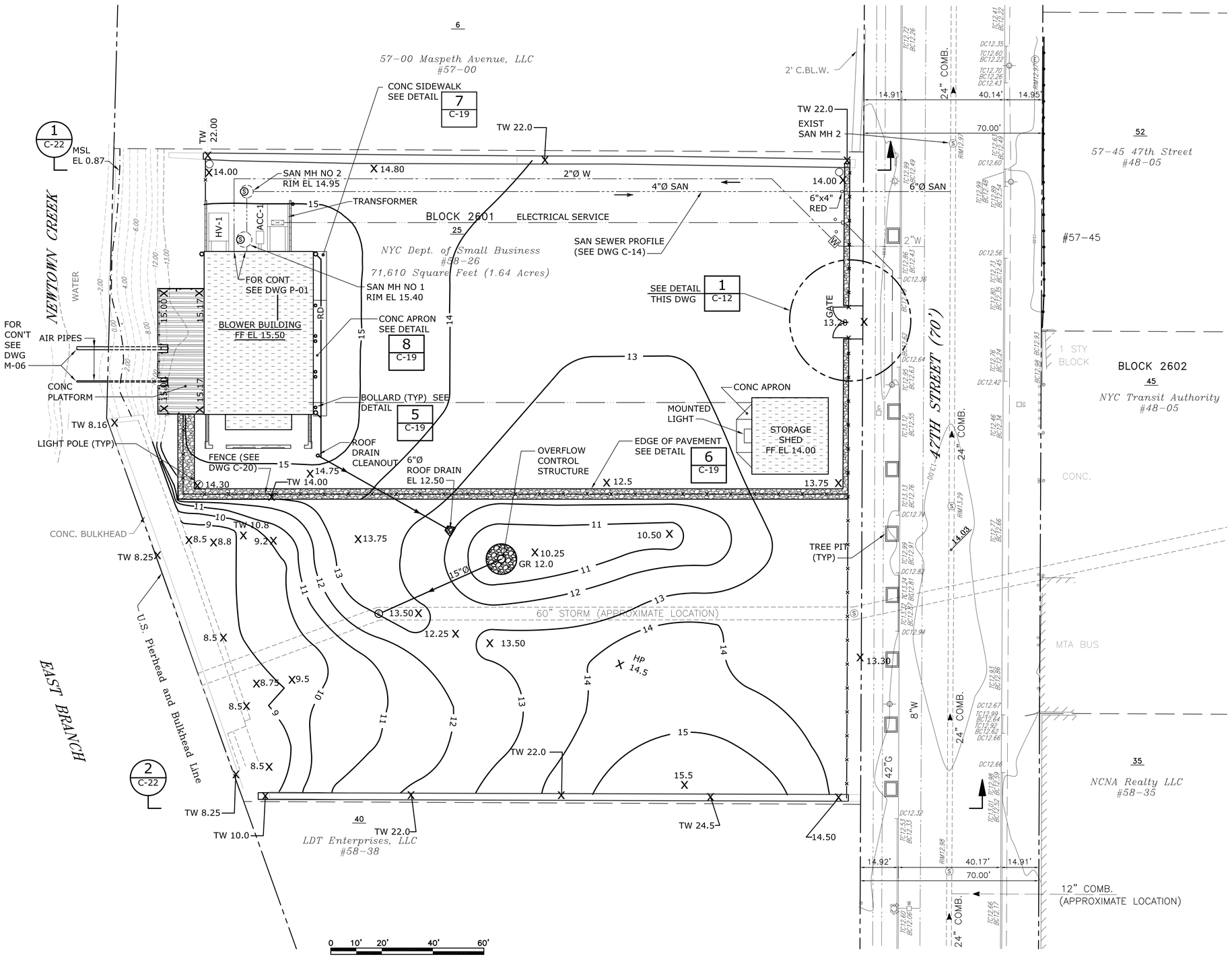
  Construction of the proposed action would follow the guidance within the floodplain management statutes and regulations, including the New York City Administrative Code, Section 10: General Limitations on Occupancy and Construction within Special Flood Hazard Areas (Local Law 33 of 1988). The NPCC projections state that by the 2050s the high estimate for seal level rise in New York City is 31 inches. In response to these projections and damage to facilities from Hurricane Sandy, NYCDEP developed the New

York City Wastewater Resiliency Plan, which includes a policy of adding 32 inches to the 100 year flood plain when siting and designing wastewater facilities. Many critical facilities will be built above this level. The proposed action, while not considered a critical facility, goes beyond this level by being 5.50 feet above the 100 year flood elevation. Therefore, the proposed action would be consistent with Policy 6 of the WRP.



Base Map Copyrighted by the Federal Emergency Management Agency, 2013

••••• Approximate 400 foot radius of proposed action



DETAIL 1 C-12
SCALE: NONE

NOTES:
1. ALL ELEVATIONS SHOWN HEREON REFER TO THE NGVD 29 VERTICAL DATUM.
2. FOR SANITARY SEWER PROFILE SEE DWG C-14.
3. FOR MISCELLANEOUS DETAILS AND WALL ELEVATIONS SEE DWGS C-19 - C-22.
4. 60" STORM LINE LOCATION IS APPROXIMATE AND SHALL BE FIELD VERIFIED BY CONTRACTOR.

NO.	DATE	DESCRIPTION	APPR'D.
		REVISIONS	

DRAWN BY: RD
DESIGNED BY: AV
CHECKED BY: RAH
GROUP LEADER: AJC
SECTION CHIEF:

SCALE: 1"=20'

ACCOUNTABLE MANAGER
PORTFOLIO MANAGER

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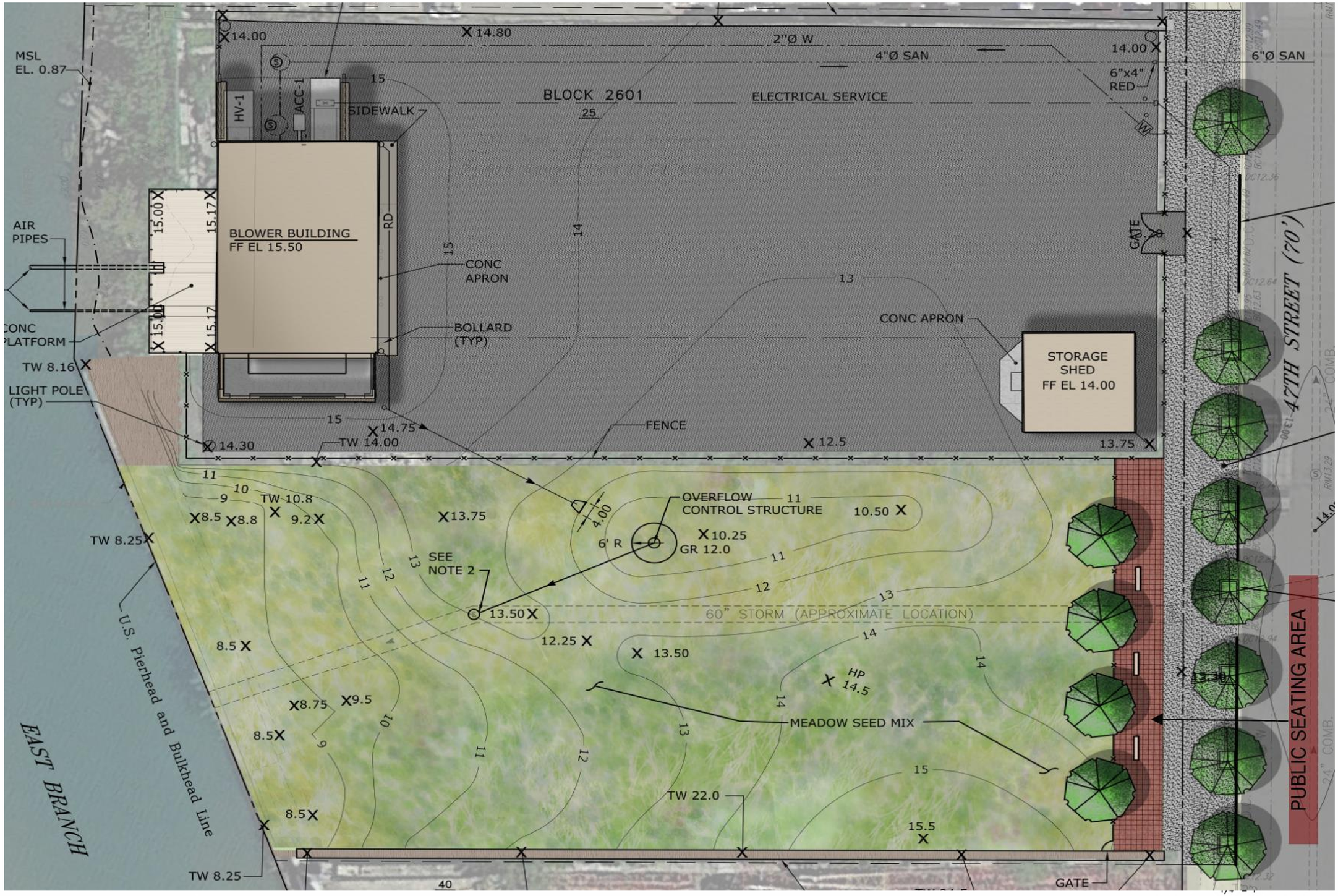
THE CITY OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENGINEERING DESIGN & CONSTRUCTION

CAPITAL PROJECT WP-169
EAST BRANCH AND PORTIONS OF NEWTOWN CREEK
ENHANCED AERATION - CONTRACT CSO-NC-3G

PROPOSED GRADING AND DRAINAGE PLAN

DATE: JUNE 2014
100% DESIGN COMPLETION
DWG. NO.: C-12 OF:
SHEET NO: OF:



NO.	DATE	DESCRIPTION	APPR'D.
		REVISIONS	

DRAWN BY: RD
DESIGNED BY: AV
CHECKED BY: RAH
GROUP LEADER: AJC
SECTION CHIEF:

SCALE: 1/4"=1'

ACCOUNTABLE MANAGER

PORTFOLIO MANAGER

THE CITY OF NEW YORK
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
BUREAU OF ENGINEERING DESIGN & CONSTRUCTION

CAPITAL PROJECT WP-169
EAST BRANCH AND PORTIONS OF NEWTOWN CREEK
ENHANCED AERATION - CONTRACT CSO-NC-3G
PROPOSED SITE PLAN RENDERING

DATE:

DWG. NO.: L-01
SHEET NO:
OF:

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Proposed Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

Proposed Policy 7.2: Prevent and remediate discharge of petroleum products.

Proposed Policy 7.3: Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

- *WRP Consistency Assessment Form Policy Question #40: Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form of petroleum product use or storage?*

  During the 2008 Phase II environmental site investigation, an above ground storage tank (AST) was observed containing 150 to 200 gallons of viscous petroleum. No evidence of staining was observed below the tank and the AST was removed from the site. At our project start, four soil gas samples were taken to analyze potential volatile organics, including those associated with petroleum constituents, and found levels below regulatory criteria. No petroleum product related remediation is required and no hazardous materials will be used on site, so this project is consistent with Policy 7 of the WRP.

- *WRP Consistency Assessment Form Policy Question #41: Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid of hazardous waste facility?*

  Construction of the proposed action would result in ground disturbance. Any excess material generated from construction activities would be removed from the site and handled as contaminated historic fill material, which requires proper handling, analytical testing, and disposal documentation. As part of the Phase II Environmental Investigation conducted in 2008, a small debris pile located adjacent to the large waste pile was sampled and found to contain asbestos containing materials. Prior to construction of the proposed action, asbestos removal would be performed by a NYC Licensed asbestos design abatement contractor. Prior to off-site disposal, some form of composite sampling would be performed in accordance with disposal facility's requirements to document this condition. A Site Management Plan would be used to maintain control and understand the flow of material around, from, and into a site during construction. Therefore, the proposed action would be consistent with Policy 7 of the WRP.

Policy 8: Provide public access to and along New York City's coastal waters.

Proposed Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

- *WRP Consistency Assessment Form Policy Question #47: Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation?*

  To facilitate the proposed action, DEP has pursued a Mayoral Override of the zoning requirement to provide a publicly accessible waterfront area on the site. The Project is located in an M3-1 zoning district and falls within Use Group 6D. Pursuant to Zoning Resolution (ZR) §62-52, developments in M3-1 districts located on the waterfront with such a Use Group must meet certain waterfront public access area requirements. However, due to safety and security concerns, DEP does not believe compliance with these requirements is in the public interest. The proposed project is an industrial use consisting of a building which will not be staffed full-time, but rather visited only on an as-needed basis.

  Land uses within a 400-foot radius of the proposed action consist of industrial, manufacturing, parking, transportation and vacant land. Also, there are no residential uses within the surrounding area of the project site. There is an MTA Bus Depot across the street from the project and large delivery trucks frequently pass the project site which further complicates public use of the waterfront.

  In consultation with Queens Community Board 5, DEP has developed a plan to install benches and trees along the sidewalk to create a seating area for the community from which the water can be viewed. Furthermore, if in the future nearby properties have developed publicly-accessible waterfront spaces, DEP will enhance a portion of its site with waterfront access. For these reasons, although the site meets several criteria of WRP Policy 8.4, we believe the project is consistent with the intent of Policy 8, particularly 8.2.B of the WRP.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

- *WRP Consistency Assessment Form Policy Question #50: Does the site currently include elements that degrade the area's scenic quality or block views to the water?*

  Views from 47th Street towards the Creek are currently obscured by existing corrugated metal and concrete block walls as well as a large pile of soil deposited on the southerly portion of the site. Removal of these elements coupled with the addition of the planted area will increase visibility of the Creek. Therefore, the proposed action would be consistent with Policy 9 of the WRP. Public Design Commission of the City of New York has provided preliminary design approval. We have received a no concerns for proposed work from New York State Historic Preservation Office (SHPO) or New York City Landmark Preservation Committee (LPC).

2.2 URBAN DESIGN/VISUAL RESOURCES

In accordance with the *CEQR Technical Manual*, an area's urban design components and visual resources together comprise the 'look' of the neighborhood: the physical appearance, including the sizes and shapes of buildings, their arrangement on blocks, the street pattern, and noteworthy views that give an area a distinctive character.

The proposed action includes the construction of a blower building and the installation of two blowers and a diffused aeration system for aerating the East Branch and portions of Newtown Creek. In addition to the aeration facility, the proposed action would include a naturalized planting area. In addition to the open space, streetscape upgrades along the entire frontage with 47th Street are also proposed.

The proposed action would not alter the current bulk or setbacks, or result in substantial new, above-ground construction that would occur in an area that has important views, natural resources, or landmark structures. In addition, the aeration facility building design materials and style was chosen to mimic and compliment the waterway. The building design has been approved by the NYC Design Commission. Additionally, both the NYS Office of Parks, Recreation and Historic Preservation and the NYC Landmarks Preservation Commission have reviewed the project and found no architectural or archaeological significance of the existing site. Therefore, the proposed action would not result in potential significant adverse impacts on urban design and visual resources, and no further urban design/visual resources assessment is necessary.

2.3 NATURAL RESOURCES

In accordance with the *CEQR Technical Manual*, natural resources are defined as plant and animal species and any area capable of providing habitat for plant and animal species or capable of functioning to support ecological systems and maintain the City's environmental balance. Natural resources are considered to be resources including, but not limited to, surface and ground water, wetlands, woodlands, landscaped areas, gardens, open spaces, and built structures used by wildlife. The *CEQR Technical Manual* describes two factors to consider in order to determine whether a natural resource would be adversely impacted – the presence of a natural resource on or near the proposed project site and the disturbance of that resource.

The proposed action would include the installation of the air header piping with diffusers would be located along the bottom channel of the East Branch and Newtown Creek. A Habitat Monitoring Plan, prepared in accordance with the NYSDEC Permit for Phase I of Upper English Kills, included pre-operational baseline data collection, along with three years of post-operational monitoring to measure any changes to the aquatic habitats of English Kills after the installation of the aeration facility.

The pre-operational data collection was performed during the weeks of August 25, 2008 and September 1, 2008 to document and characterize conditions present in English Kills prior to the installation of the aeration facility. This data was used to describe the baseline condition in order to assess future changes to the habitat as a result of the installation and operation of the aeration facility. A total of five stations were sampled as part of this investigation: four stations within the

English Kills project area (Stations 1 through 4), and one reference station (Station 5) located outside of the influence of the project area in East Branch.

The first year of post-operational data collection was performed during the week of August 31, 2009 to document the conditions present in English Kills during the first year of operation of the aeration facility and to assess potential changes to the ecosystem. This information was compared to conditions observed during the pre-operational baseline data collection conducted during August and September, 2008. A summary of the pre-operational and post-operational monitoring for water quality and fish follows.

2.3.1 Water Quality

The water quality classification for Newtown Creek is Class SD. As designated by the NYSDEC, Class SD shall be suitable for fish, shellfish, and wildlife survival, and DO concentration should equal or exceed 3.0 mg/L at all times. However, the DO concentration in the lower depths of the tributaries of Newtown Creek rarely exceed 0.0 mg/L, and surface DO concentration varies widely during the summer months. During dry periods, the water is stratified and the DO concentration at the surface varies from lows at or near zero to photo-synthetically created highs above the saturation level. During the pre- and post-operational, temperature, pH, DO, and conductivity were monitored at the surface as well as one foot above the water/sediment interface.

Dissolved Oxygen

During the pre-operational monitoring, a wide range in DO concentrations was documented, as would be expected for a tidal, highly industrialized creek. DO levels at all depths were frequently below 3.0 mg/L. Surface DO concentrations ranged from 0.37 mg/L to 9.89 mg/L, while near-bottom readings ranged from 0.28 mg/L to 5.53 mg/L. While the maximum surface DO concentration of 9.89 mg/L may be higher than what might be anticipated for this water body, it is below historical concentrations measured in English Kills. DO levels were similar across all stations but varied throughout the day and with tidal stage. DO levels at the water/sediment interface were below the 3.0 mg/L standard more frequently than readings taken near the surface.

Post-operational DO concentrations ranged from a low of 4.23 mg/L in near bottom waters to 8.82 mg/L in surface waters indicating the positive results of the aeration system on the waterbody.

Temperature

Due to the dynamic tidal nature of the system, surface waters are well-mixed and demonstrate a fairly narrow range in temperatures that fluctuates with air temperature, tidal stage, and time of day. Near surface water temperatures during the pre-operational monitoring ranged from 22.8°C to 27.8°C. Water temperatures at the bottom of the water column were several degrees lower, ranging from 22.13°C to 25.00 °C.

During the post-operational monitoring, water temperatures at the bottom of the water column were similar to those found near the surface, ranging from 22.9°C to 23.5°C.

pH

During the pre-operational monitoring, the pH values measured at all stations and depths were in the neutral to slightly basic range (6.87 to 8.97).

Similarly, during the post-operational monitoring, the pH values measured at all stations and depths during collection of surface water samples were neutral (7.05 – 7.81).

Conductivity

Conductivity, as a measurement of salinity concentration in the water, in surface samples ranged from 26.5 to 33.12 mS/cm (millisiemens/centimeter), and bottom samples conductivity ranged from 30.14 to 33.01 mS/cm. This is typical of tidal waters.

The post-operational monitoring indicated no change in conductivity.

2.3.2 Fish

Due to the low DO concentration in summer and fall, it is unlikely that any species of fish use the tributaries of Newtown Creek as habitat. Some fish have been observed during various phases of the water quality study, which occurred between August and September 2008. English Kills contains a few species of fish tolerant of low DO concentration and poor water quality. Mummichog *(Fundulus heteroclitus)* and striped killfish *(Fundulus majalis)* are present when oxygen levels are over 1 to 2 mg/L. Other species may also enter the upper reaches of Newtown Creek and English Kills when oxygen levels are higher. However, aquatic habitat in the area is generally unsuitable for all fish species. As part of the Habitat Monitoring Plan for Phase I, a qualitative survey of the fish communities utilizing English Kills was performed. In addition to the fish, ichthyoplankton (fish eggs and larvae) were collected.

Fish Community

Based on the pre-operational survey from August to September 2008, a total 232 individuals representing six species of fish were collected. The species collected are typical of East Coast estuaries. Mummichog was the most abundant species present, with 215 individuals collected. Menhaden *(Brevoortia tyrannus)* was the second most abundant species, with 11 individuals collected. Striped bass *(Morone saxatalis)* and blueback herring *(Alosa aestivalis)* were represented by two individuals each, and Atlantic silversides *(Menidia menidia)* were represented by a single individual. The collected fish species are what should be expected to occur in the system.

Based on the post-operational survey from August to September 2008, a total 224 individuals representing five species of fish were collected. Fish species included: Atlantic silverside, bluefish *(Pomatomus saltatrix)*, menhaden, mummichog, and striped bass. All species collected during the pre-operational monitoring were collected during the post-operational monitoring, with the exception of blueback herring. Mummichog was the most abundant species, with 112 individuals collected. The second most abundant species was Atlantic silverside, with 53 individuals collected compared to only one individual collected during the pre-operational monitoring. There were 48 menhaden collected compared to 11 collected during the pre-

operational monitoring. The number of striped bass collected increased from two individuals during pre-operational monitoring, to nine individuals collected in post-operational monitoring. The length ranges were similar to those measured in the pre-operational monitoring. The collected fish species during the post-operational survey were also what was expected to occur in the system.

2.3.3 Summary

Data collected during the pre-operational monitoring indicate that Newtown Creek is an ecologically stressed and degraded waterbody. The low DO in the surface waters contributes to this stress on the system. Improvements in post-operational DO levels were found in 2009 relative to pre-operational conditions. Operation of the aeration facility has decreased nuisance odors present at the site, and increased DO in the English Kills.

Similarly, the proposed action would result in improved water quality in the East Branch and portions of Newtown Creek, as it would increase the DO concentration above 3.0mg/L, meeting Class SD water specifications. Furthermore, operation of the proposed action would not result in significant impacts to sediment disturbance or suspended solids. A qualitative assessment of the potential water quality impacts during construction is presented in section 2.6 Construction Impacts.

2.4 HAZARDOUS MATERIALS

In accordance with the *CEQR Technical Manual*, the goal of the hazardous materials assessment is to determine whether the proposed action could lead to increased exposure of people or the environment to hazardous materials, and whether the increased exposure would result in significant public health impacts or environmental damage. The potential for significant impacts, related to hazardous materials can occur when elevated hazardous materials exist on a site, an action would increase pathways to human or environmental exposure, or an action would introduce new activities or processes using hazardous materials with the increased risk of human or environmental exposure.

Based on a review of historical land use maps, aerial photographs, and regulatory records, the northern section of the subject property was used by Moller and Company Fertilizer and Rendering Works in the early 1900s. By 1914, the buildings associated by Moller and Company Fertilizer and Rendering Works were demolished and the property was vacant. In the 1950s, the United States Naval Reserve used the site to store barges along Newtown Creek. Beginning in the mid-1970s, the site was paved and used as part of the neighboring parcel's truck repair facility to store trucks and trailers. The property was vacant between 1988 and 1990, until a small truck repair building was constructed on the northeastern corner of the property. This building is still present on the site. The site was used from the mid-1980s to 2006 for the storing, staging, handling, and recycling of soil and construction and demolition debris by M&C Transfer Station and Anchor Construction Services, Incorporated. Since 2006, the site has been a vacant unused lot.

2008 Phase II Environmental Site Investigation

A Phase II Environmental Site Investigation was conducted in late September to early October 2008 for the purpose of identifying contamination that may exist due to historic uses of the site and surrounding area and to characterize the materials found in the debris piles on site. The site investigation consisted of the collection of 12 soils borings, conducting five test pits, sampling four groundwater monitoring wells, sampling four soil gas monitoring locations, and asbestos and lead sampling in a small debris pile that was located adjacent to a large debris pile.

In comparing the analytical results from the 12 soil borings to NYSDEC Part 375 Environmental Remediation Program (ERP) Restricted Industrial Soil Cleanup Objectives (SCOs), no volatile organics, PCBs, pesticides, or metals exceeded the Industrial SCOs. The polycyclic aromatic hydrocarbons (PAHs), benzo(a)pyrene, and benzo(b)fluoranthene, were detected above the Industrial SCOs in at least one sample. The source of the PAHs may be attributed to the fill material present at the site.

While onsite to conduct the sampling of the five test pits, an abandoned above ground storage tank (AST) was identified that contained approximately 150 to 200 gallons of viscous petroleum. The AST was moved onto plastic sheeting. Beneath the tank, there was no evidence of staining. The AST was subsequently removed from the site.

All four groundwater sample results were compared to the June 1998 Division of Water Technical & Operational Guidance Series: Ambient Water Quality Standards & Guidance Values for a GA water body standard (TOGS 1.1.1). Toluene, m/p-xylene and o-xylene were detected in one sample above the regulatory standard. The source of the contamination was fill material present at the site.

The results of the four soil gas samples were compared to New York State Department of Health (NYSDOH) Indoor Vapor Intrusion Guidance values. Results from the soil gas points were below regulatory criteria. Soil gas results had relatively low level concentrations of a number of volatile organics, including those associated with petroleum constituents, freons, and chlorinated solvents.

Asbestos sampling revealed four types of vinyl floor tile containing asbestos in a small debris pile. Based on the results produced from asbestos and lead sampling, the small debris pile was classified as an asbestos waste, which also contains lead.

2012 Phase II Environmental Site Investigation

After the 2008 Phase II Environmental Site Investigation was performed, it was determined that dumping has continued on the site. Therefore, additional investigation of the soil, drywell, soil vapor, and groundwater on the site was performed to assess the presence and extent of contamination present. In 2012, a second Phase II Environmental Site Investigation was conducted, including soil, groundwater, drywell, soil vapor, and test pit samples throughout the site.

Specifically, the 2012 Phase II Environmental Site Investigation consisted of nine soil borings completed to 10 to 20 feet below grade, the installation of temporary groundwater monitoring

wells at four of the boring locations, seven test pits, one grab sample from the drywell located adjacent to the structure on the subject property, and soil vapor samples collected from four locations. The sampling locations were specifically selected to cover areas that were not sampled previously during the 2008 Phase II Site Investigation.

The nine soil borings were completed using a track-mounted direct push GeoProbe in areas where fresh staining was observed and where additional piles of debris were observed that did not appear to exist in 2008. These borings were advanced to the groundwater interface about 10 to 20 feet below grade. Two samples were collected from each boring (one within the top two feet and one at the groundwater interface) and submitted to a NYSDOH Environmental Laboratory Approval Program (ELAP)-certified laboratory for analyses. Soil samples were analyzed for Target Compound List (TCL) volatile organics, TCL semivolatile organics, TCL PCBs, Target Analyte List (TAL) metals, pesticides, and herbicides. Boring logs were completed for each boring.

Temporary groundwater monitoring wells were installed at four soil boring locations using new one-inch PVC casing with a 10-foot slotted screen. A drive-over manhole cover was installed at each of the monitoring wells. Monitoring wells were located in areas of the site where current and historical information suggested the greatest potential for groundwater contamination, in areas that were not previously sampled and in areas where debris piles did not previously exist. Groundwater samples were analyzed for TCL volatile organics, TCL semivolatile organics, TCL PCBs, TAL metals, pesticides, and herbicides. The TAL metals samples were not filtered. Temperature, pH, oxidation reduction potential (ORP), conductivity, and DO of the groundwater were measured during low flow purging.

Material beneath the asphalt and gravel ground surface was identified as historic fill. As previously mentioned, historic fill contains known non-hazardous levels of contamination from undetermined historic activities. Therefore there is no reason to classify the fill in accordance with NYSDEC ERP SCOs Part 375 regulations.

In comparing the groundwater sampling results to the NYSDEC TOGS 1.1.1 Class GA limits the parameters that were above the Class GA values were iron, magnesium, manganese, and sodium. The magnesium and manganese are not of concern as they are naturally occurring. The elevated levels of sodium may be due to the influence of saltwater from Newtown Creek into the groundwater. The presence of iron in groundwater may be naturally occurring and may also be the result of the presence of fill material throughout the site.

A large above ground waste pile contained gravel, brick, plastic, wood, glass, organics, and other debris. The presence of municipal waste or other large debris, such as tires, in the debris pile, demonstrates a distinct difference between the fill in the subsurface of the site and the materials identified in the debris pile. The presence of municipal waste limits disposal options.

Comparison of the results of the soil vapor investigation to the NYSDOH Indoor Vapor Intrusion Guidance (2006) indicates that no parameters were detected at levels that would trigger indoor vapor intrusion mitigation.

The recommendations associated with the 2012 Phase II Environmental Site Investigation findings are associated with construction-related activities of the proposed action, and can be found in section 2.6.2, which describes how the potential for human and environmental exposure to hazardous materials would be avoided.

The effect of the operating aeration system on the East Branch is described in detail in section 2.3 Natural Resources. The studies performed have shown that there is little to no re-suspension of bottom solids caused from the operation of the system. Therefore, no disturbance or distribution of contaminants contained in the East Branch or Newtown water bed would be expected.

In addition to the aeration facility, the proposed action would include a planted area, and a rain garden designed to capture and infiltrate stormwater onsite. As such, the proposed project would capture debris that would otherwise wash into Newtown Creek, which will periodically be picked up and disposed.

In September 2010, Newtown Creek was listed as a Superfund Site on the National Priorities List. The Remedial Investigation (RI) for the Newtown Creek Superfund site is currently ongoing. The Phase 1 RI field investigation began in February 2012 and was completed in March 2013. Phase1 field investigation activities included: a shoreline assessment; creek-bed surveys (bathymetric, magnetic, and side-scan sonar); fish, ecological, and benthic community surveys; surface and subsurface (coring) sediment sampling; air sampling; and monthly surface water sampling. The DEP is coordinating remediation of Newtown Creek with the EPA. Installation of the piping along the bottom of the creek will not disturb the sediment of the creek such that there would be an increase in human or environmental exposure to pollutants.

2.5 NOISE

In accordance with the *CEQR Technical Manual*, a noise analysis is appropriate if an action would generate any mobile or stationary sources of noise or would be located in an area with high ambient noise levels.

The proposed action would be an unmanned facility, which would not generate regular post-construction vehicular trips. Due to the nature of proposed facility, the operation and maintenance requirements are periodic and the trips generated are minimal. It is expected that the operation and maintenance would happen two times per week during summer months and one time per week during the remaining months. This would result in approximately four trip ends per week during the peak summer months. As such, a noise assessment for mobile sources is not necessary.

In terms of stationary sources, the principal noise producing elements of the aeration systems are the blowers and the HVAC units located in the blower building. To remediate this, the building plan includes noise attenuation features, such as concrete and masonry building mass, acoustic facing on interior surfaces, vibration isolators in blower mountings, and baffling of the blower air intakes.

The *CEQR Technical Manual* recommends a distance of 1,500 feet for evaluating noise impacts. As such, the area surrounding the proposed action was assessed to determine if noise-sensitive

receptors are located within 1,500 feet of the proposed action. The following were considered to be noise-sensitive receptors: parks/playgrounds; schools and educational facilities; residences; churches and other places of worship; outdoor performance facilities; indoor performance facilities with windows; healthcare facilities; and libraries and community centers. Based on the M1 and M3 zoning designations surrounding the project site, no existing stationary noise-sensitive receptors were identified within 1,500 feet of the proposed action.

The proposed action would include the construction of a blower building and the installation of two blowers and a diffused aeration system for aerating the East Branch and portions of Newtown Creek. Operation of the proposed action would vary throughout the year. The blowers would be activated periodically for 15 minutes each during non-operating periods (October through March), for increased periods during transition periods (March through May and September), and 24 hours per day during peak operation periods (June through August).

The blowers would be equipped with durable inlet and discharge silencers to reduce noise associated with operation. Moreover, the noise attenuation features of the blower building would reduce noise levels for this stationary source. In addition, the adjacent industrial uses surrounding the proposed action would contribute to existing background noise levels. Therefore, the proposed action would not result in potential significant adverse impacts due to noise. As assessment of the potential noise impacts during construction is presented in section 2.6 Construction Impacts.

2.6 CONSTRUCTION IMPACTS

In accordance with the *CEQR Technical Manual*, construction impacts, though usually temporary, can include disruptive and noticeable effects during an action. The duration and magnitude of the construction activities generally determine their significance.

Elements of the proposed action include both land-based (the construction of a blower building and the installation of blowers) and water-based (installation of a diffused aeration system) activities for aerating the East Branch and portions of Newtown Creek. Land-based activities would include six stages. These stages are listed below along with their duration.

Land-based activities would include six stages. These stages are listed below along with their duration.

- Demolition / Debris removal / Soil removal – 4 months
- Site Grading – 1 month
- Construct foundation – 6 months
- Construct building / Install equipment – 18 months
- Grading and Site construction– 3 months
- Air header installation – 4 months

Water-based activities, stages listed below with durations.

- Lay the header pipe/ pre-installed diffusers/ concrete ballasts – 3 months
- Balance diffusers after testing – 2 weeks

For water-based activities, a barge boat would be used to lay the header pipe and pre-installed diffusers onto the bottom of the water body. A minimum of six workers would be required to

install the header pipe and diffusers. The work crew for this task would consist of one ship captain, one foreman, and four workers.

Construction would last for a maximum of 36 months, anticipated from June 2015 to June 2018. All construction would be performed between 7:00am and 6:00pm, in accordance with all applicable rules and regulations. This section assesses specific technical areas (Natural Resources, Hazardous Materials, Transportation, Air Quality, and Noise) that may be affected by construction of the proposed action.

2.6.1 Natural Resources

For water-based activities, construction of the proposed action would create temporary water quality impacts. Boats used for placement of air headers and diffusers could stir up sediments, resulting in a temporary increase in turbidity. However, these impacts would be temporary and short-term in nature. Therefore, construction of the proposed action would not result in potential significant adverse impacts on sediment disturbance and water quality. This project will not be disturbing the Creek bed. Concrete ballasts will be used to hold the piping down on the Creek bed; nothing will be driven into the bed.

2.6.2 Hazardous Materials

Construction of the proposed action includes both land-based (the construction of a blower building and the installation of blowers) and water-based (installation of a diffused aeration system) activities for aerating the East Branch and portions of Newtown Creek.

For land-based activities, any excess material generated from construction activities would be removed from the site and handled as contaminated historic fill material, which requires proper handling, analytical testing, and disposal documentation. As part of the Phase II Environmental Investigation conducted in 2008, a small debris pile located adjacent to the large waste pile was sampled and found to contain asbestos containing materials. Prior to construction of the proposed action, asbestos removal would be performed by a NYC Licensed asbestos design abatement contractor. Prior to off-site disposal, some form of composite sampling would be performed in accordance with disposal facility's requirements to document this condition. A Site Management Plan would be used to maintain control and understand the flow of material around, from, and into a site during construction.

Based on the groundwater sampling results, if dewatering is required during construction of the proposed aeration facility, the pumped water could be discharged to the sewer without being treated. However, additional sampling will be necessary, prior to discharge, to confirm that the permit limits presented in DEP Bureau of Wastewater Treatment Limitations for effluent to sanitary or combined sewers are maintained.

Prior to the removal of the pile in preparation for the construction of the proposed action, a classification and disposal work plan would be prepared. Upon receipt of information regarding the disposal requirements of the proposed disposal facility, the work plan would be incorporated into the overall construction plan.

For water-based activities, a barge boat would be used to lay the header pipe and pre-installed diffusers onto the bottom of the East Branch and portions of Newtown Creek. The work crew for this task would consist of one ship captain, one foreman, and four workers. The pipe would be held in place with ballast plates; and therefore, would not require any digging into the Creek bed. This would result in a nominal disturbance of the East Branch and Newtown Creek bottom; and, therefore would not lead to increased exposure to aquatic hazardous materials. A Construction Health and Safety Plan (CHASP) would be prepared by the Contractor and reviewed by DEP prior to any construction activities. The CHASP would contain a detailed section on working on a water body. The United States Environmental Protection Agency (USEPA) has designated Newtown Creek as a SuperFund site, but no remediation has been determined at this time. DEP is coordinating with the USEPA and NYSDEC to determine the necessary further action.

2.6.3 Transportation

It is expected that most of the construction crew would arrive before 7:00am (to begin work at 7:00am) and leave before 5:00pm. Due to these timings; the trips made by construction crew are not expected to overlap with the neighborhood traffic peak hours. Also, the trips made by delivery trucks or soil and garbage removal trucks are expected to occur during off peak hours. Peak day trip ends generated during the construction activity, converted into passenger car equivalent (PCE), are provided in Table 1.

Table 1: Construction Trip Generation

Stage 1	**Demolition/Debris Removal/Soil Removal**						
Vehicle Type	**Vehicle Class**	**Purpose**	**# of Vehicles**	**PCE Factor**	**Trip Ends**	**Total**	**Activity Duration**
Personal Auto	Passenger Car	Worker Commute	10	1.0	2	20.0	4 Months
Trucks w/ 2 Axles	Light Truck	Crew Truck	1	1.5	2	3.0	4 Months
Trucks w/ 2 Axles	Light Truck	Tool Delivery	1	1.5	2	3.0	4 Months
Waste Transfer	Heavy Truck	Soil Removal	3	2.0	2	12.0	4 Months
TOTAL PCE Trip Ends						**38.0**	
Stage 2	**Site Grading**						
Vehicle Type	**Vehicle Class**	**Purpose**	**# of Vehicles**	**PCE Factor**	**Trip Ends**	**Total**	**Activity Duration**
Personal Auto	Passenger Car	Worker Commute	10	1.0	2	20.0	1 Month
Trucks w/ 2 Axles	Light Truck	Crew Truck	1	1.5	2	3.0	1 Month
Trucks w/ 3 Axles	Heavy Truck	Machinery Delivery	2	2.0	2	8.0	1 Month
TOTAL PCE Trip Ends						**23.0**	
Stage 3	**Construct Building/Install Equipment**						
Vehicle Type	**Vehicle Class**	**Purpose**	**# of Vehicles**	**PCE Factor**	**Trip Ends**	**Total**	**Activity Duration**
Personal Auto	Passenger Car	Worker Commute	12	1.0	2	24.0	24 Months
Trucks w/	Light Truck	Crew	3	1.5	2	9.0	24 Months

2 Axles		Truck					
Waste Collection	Light Truck	Garbage Removal	1	1.5	2	3.0	24 Months
Trucks w/ 3 Axles	Heavy Truck	Material Delivery	2	2.0	2	8.0	24 Months
TOTAL PCE Trip Ends						**44.0**	

Stage 4	**Site Construction**						
Vehicle Type	**Vehicle Class**	**Purpose**	**# of Vehicles**	**PCE Factor**	**Trip Ends**	**Total**	**Activity Duration**
Personal Auto	Passenger Car	Worker Commute	8	1.0	2	16.0	3 Months
Trucks w/ 2 Axles	Light Truck	Crew Truck	1	1.5	2	3.0	3 Months
Trucks w/ 3 Axles	Heavy Truck	Machinery Delivery	1	2.0	2	4.0	3 Months
TOTAL PCE Trip Ends						**23.0**	
Stage 5	**Air Header Installation**						
Vehicle Type	**Vehicle Class**	**Purpose**	**# of Vehicles**	**PCE Factor**	**Trip Ends**	**Total**	**Activity Duration**
Personal Auto	Passenger Car	Worker Commute	6	1.0	2	12.0	4 Months
Trucks w/ 2 Axles	Light Truck	Crew Truck	1	1.5	2	3.0	4 Months
TOTAL PCE Trip Ends						**15.0**	

As noted Table 1, the most (44) PCE trip ends per day would be generated during the building construction and equipment installation stage (Stage 3) of the construction for a period of 24 months. Though it is expected that the worker commuting trips, as well as delivery and soil/garbage removal trips would happen outside the peak hours, a conservative assumption is made that 50 percent of the daily PCE trip ends will occur during the PM peak hour. This would result in 22 PCE trip ends per hour generated by the peak of construction activity, which is well below the CEQR threshold of 50 PCE trip ends per peak hour required to trigger a detailed traffic analysis. In addition, the estimate of 44 PCE trip ends per day is conservative. The two heavy trucks would not make material deliveries on a daily basis throughout the 24 months.

As the number of trip ends generated during the peak of construction and subsequently during operation/maintenance do not exceed the CEQR threshold of 50 trip ends per peak hour, a detailed quantitative analysis is deemed not required.

Construction Conditions

The proposed site is a confined area with Newton Creek on the west and 47th Street on the east. It is separated using fences from the lots located on the northern and the southern ends. The delivery and staging of the construction equipment would occur within the boundaries of the construction site. Also, the parking of construction vehicles and worker's vehicles would occur within the site. Hence, the traffic and parking conditions are not expected to be affected.

However, in order to provide utility connections, part of 47th Street and the sidewalk in front of the site would be closed for a maximum duration of two days during the construction hours (7:00am to 6:00pm). 47th Street is 40 feet wide in front of the construction site and the proposed lane closure would require closure of at least 20 feet. A flag person would be employed using the guidelines established in the Manual of Uniform Traffic Control Devices (MUTCD), in order to allow traffic to traverse 47th Street alongside the closed lane during this utility connection. The street would then be traversed by traffic in one direction at a time. Considering the minimal amount of traffic (approximately 200 vehicles per peak hour) using 47th Street and the minimal duration (2 days), the lane closure and traffic traversing one direction at a time is not expected to cause significant impacts. However, if deemed necessary, Maintenance and Protection of Traffic (MPT) plans would be developed and submitted during construction, to suggest traffic detours providing safe traffic alternatives.

The streets in the vicinity of the site are observed to have ample street parking. Thus, the partial street closure is not expected to have significant impact on the availability of on-street parking.

Transit and Pedestrian Analysis

The proposed action would be an unmanned facility with no post construction commuter trips. Also, the maintenance/operations personnel as well as the construction crews would arrive at the facility in passenger cars or construction trucks/vans. Hence, the CEQR threshold of 200 peak hour rail or bus transit riders and 200 pedestrians per hour would not be generated to trigger a detailed transit and pedestrian analysis.

During the proposed lane and west sidewalk closure, the sidewalk on the east side of 47th Street would remain open. Since the area surrounding the site is highly industrial, it is not expected that there is heavy pedestrian traffic in the area. Thus, closure of the sidewalk on the west side of 47th Street is not expected to cause any pedestrian safety impacts. The sidewalk on the east side of 47th Street would be able to accommodate pedestrians at all times.

Conclusion

The total trip ends generated during the peak hour, due to the proposed construction, do not meet the 50 PCE trip ends threshold recommended by the *CEQR Technical Manual*. Therefore, a detailed quantitative (numerical) analysis for traffic operations has not been performed. The proposed action would not generate any transit riders or pedestrians, and hence, a detailed transit or pedestrian analysis has not also been performed.

Based on a qualitative review of the site and construction activities proposed, the traffic operations in the study area will not be significantly impacted.

2.6.4 Air Quality

The traffic analysis presented above revealed that the total peak hour vehicular trips would be approximately 22 PCEs, which is significantly less than the threshold of 50 PCEs in the project peak hour identified in the *CEQR Technical Manual*. Potential impacts from mobile sources would not result in significant effects to air quality.

Additional construction-related activities would include emissions from construction equipment operating at the proposed sites, as well as dust created during earthwork operations. During construction excavators, backhoes, vibratory equipment for driving sheeting, front end loaders, dump trucks, bulldozers, pile driving rigs, concrete trucks, compaction equipment, pumps, generators, compressors, and hand tools would be used, but not all concurrently. Furthermore, construction activities would comply with the New York City Local Law 77, which requires the use of ultra-low sulfur diesel (ULSD) fuel and Best Available Technology (BAT) to reduce emissions from non-road construction equipment operating at the sites.

To minimize fugitive dust from becoming airborne during construction operations, the following measures would be implemented under the proposed project:

- Use of water to control dust during clearing, excavation, backfill, and grading operations;
- Application of water to unpaved paths/roadways, material stockpiles and other surfaces that would generate airborne dust over extended periods;
- Covering of open body trucks transporting earth, rock and other materials likely to generate airborne dust at all times when in motion, and;
- Prompt removal of earth, rock or other materials from paved streets or other surfaces.

Vehicular traffic increases associated with construction of the proposed facilities would be minimal and short-term in nature. Likewise, construction of the proposed action would not result in stationary emission sources above the *CEQR Technical Manual* thresholds. Therefore, construction of the proposed facilities would not result in significant adverse air quality impacts.

2.6.5 Noise

Construction noise is regulated by the New York City Noise Control Code as amended by Local Law 113, and by the USEPA noise emission standards for construction equipment. These requirements mandate that construction equipment and motor vehicles meet specified noise emissions standards, and that construction activities occur between the hours of 7:00am to 6:00pm during the weekdays. Construction activities related to the proposed action would adhere to these requirements. Compliance with noise control measures would be ensured by including requirements to adhere to the measures in the contract documents and by specific directives to the construction contractor.

As a result of the noise screening, nothing but stationary noise sources were identified within 1,500 feet of the proposed action. Construction of the proposed action would incur over a maximum of 36 months. Stationary sources of noise would include heavy and light trucks associated with tool and machinery delivery and soil and garbage removal. Construction activities would be restricted to the hours of 7:00am to 6:00pm, and noise attenuating measures for construction equipment would be required, in accordance with the Noise Code.

In addition, the adjacent industrial uses surrounding the proposed action would contribute to existing background noise levels. As such, due to existing ambient noise, the temporary and short-term nature of the construction activities, and compliance with the Noise Code, construction of the proposed action would not result in any potential significant adverse impacts.

There is a MTA Bus Depot and Maintenance facility, Department of Sanitation facility, stone and soil supplier, and a recycling collection center near the site.

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APPENDIX A

PHOTOGRAPHS

Newtown Creek Water Quality Facility Plan
Contract CSO-NC-3

New York City
Department of Environmental Protection

Photograph Locator

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APPENDIX B

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM – CONSISTENCY ASSESSMENT FORM

For Internal Use Only:
Date Received: _____

WRP no._____
DOS no._____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: Angela Licata, Deputy Commissioner, Sustainability, NYCDEP
2. Address: 59-17 Junction Boulevard, Corona New York 11368
3. Telephone: 718-595-4409 Fax: 718-595-4479 E-mail: alicata@dep.nyc.gov
4. Project site owner: New York City Department of Environmental Protection

B. PROPOSED ACTIVITY

1. Brief description of activity:

   The proposed action involves the construction of a blower building containing two blowers and a diffused aeration system for aerating the East Branch and portions of Newton Creek. In addition to the aeration facility, an open space with a rain garden is proposed.

2. Purpose of activity:

   The proposed action would raise the dissolved oxygen (DO) concentration to levels necessary for improving water quality to classification SD in the East Branch and portions of Newtown Creek, which is consistent with a 2004 Administrative CSO Consent Order between the NYCDEP and the NYSDEC.

3. Location of activity: (street address/borough or site description):

   The blower building and connector park are proposed on vacant land located at 58-26 47th Street in Maspeth, New York. The air header piping and diffusers are proposed along the bottom of the East Branch and portions of Newtown Creek.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
   - New York State Department of State - Federal Coastal Consistency Assessment Form
   - New York State Department of Environmental Conservation - Section 401 Water and Tidal Wetlands
   - United State Army Corps of Engineers - USACE Individual Permit
   Quality Certification Protection of Waters (6 NYCRR Part 608)
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   The project involves New York State Revolving Funds. There is no Federal funding involved.

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes _____ No ✔ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   Not applicable.

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?	✔	
2. Does the proposed project require a waterfront site?	✔	
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		✔

Policy Questions	**Yes**	**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	✔	
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)		✔
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✔

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✔
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	✔	
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	✔	
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✔
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✔
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	✔	
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✔
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✔
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✔
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✔
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✔
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✔
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✔
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✔
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	✔	
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✔
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✔
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✔
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✔
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✔
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✔
28. Would the action cause violations of the National or State air quality standards? (5.2)		✔

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✔
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✔
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✔
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	✔	
33. Would the action result in any construction activities that would lead to erosion? (6)		✔
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✔
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✔
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✔
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✔
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)		✔
39. Would the action affect any sites that have been used as landfills? (7.1)		✔
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	✔	
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	✔	
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✔
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		✔
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✔
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	✔	
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✔
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	✔	
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✔
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✔
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	✔	

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Angela Licata, Deputy Commissioner, Sustainability, NYCDEP

Address: 59-17 Junction Boulevard, Corona, New York 11368

Telephone 718-595-4409

Applicant/Agent Signature: _____ Date: 12/11/14

APPENDIX C

AGENCY CORRESPONDENCE

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643

www.nysparks.com

April 25, 2013

Alicia Vaccaro
URS Corporation
1255 Broad Street, Suite 201
Clifton, NJ 07013

Re: Corps
NC-EK-IV Newtown Creek Water Quality Design Phase III
Queens County
13PR01389

Dear Ms. Vaccaro,

Thank you for requesting the comments of the New York State Historic Preservation Office (NY SHPO). We have reviewed the submitted documents in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental quality Review Act (New York Environmental Conservation Law Article 8).

There are no Archeological concerns for the proposed work. We note that the Grand Street Bridge is eligible for listing on the National Register of Historic Places. Since the proposed project will be 100 feet or more away from this historic bridge, it is the SHPO's opinion that the proposed work will have No Adverse Effect upon historic resources. If there are substantive changes or unexpected conditions, consultation with our office should resume.

If you have any questions regarding this review please do not hesitate to contact me at 518-237-8643 ext. 3282.

Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
(beth.cumming@parks.ny.gov)

via e-mail only

Landmarks Preservation Commission
1 Centre Street
9th Floor North
New York, NY 10007
Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPT. ENVIRONMENTAL PROTECTION / 13DEP010Q
Project: EAST BRANCH AERATION
Address: 58-26 47 STREET, **BBL:** 4026010025
Date Received: 11/21/2014

[X**] No architectural significance**

[X**] No archaeological significance**

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Gina Santucci 11/21/2014

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 30062_FSO_GS_11212014.doc