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Beach 42nd Street Outfall Project
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NEGATIVE DECLARATION
Notice of Determination of Non-Significance

May 14, 2009

Beach 42nd Street Outfall Project
CEQR No. 09DEP040Q

This Negative Declaration has been prepared in compliance with the requirements of the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, Article 8 of the Environmental Conservation Law establishing the New York State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617, and the State Environmental Review Process (SERP) as required to obtain financing under the State Revolving Fund Program. The New York City Department of Environmental Protection (NYCDEP) has assumed responsibility for conducting a coordinated review as lead agency, and has determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. In accordance with the SERP guidelines, this Negative Declaration will be considered final and effective within thirty (30) days of the date of this notice if no substantive comments are received which would change the conclusion of the environmental review. An Environmental Assessment Statement (EAS) is attached in support of this Negative Declaration.

PROJECT DESCRIPTION

The New York City Department of Design and Construction (DDC), on behalf of the New York City Department of Environmental Protection (NYCDEP), proposes to install a new storm sewer outfall serving the Edgemere section of Queens. The proposed outfall would extend along an unbuilt section of Beach 42nd Street from Beach Channel Drive north to the Norton Basin within a 40-foot-wide DEP sewer easement. The project also includes in-kind tidal wetland restoration on-site, off-site restoration, and the reconstruction of a New York City Housing Authority (NYCHA) parking lot which lies within the project area easement and would be affected by the proposed construction.

The proposed outfall is part of a larger drainage area sewer system that covers about 180 acres in the Edgemere section of the Rockaways in Southeastern Queens. It is a low-lying residential area that is subject to street flooding. Historically, only portions of the drainage area had storm sewers in local streets. A full network of collection storm sewers has been installed in the area under a separate NYCDEP project. This proposed outfall would provide a needed

drainage outlet for the collected stormwater in this newly sewerred area of the Rockaways. It is necessary to construct the outfall in order to properly convey stormwater collected from local streets out to Norton Basin and thereby relieve local street flooding. Construction of the proposed action is estimated to take approximately 12 months, beginning in August 2009 and ending in August 2010.

Under SEQRA guidelines, the proposed action is classified as an Unlisted action¹.

POTENTIAL IMPACT ASSESSMENT

As presented in detail in the attached EAS, the proposed project would not result in the potential for significant adverse impacts to occur to any aspects of the environment. Detailed discussions of all impact categories are presented in the EAS; key conclusions are summarized below.

Natural Resources

The natural resources assessment illustrated that water quality in Norton Basin/Little Bay is expected to be in compliance with applicable NYSDEC dissolved oxygen (DO) and that surface water DO levels would continue to be higher than Class SB water quality standards the majority of the time. In sum, existing water quality conditions within Norton Basin/Little Bay would not be significantly impacted due to the proposed outfall. In addition, no impacts are expected with respect to benthic macroinvertebrates, shellfish and finfish resources, or aquatic habitats. Design of the proposed outfall has been developed with the objectives of limiting disturbance to tidal wetlands, providing the necessary restoration for areas disturbed by construction, and developing the appropriate wetland restoration (see additional information under *Construction Natural Resources* below). Additional off-site compensatory restoration will create 0.02 acres of tidal wetland (882 square feet) at the Chandler Street Outfall Project site, located approximately 1.3 miles to the northeast of Beach 42nd Street outfall. This restoration work would take place on City-owned property under a separate contract designed to provide cumulative wetland restoration for a number of NYCDDC/NYCDEP Jamaica Bay outfall projects, including the outfall at Beach 42nd Street. At the Chandler Street Outfall Project site, NYCDEP/NYCDDC would restore a total of 0.44 acres of high salt marsh tidal wetland habitat and create an additional 0.21 acres of high salt marsh habitat located in the Mott Basin section of Jamaica Bay. Therefore, the proposed action would not result in significant adverse impacts on tidal wetlands, water quality, aquatic biota or essential fish habitat.

Hazardous Materials

The proposed action would require disturbance and excavation of underlying soils during the construction of the outfall. The proposed action would be installed below-grade within previously disturbed areas or undeveloped land on NYCHA property. To determine the potential for hazardous materials at this location, a Corridor Assessment Report (Limited Phase I) was prepared for the purposes of understanding any potential impacts related to hazardous materials that may exist within the project corridor. Based on that investigation, a limited subsurface

¹ According to SEQRA and set forth in 6NYCRR Part 617, Unlisted actions are those actions or projects that are do not meet or exceed a threshold contained in the Type I list and is not identified as a Type II action.

testing investigation was also conducted. Other than the presence of iron above applicable standards, which were attributed to native background concentrations, there were no significant findings concluded from the limited subsurface testing. Also, groundwater will be treated before it is discharged. A construction health and safety plan (CHASP) shall be prepared and submitted to NYCDEP for approval prior to the start of any construction activities. The CHASP will be implemented to ensure that construction workers, the surrounding community, and the environment are not adversely affected by construction activities. Therefore, the proposed action would present no potential significant impacts related to hazardous materials.

Construction

Construction would last approximately 12 months beginning in August of 2009 and ending in August 2010.

Natural Resources

The proposed action includes a restoration program for the uplands that would revegetate the areas affected by construction. All construction activities would be performed in accordance with NYSDEC's technical standards for erosion and sediment control (e.g. use of silt fences, hay bales, and containment booms) that would be implemented in accordance with a Stormwater Pollution Prevention Plan (SWPPP) to minimize impacts to water quality and aquatic biota. The contractor will be required to flag the construction area to ensure the activity stays within the boundaries of the easement and to conduct debris and invasive species removal. The proposed action would include techniques that minimize turbidity impacts and ensure that proposed construction activities do not adversely impact water quality in Norton Basin/Little Bay.

The proposed construction would include dredging and installation of the proposed outfall and headwall in a limited area of NYSDEC/ACOE regulated tidal wetlands. In total it is estimated that the proposed action would impact 0.01 acres (about 441 square feet) of tidal wetlands. Design of the proposed outfall has been developed with the objectives of limiting disturbance to tidal wetlands, providing the necessary restoration for areas disturbed by construction, and developing the appropriate wetland restoration. To this end, with the proposed project, all disturbed areas would be restored with in-kind restoration of habitat(s) and restoration of pre-construction grades within the easement area. Restoration activities at the Chandler Street site will be subject to a separate environmental review which will include an assessment of potential construction impacts. Therefore, no potential significant impacts to natural resources are expected during construction.

Traffic and Parking

Truck and vehicle traffic would be temporary and short in duration. At the peak, the outfall portion of the construction could generate 10-15 trucks per day. Construction truck traffic work be distributed throughout the day and only a limited number of trips would occur in the standard peak hours (e.g., 8-9AM and 5-6PM). Some temporary work in the street and disruption of traffic will be required. Because only half of Beach Channel Drive would be affected, the proposed action would not require a full street closure and the contractor would be required to restore the full width of the street at the end of each daily construction period to allow free flow of traffic. All construction activities and closure of the street would be subject to NYCDOT

approval under a street and sidewalk construction permit. Traffic impacts associated with construction are expected to be short term and temporary in duration. Therefore, the proposed action would not result in potential significant adverse impacts to traffic during construction.

The proposed action would have a temporary impact on the off-street accessory parking lot at the Beach Channel Drive Houses and would proceed in two phases, with each phase occupying only half of the parking lot's area so that the walkway and parking area can safely be crossed and used by NYCHA residents. During the period of construction on the parking lot segment, residents of the Beach Channel Drive Houses would not have use of 50 accessory spaces. Residents would therefore have to use the other available accessory parking spaces within the housing complex or would need to park on the street. In addition, construction may temporarily affect curbside parking along Beach Channel Drive. It is expected that the affected curbside parking areas would be limited. All construction activities and temporary removal of street parking would be subject to a NYCDOT approval under a street and sidewalk construction permit. Impacts associated with construction of the proposed action including parking would be temporary and short-term in duration. Therefore, the proposed action would not result in potential significant adverse impacts to parking during construction.

Air Quality

Construction activities would be subject to New York City Local Law 77, which requires the use of Best Available Technology (BAT) for equipment at the time of construction. The contractor would also be required to implement a dust control plan with fugitive dust control measures and specifications. In addition, all fugitive dust control measures would be employed as required by the City of New York to reduce the creation and spread of construction dust. Impacts associated with construction of the proposed action including air quality would be temporary and short-term in duration. Therefore, the proposed action would not result in potential significant adverse impacts to air quality during construction.

Noise

The contractor would be required to comply with the New York City Noise Control Code. In accordance with City regulations, a noise control plan will be developed and implemented to minimize intrusive noise into nearby areas and effects on sensitive receptors. Impacts associated with construction of the proposed action including noise would be temporary and short-term in duration. Therefore, significant noise impacts would not result from the construction of the proposed action.

STATEMENT OF NO SIGNIFICANT EFFECT

The NYCDEP has determined that, as proposed, the Beach 42nd Street Outfall Project is not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts on natural resources, hazardous materials or other impact categories would occur as a result of the proposed action. This Negative Declaration is premised on the Department's proposal to provide wetland restoration at the Chandler Street site. This alternative is preferred because costs and construction feasibility make additional on-site restoration impracticable. Any natural resources, hazardous materials, traffic, air quality, and

noise impacts related to construction will be temporary and short in duration, and will follow appropriate governing regulations and therefore are not considered significant effects on the environment or public health. These conclusions are based on the analyses and determinations provided within the attached EAS.

Supporting Statements

The above determination is based on an environmental assessment that finds that the project, as proposed, would not result in significant effects on the environment that requires the preparation of an Environmental Impact Statement.

For further information, please contact:

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