



NOTICE OF COMPLETION OF FINAL ENVIRONMENTAL IMPACT STATEMENT

Project: Gowanus Canal CSO Facilities

CEQR No. 17DEP040K

February 1, 2018

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, New York 11373

A Final Environmental Impact Statement (FEIS) has been prepared by the New York City Department of Environmental Protection (DEP) for the **Gowanus Canal CSO Facilities** project, which is classified under State Environmental Quality Review as a Type I Action. Acting as lead agency and in accordance with the State Environmental Quality Review Act (SEQRA) (Section 8-0113, Article 8 of the Environmental Conservation Law) as set forth in 6NYCRR Part 617, and the City Environmental Quality Review (CEQR) process, as set forth in 62 RCNY Chapter 5 and Executive Order 91 of 1977 and its amendments, and the State Environmental Review Process (SERP), as required by the State Revolving Loan Fund Program, DEP is hereby certifying this FEIS as complete.

The Draft Environmental Impact Statement (DEIS) was issued on September 14, 2017. A public hearing to obtain oral testimony on the DEIS was held on January 17, 2018, in Spector Hall at 22 Reade Street, New York, NY 10007. Written comments on the DEIS were requested and were received by the lead agency until January 29, 2018. Notification of the time and location of the public hearings and of written comment period appeared in the New York Daily News, the New York State Environmental Notice Bulletin, the City Record, and the DEP Website. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

For a hard copy of the FEIS, please contact the person listed at the end of this Notice. The FEIS will also be available at the repositories (see attachment) and on the DEP website (http://www.nyc.gov/html/dep/html/environmental_reviews/index.shtml).

Project Overview

The New York City Department of Environmental Protection (DEP) must prepare the environmental review to disclose potential adverse significant environmental impacts from the construction and operation of two combined sewer overflow (CSO) facilities in order to inform City of New York (City) decision makers prior to any decision for siting two CSO facilities that are the subject of land use approvals under ULURP.

This Project is mandated by the United States Environmental Protection Agency (USEPA) to satisfy remediation objectives under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, or Superfund). On March 2, 2010, the Gowanus Canal was designated a federal Superfund site under CERCLA and placed on the National Priorities List (NPL). The main goal of the CERCLA process is to remediate constituents of concern in the Canal sediments that were deposited over the Canal's long industrial history. On September 27, 2013, the USEPA issued a Record of Decision (ROD) identifying actions to be undertaken by various parties to remediate industrial contamination in the Canal. As part of the ROD, USEPA mandated the design and construction of two CSO facilities.

The first of the two CSO facilities, the "Head End Facility," would include an 8-million-gallon (MG) underground tank that would intercept overflow of CSO solids primarily from CSO outfall RH-034 at the "head end," or northernmost portion of the Canal. Construction of the Head End Facility would require the lease or acquisition of three privately owned parcels adjacent to the Canal and is proposed to be located at 242 Nevins Street (Block 418, Lot 1) and 234 Butler Street (Block 411, Lot 24), with an area for construction staging located at 270 Nevins Street (Block 425, Lot 1).

The second facility, the "Owls Head Facility," would include a 4-MG tank that would intercept overflow of CSO solids primarily from CSO outfall OH-007. The Owls Head Facility would be located at the middle of the Canal (approximately 0.5 miles south of the northernmost portion of the Canal) near the northern terminus of 2nd Avenue near the 4th Street turning basin. Construction of the Owls Head Facility would require the use of one City-owned parcel (Block 977, Lot 3) and the lease or acquisition of up to four privately owned parcels adjacent to the Canal. The Owls Head Facility is proposed to be located at 2 2nd Avenue (Block 977, Lot 3), 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), and 5th Street (Block 977, Lot 1), with portions of this area used for construction staging.

Collectively, the Project includes the lease or acquisition of up to seven properties to support the facilities and construction staging areas.

Required Approvals

Implementation of the Project would require federal, state and local permits/approvals, or their equivalents under CERCLA. DEP would closely coordinate with USEPA, NYSDEC, New York State Department of State (NYS DOS), New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and New York City agencies as necessary for the Project. For a full list of potentially required permits, approvals, or their equivalents, please refer to the FEIS enclosed herein.

Significant Impacts and Mitigation

Potential significant adverse impacts identified for the proposed Project include Historic and Cultural Resources and temporary significant adverse noise impacts during the Construction period.

HISTORIC AND CULTURAL RESOURCES

ARCHEOLOGICAL RESOURCES

Head End Site

Ground surface impacts from the Project would consist of excavation associated with construction of the CSO Facility on the Head End Site, as well as excavation in nearby streets associated with related sewer infrastructure. Portions of the Head End Site and Nevins Street are sensitive for deeply buried prehistoric and mill-related resources at depths greater than 10 to 15 feet below grade.

Owls Head Site

Ground surface impacts from the Project would consist of excavation associated with construction of the CSO Facility at the Owls Head Site. Ground surface impacts are also expected in nearby streets associated with potential in-street sewer line improvements. The Owls Head Site is sensitive for the presence of timber cribbing associated with the Canal and archaeological resources of an industrial nature. Undisturbed portions of the 7th Street streetbed are sensitive for the presence of human remains associated with the Battle of Brooklyn, also known as the Battle of Long Island, which occurred during the Revolutionary War on August 27, 1776. If human burials or the remains of human burials are present on the Owls Head Site, they would likely be disarticulated and in poor condition as a result of historic disturbance and the construction of the utilities currently present on this site. Any remains are expected to be located below 20th century fill layers and modern disturbances.

Mitigation

Portions of the Head End and Owls Head Sites and the surrounding streetbeds are considered to have archaeological sensitivity. If archaeological resources are present in any of the project site locations that retain both integrity and significance, the Project would result in a potential significant adverse impact which would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with USEPA, New York State Historic Preservation Office (SHPO), and the New York City Landmarks Preservation Commission (LPC). Prior to the start of construction, an archaeological monitoring plan will be prepared that will identify the horizontal and vertical locations of Project elements that have the potential to impact archaeological resources and will describe monitoring procedures, including an unanticipated discoveries plan. Implementation of this monitoring plan would be sufficient to avoid, minimize, or mitigate adverse impacts of the Project.

ARCHITECTURAL RESOURCES

The Head End and Owls Head Project Sites are both located in the State and National Register (S/NR)-eligible Gowanus Canal Historic District.

Head End Site

The Head End Site currently contains a two-story brick building (234 Butler Street) located at the intersection of Nevins and Butler Streets, with a one-story brick section along Butler Street, and an additional one-story brick structure along Nevins Street. The building is the former Gowanus Station, designed in the Beaux Arts Style and originally built in 1914. The Head Site also contains a factory complex of four buildings (242-244 Nevins Street) built between 1905 and 1955, and a one-story warehouse building (270 Nevins Street) that was built ca. 1955. All of the buildings on the Head End Site (excluding a one-story building on the interior of Block 411, Lot 24 that was constructed ca. 1990) have been determined by SHPO to be architectural resources that contribute to the significance of the S/NR-eligible Gowanus Canal Historic District. Demolition of these S/NR-eligible properties, which is necessary to complete the Project as mandated by USEPA, would constitute a significant adverse impact to architectural resources. Therefore, DEP is evaluating the potential mitigation measures, including retaining all or portions of the buildings to avoid or minimize the adverse impact that would occur through demolition, as described below.

Owls Head Site

The buildings on the Owls Head Site are utilitarian structures that are not distinguished architecturally and do not appear to possess any particular historical significance or significant association with the Gowanus Canal. SHPO concurred in their July 3, 2017 letter that the buildings on the Owls Head site are Non-Contributing to the S/NR-eligible Gowanus Canal Historic District. Therefore, demolition of the buildings on the Owls Head Site would have no significant adverse impacts on architectural resources.

Mitigation

There would be a potential significant adverse impact to certain architectural resources due to demolition of State and National Register (S/NR)-eligible properties; this demolition is necessary to complete the Project as mandated by USEPA. The Head End Site is located within the boundaries of a proposed 2014 Gowanus Canal Historic District that did not go forward but was subsequently determined S/NR-eligible by SHPO. The Head End Site contains the buildings at 242-244 Nevins Street, 270 Nevins Street and 234 Butler Street (that include the two-story former Gowanus Station and associated one-story extensions on Butler and Nevins Streets) that contribute to the significance of the S/NR-eligible Gowanus Canal Historic District. Demolition of these buildings would constitute a significant adverse impact to architectural resources.

If feasible, DEP would preserve the buildings or portions of one or more buildings. If not feasible, DEP would document the buildings as per recordation standards determined in consultation with SHPO and EPA; this documentation would be expected to include historical narratives, photographs, and inclusion of original or current building plans to the extent these drawings are available. In addition, DEP would explore the potential to salvage any significant architectural features of the buildings for reuse at the Head End Site or at another location.

CONSTRUCTION NOISE

The detailed noise analysis concluded that construction of the Project has the potential to result in noise levels that exceed *CEQR Technical Manual* noise impact criteria at nearby residences,

hotels, and publicly accessible open spaces for an extended period of time during the heaviest durations of construction. Construction of the Project would result in comparable to or lower noise level increases during the beginning and concluding phases of construction, but these increases still result in exceedances of *CEQR Technical Manual* noise impact criteria.

At the residential receptors at 282 Nevins Street and 285 Nevins Street, located adjacent to and across Nevins Street from the Head End Site staging area respectively, the Project is predicted to result in potential temporary significant adverse construction noise impacts. Construction of the Project would result in noticeable and potentially intrusive increases in noise levels at these receptors intermittently over the course of construction

Construction of the Project would be required to follow the *NYC Noise Control Code* for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the *NYC Noise Control Code*. These measures could include a variety of sources (i.e., reducing noise levels at the source or during the most sensitive time periods) and path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors). As discussed in Chapter 20 of the FEIS, "Construction," even with these noise control measures, construction of the Project would result in potential temporary significant adverse noise impacts at existing residences at 282 and 285 Nevins Street.

As stated above, copies of the FEIS will be available at the repositories listed in the attachment to the Notice and will be posted on the DEP web site at:

http://www.nyc.gov/html/dep/html/environmental_reviews/index.shtml.

Contact Person

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Angela Licata
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Attached:
Distribution List
Final Environmental Impact Statement