

A. INTRODUCTION

This environmental justice analysis has been prepared to determine any disproportionate and adverse impacts on minority or low-income populations that could result from the proposed action. The concept of performing an environmental justice analysis is related to the establishment of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* (February 11, 1994). The order requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations. Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. Certain state agencies, such as the New York State Department of Environmental Conservation (NYSDEC), have developed their own policies for incorporating environmental justice concerns into environmental review and permitting. Although the proposed action does not meet the criteria for preparing an environmental justice analysis under NYSDEC's Policy (i.e., the proposed action would not require a state permit or a major modification to a state permit, but would only require a minor modification to the facility's February 2006 air permit)¹ nor does it require any federal approvals that would result in the need to prepare an environmental justice analysis in accordance with Executive Order 12898, the New York City Department of Environmental Protection (NYCDEP) believes an environmental justice analysis should be prepared to evaluate the effects on a community that clearly meets the definitions of an environmental justice community and has numerous environmental burdens in close proximity.

B. METHODOLOGY

This environmental justice analysis follows NYSDEC's guidance and methodology for incorporating environmental justice concerns into environmental review and permitting. On March 19, 2003, NYSDEC issued *Commissioner's Policy (CP)-29 Environmental Justice and Permitting* (the Policy) to address environmental justice concerns and ensure community participation in the NYSDEC environmental permit review process and the NYSDEC

¹ The NYSDEC's Environmental Justice Policy, *Commissioner's Policy-29 Environmental Justice and Permitting*, March 19, 2003, states that the Policy shall apply to applications for major projects and major modifications for the permits authorized by the following sections of the Environmental Conservation Law: Titles 7 and 8 or Article 17, State Pollutant Discharge Elimination System (SPDES) implemented by 6 NYCRR Part 750 et seq.; Article 19, air pollution control (implemented by 6 NYCRR Part 201 et seq.); Title 7 of Article 27, solid waste management (implemented by 6 NYCRR Part 360); Title 9 of Article 27, industrial hazardous waste management (implemented by 6 NYCRR Part 373); and Title 11 of Article 27, siting of industrial hazardous waste facilities (implemented by 6 NYCRR Part 361).

application of the State Environmental Quality Review Act. The Policy is intended to encourage meaningful public participation by minority or low-income communities in the environmental review process and to address any disproportionate adverse impacts on minority and low-income communities.

As set forth in the Policy, “Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.”

Following NYSDEC guidance, this environmental justice analysis involved the following steps:

- Identifying potential adverse environmental impacts and the area to be affected (i.e., establishing a study area); and
- Determining whether potential adverse environmental impacts are likely to affect a potential environmental justice area (i.e., whether low-income and/or minority populations are present in the study area).

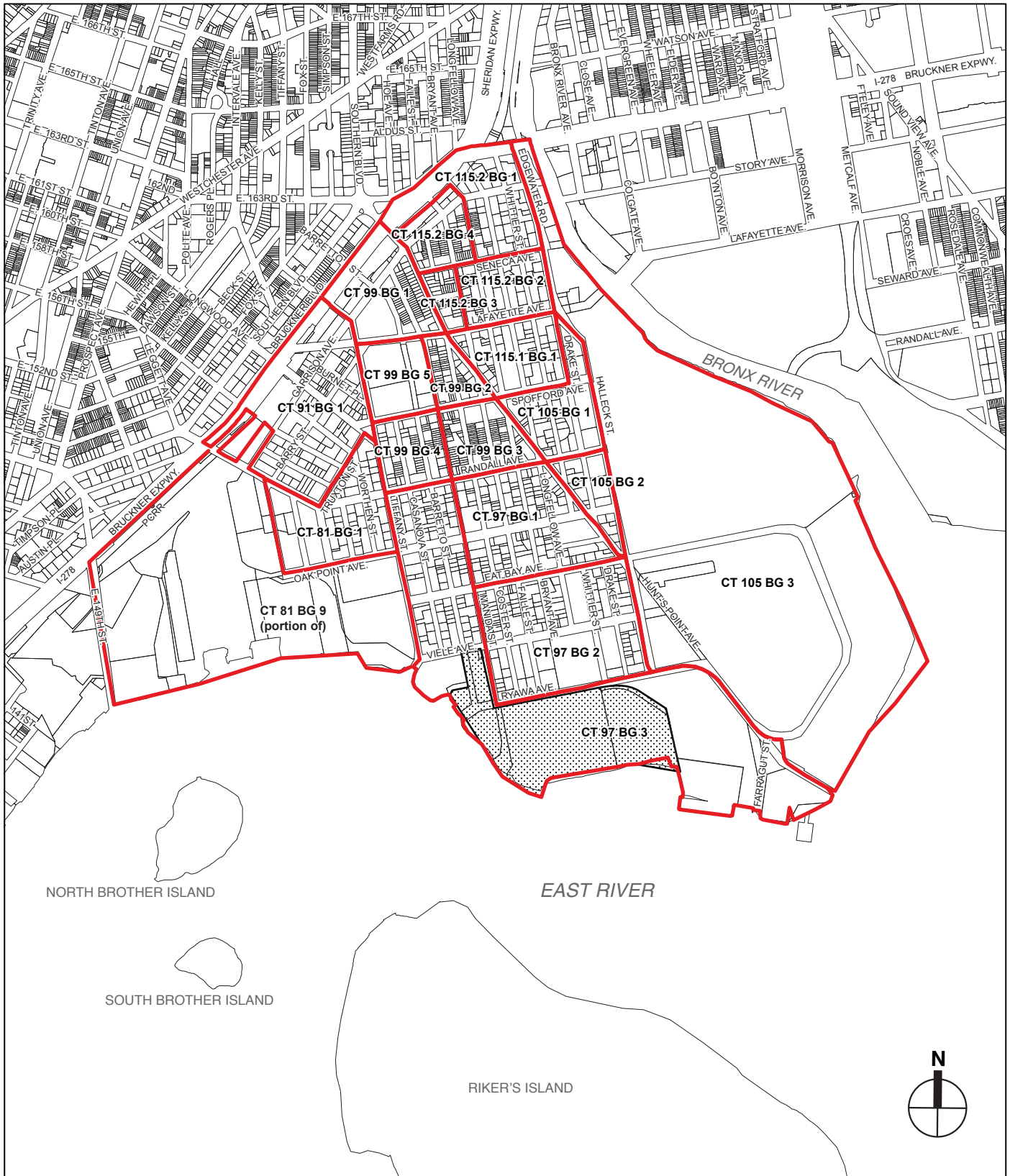
Further, to satisfy the intent of Executive Order 12898, the assessment of potential adverse impacts to minority and low-income communities in the study area included the following additional steps:



- An evaluation of the potential significant adverse impacts that would affect low-income and minority populations, based on the analyses conducted for this EIS in Chapters 2 through 22;
- An assessment of cumulative impacts of the proposed action and other sources of environmental burdens in the environmental justice study area; and
- An identification of whether potential adverse environmental impacts of the proposed action in combination with other cumulative impacts would affect low-income and minority populations disproportionately.

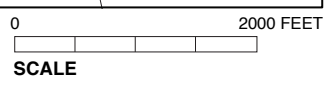
In addition, a summary of the project’s public participation program to date is included at the end of this chapter.

C. DELINEATION OF STUDY AREA

The proposed action is the Phase III Upgrade of the Hunts Point WPCP and the introduction of carbon and polymer addition facilities at the plant. The study area for the environmental justice analysis was defined to include the Hunts Point peninsula south of the Bruckner Expressway/Bruckner Boulevard and east of East 149th Street. While this area extends farther than ½ mile from the project site and is beyond the area that is most likely to be directly affected by the proposed action, it was selected to encompass the Hunts Point residential community. Figure 23-1 depicts the census block groups in the environmental justice study area. As shown in the figure, these include Census Tract 81, Block Groups 1 and a portion of Block Group 9; Census Tract 91, Block Group 1; Census Tract 97, Block Groups 1, 2, and 3; Census Tract 99, Block Groups 1, 2, 3, 4, and 5; Census Tract 105, Block Groups 1, 2, and 3; Census Tract 115.1, Block Group 1; and Census Tract 115.2, Block Groups 1, 2, 3, and 4.



-  Project Site Boundary
-  Block Groups in Study Area



D. IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS

The next step in the analysis is to determine whether any potential environmental justice areas are present in the study area. As set forth in NYSDEC's Policy, a potential environmental justice area is an area that can be considered a minority or low-income community. Following NYSDEC's methodology, to identify minority and low-income populations within the study area, demographic information was obtained from the U.S. Census Bureau's *Census 2000*. Demographic data such as total population, race and ethnicity, and poverty status were compiled for each census block group level in the environmental justice study area. In addition, data were compiled for the Bronx and New York City as a whole to allow comparison of the study area's characteristics to those of a larger reference area.

Following NYSDEC's Policy, an area is considered to be a potential environmental justice area if minority or low-income communities are present. Those communities are defined as follows:

- *Minority communities:* NYSDEC's Policy defines minorities to include Hispanics, African-Americans or Black persons, Asian Americans and Pacific Islanders, and American Indians. This environmental justice analysis also considers minority populations to include Alaskan Natives as well as persons who identified themselves as being either "some other race" or "two or more races" in *Census 2000*. Following NYSDEC guidance, minority communities are present when a census block group, or continuous area with multiple census block groups, has a minority population equal to or greater than 51.1 percent of the total population.
- *Low-income communities:* The Policy defines a low-income population as a population with an annual income below the poverty threshold as defined by the U.S. Census Bureau. Data were compiled on the percentage of persons in each census block group in the study area living below the poverty threshold. The Policy defines a low-income community to be any census block group, or continuous area with multiple census block groups, having a low-income population (i.e., percent living below the poverty threshold) equal to or greater than 23.59 percent of the total population.

Using the methodology described above, the study area as a whole and each of the individual block groups within the study area (except for those without any residents) are considered a potential environmental justice area because these areas exceed the thresholds included in the NYSDEC guidance. As shown in the table, three of the block groups in the study area have no residential population. More than 51.1 percent of the population in the study area and in each block group is minority, and the percentage of the population living below the poverty threshold exceeds 23.59 percent in the study area as a whole and in all but two block groups for which data on poverty status are available (see Table 23-1).

According to the *Census 2000*, the study area had a total population in 2000 of approximately 11,365 residents, of whom approximately 98.6 percent were minority. Thus, the study area meets NYSDEC's definition of a minority community. The minority population is also substantially higher than in the Bronx and New York City as a whole. Furthermore, the individual block groups in the study area had total minority populations ranging from approximately 94.9 percent to 100 percent. Therefore, all block groups in the environmental justice study area (except those without any residents) exceed the 51.1 percent NYSDEC threshold for definition of a minority community.

Table 23-1
Study Area Population and Economic Characteristics

Area (Census Tract and Block Group)	2000 Total Population	2000 Race and Ethnicity*										% Below Poverty Level – 1999**	
		White		Black		Asian		Other		Hispanic			Total Minority (%)
		No.	%	No.	%	No.	%	No.	%	No.	%		
81 BG 1	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	N/A	N/A
81 BG 9	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	N/A	N/A
91 BG 1	81	3	3.7	3	3.7	0	0.0	0	0.0	75	92.6	96.3	91.4
97 BG 1	60	3	5.0	7	11.7	0	0.0	6	10.0	44	73.3	95.0	100.0
97 BG 2	14	0	0.0	5	35.7	6	42.9	0	0.0	3	21.4	100.0	0.0
97 BG 3	59	3	5.1	23	39.0	0	0.0	1	1.7	32	54.2	94.9	0.0
99 BG 1	1,223	28	2.3	358	29.3	1	0.1	9	0.7	827	67.6	97.7	50.8
99 BG 2	1,703	22	1.3	303	17.8	1	0.1	11	0.6	1,366	80.2	98.7	43.8
99 BG 3	796	16	2.0	178	22.4	4	0.5	16	2.0	582	73.1	98.0	32.4
99 BG 4	1,455	11	0.8	376	25.8	1	0.1	13	0.9	1,054	72.4	99.2	47.3
99 BG 5	140	5	3.6	93	66.4	0	0.0	0	0.0	42	30.0	96.4	N/A
105 BG 1	262	0	0.0	90	34.4	1	0.4	1	0.4	170	64.9	100.0	54.4
105 BG 2	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	N/A	N/A
105 BG 3	177	3	1.7	95	53.7	0	0.0	2	1.1	77	43.5	98.3	81.5
115.1 BG 1	1,256	9	0.7	372	29.6	10	0.8	9	0.7	856	68.2	99.3	41.0
115.2 BG 1	503	12	2.4	107	21.3	1	0.2	11	2.2	372	74.0	97.6	42.9
115.2 BG 2	1,493	6	0.4	382	25.6	4	0.3	10	0.7	1,091	73.1	99.6	66.8
115.2 BG 3	710	8	1.1	208	29.3	2	0.3	2	0.3	490	69.0	98.9	36.8
115.2 BG 4	1,433	26	1.8	393	27.4	0	0.0	15	1.0	999	69.7	98.2	49.9
Study Area	11,365	155	1.4	2,993	26.3	2,993	26.3	106	0.9	8,080	71.1	98.6	48.4
Bronx	1,332,650	193,651	14.5	416,338	31.2	38,558	2.9	39,398	3.0	644,705	48.4	85.5	30.7
New York City	8,008,278	2,801,267	35.0	1,962,154	24.5	780,229	9.7	304,074	3.8	2,160,554	27.0	65.0	21.2

Notes: * The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).

** Percent of individuals with 1999 incomes below established poverty level. The U.S. Census Bureau's established income threshold for poverty level defines poverty level.

Source: U.S. Census Bureau, *Census 2000*.

As shown in Table 23-1, about 48.4 percent of the residents in the study area live below the poverty level (compared to approximately 30.7 percent in the Bronx as a whole and 21.2 percent in New York City). The study area thus meets NYSDEC’s definition of a low-income community. Two of the block groups in the study area—Block Groups 2 and 3 of Census Tract 97, with a total population of 73 people—have no individuals living below the poverty threshold and therefore do not meet NYSDEC’s threshold for low-income communities. As shown in Figure 23-1, these block groups are the block group that includes the project site and the block group immediately to the north. All other block groups in the study area for which poverty information is available meet NYSDEC’s definition of a low-income area.

E. SUMMARY OF POTENTIAL SIGNIFICANT ADVERSE IMPACTS IN THE STUDY AREA

Consistent with the intent of Executive Order 12898, this environmental justice analysis considers whether the proposed action would result in significant adverse impacts on the low-income and minority populations in the study area, which is a potential environmental justice

area. The impact assessments conducted for this EIS (see Chapters 2 through 22) conclude that in most areas, it is not expected that there would be any potential significant adverse impacts—including cumulative impacts—resulting from operation of the proposed action.

A summary of the conclusions for each of the EIS analysis areas is provided below. As noted below, two potential significant adverse impacts were predicted: the proposed action's new egg-shaped digesters would result in a potential significant adverse impact on visual character at Barretto Point Park and construction activities are predicted to result in a potential significant adverse traffic impact at one intersection during construction.

- **Land Use, Zoning, Neighborhood Character, and Open Space:** The proposed action would change the land use on a currently vacant City-owned lot adjacent to the new Barretto Point Park, incorporating it into the WPCP. The additional area is relatively small and the WPCP, an existing heavy industrial use, is consistent with the land uses in the study area. The proposed action would be consistent with the existing industrial character of the study area. The “Visual Character and Shadows” information below includes a discussion of the proposed action's potential significant adverse visual character impact on Barretto Point Park users looking east toward the additional parcel. However, this impact would not result in a significant adverse impact on open space as the park users' overall enjoyment of the park would not be significantly diminished and the park has been designed to transition from its industrial surroundings to a pastoral waterfront setting, or on the South Bronx Greenway's Ryawa-Viele Connection, which could be constructed by 2011. The proposed action would be consistent with current zoning and public policy initiatives, including its location in a designated In-Place Industrial Park (IPIP), an Industrial Business Zone (IBZ), and a Significant Maritime Industrial Area (SMIA).
- **Socioeconomic Conditions:** The proposed action would not be expected to result in any potential significant adverse socioeconomic impacts because it would not directly or indirectly displace businesses or residents.
- **Visual Character and Shadows:** The renovation, replacement, and upgrades to existing facilities on the interior of the plant site would largely not be noticeable. However, the proposed 130-foot-tall egg-shaped digesters would be prominent additions to the study area. While they would be in keeping with the area's industrial character, the height and bulk of the egg-shaped digesters (both the two- and four-digester scenarios) would be much greater than the relatively low-lying, boxy industrial buildings in the area surrounding the plant. Because it is in an industrial area, there are few viewers or views that would be affected. For Barretto Point Park users looking east toward the 4.3-acre additional parcel on which the digesters would be constructed, there would be a potential significant adverse impact on visual character. This impact would be very limited and no views of or access to the waterfront would be affected. Only views looking east from the park would be affected, and park users' overall enjoyment of the park would not be significantly diminished. The digesters (either two or four) would not result in potential significant adverse shadow impacts to Barretto Point Park, the construction staging area (future park area), or the South Bronx Greenway Ryawa-Viele Connection. The shadows would be limited to the morning hours and to the eastern half of the park.
- **Historic Resources:** The analysis conducted for the proposed action in conjunction with the New York City Landmarks Preservation Commission and the New York State Office of

Hunts Point WPCP

Parks, Recreation and Historic Preservation concluded that the proposed action would not have any potential significant adverse impacts on archaeological or historic resources.

- **Waterfront Revitalization Program:** The Hunts Point WPCP is located within New York City's Coastal Zone Boundary and is an industrial, water-dependent use located in a Significant Maritime Industrial Area. It is consistent with the industrial development and working waterfront uses in the area. No in-water work is proposed, and the proposed action would improve the quality of the WPCP effluent discharge. The proposed action would be consistent with the applicable policies of the city's Local Waterfront Revitalization Program (WRP) and the WRP's guiding principle of maximizing the benefits derived from economic development, environmental preservation, and public use of the waterfront while minimizing conflicts among these objectives.
- **Transportation:** The proposed action would bring only a small number of new workers and deliveries to and from the plant each day and these additional vehicle trips would not be expected to result in potential significant adverse traffic impacts.
- **Air Quality—Criteria Pollutants:** The air quality analysis considered impacts from the entire plant as upgraded under the Phase I and II Upgrades and the proposed action, to determine the WPCP's overall impacts and compliance with pollutants regulated by the National Ambient Air Quality Standards (NAAQS). These pollutants are referred to as "criteria pollutants." Plant sources include boilers, waste gas burners, and emergency generators that would be routinely tested. Five of the six emergency generators may also be used up to 15 days per year in a Peak Load Management (PLM) program. NYCDEP will utilize ultra low sulfur diesel (ULSD) in the generators. The analysis concludes that the plant as upgraded under Phases I, II, and the proposed action, or the four-digester scenario, would not result in any predicted potential significant adverse air quality impacts associated with the criteria pollutants.
- **Air Quality—Non-Criteria Pollutants:** In addition to the pollutants regulated by the NAAQS, New York State also regulates the ambient levels of air toxics from general process emission sources through the use of recommended guideline concentrations. These "non-criteria air pollutants" include carcinogens, as well as non-carcinogenic compounds and irritants. NYSDEC provides 1-hour and annual average guideline concentrations called Short-Term Guideline Concentrations (SGCs) and Annual Guideline Concentrations (AGCs) for these compounds. The analysis of these pollutants conducted for this EIS concluded that with the proposed action, no potential significant adverse non-criteria air pollutant impacts are expected. The analysis identified three non-criteria pollutants that have exceedances of the AGC in areas where there are no residences or other permanent or occupied locations beyond the northern fence line of the Hunts Point WPCP between Ryawa Avenue and Viele Avenue and beyond the southern fence line at the water. A previous analysis of Best Available Control Technology (BACT) demonstrated that additional controls were not required at the Hunts Point WPCP. Under the proposed action, the incremental levels of these three non-criteria air pollutants would be slightly reduced due to benefits from carbon addition. Predicted off-site levels would remain relatively unchanged compared to the future without the proposed action conditions. The results of the BACT analysis for the future without the proposed action would also be applicable to the future with the proposed action. Therefore, no potential significant adverse non-criteria air pollutant impacts are expected from the plant as upgraded under Phases I, II and the proposed action.

- **Odors:** The odor analyses conducted for the proposed action and for the four-digester scenario concluded that no potential significant adverse malodorous impacts are expected from the Hunts Point WPCP as upgraded under the multi-phase upgrade.
- **Noise:** The proposed action is being designed so that it would not result in any significant noise impacts per CEQR significance criteria and would not exceed the maximum octave band noise levels of the performance standards in the New York City Zoning Resolution or the New York City Noise Code. No predicted significant adverse noise impacts are anticipated from the plant as upgraded under Phases I, II and the proposed action.
- **Infrastructure and Solid Waste:** The purpose of the proposed action is to improve a crucial component of the city's infrastructure, the Hunts Point WPCP. The proposed action would improve wastewater quality due to enhanced nitrogen removal. At the same time, the proposed action would not be anticipated to result in potential significant adverse impacts to water supply or solid waste. The proposed action would include upgrades to the sludge handling systems at the Hunts Point WPCP, creating improved and more efficient sludge production, as well as carbon and polymer addition facilities to enhance nitrogen removal. Carbon addition will increase on-site sludge production at the plant. Overall, the proposed action would not result in potential significant adverse impacts on the city's Sludge Management Program, including the handling, transport, and disposal of sludge materials.
- **Energy:** With the proposed action, energy usage, including electricity and natural gas, would increase at the WPCP site. This expected additional power demand under the proposed action would not require any significant change in Consolidated Edison's regional distribution system or on the region's power supplies. A 500 kW emergency generator (diesel-engine driven) would be provided at the digester building to provide back-up life safety power to elevators and fire pumps if utility service becomes unavailable (blackout periods). This and the other six emergency generators would be operated periodically for routine maintenance functions to ensure operability should off-site power service ever be interrupted. NYCDEP could also operate five of the six the emergency generators during periods outside of "emergency" conditions under a PLM program. Under this program, the Hunts Point WPCP may be requested to reduce electrical demand.
- **Hazardous Materials:** Construction for the proposed action would involve a variety of earth-moving and excavating activities that would expose and disturb contaminated soil or groundwater. Therefore, a number of preventive health and safety and remedial measures would be implemented to minimize exposure to potentially contaminated soils and groundwater during construction. In addition, during the Phase III Upgrade, the final portions of the Barretto Point remediation would be completed pursuant to NYSDEC's Record of Decision (ROD). With the proposed general procedures and protective measures in place, no potential significant adverse impact on public health from hazardous materials is expected. Once the proposed action is operational, the new chemicals (methanol and ethanol), and the chemicals already used for operation of the plant, would need to be transported to and from the plant. The shipment of these chemicals is contracted by NYCDEP to licensed vendors and haulers, and is regulated by applicable City, State, and Federal regulations. With the continued implementation of these measures, no potential significant adverse impacts are expected from chemical storage and handling at the Hunts Point WPCP.
- **Water Quality:** As part of the proposed action, the Hunts Point WPCP would introduce a carbon addition facility to enhance nitrogen removal, thereby improving the quality of the

plant's effluent. Overall, no potential significant adverse impacts on water quality are expected.

- **Natural Resources:** No in-water work is proposed as part of the proposed action; therefore there would be no impacts to aquatic species. Although the plant site falls within land designated as littoral zone, no wetland vegetation is present on the site. The proposed action would include enhanced nitrogen removal facilities, thereby improving the quality of the plant's effluent to the East River. This could, in turn, provide benefits for aquatic resources. Therefore, no potential significant natural resources impacts would occur.
- **Construction:** Construction of the proposed action would commence in the third quarter of 2008 and would continue until 2014. The renovation of the existing digesters is scheduled to occur early in the construction period (between 2008 and 2009) to enable the plant to continue to provide reliable service while the new egg-shaped digesters are under construction. The polymer feed facilities would be constructed at the same time as the digester renovation. The sludge thickeners would be renovated one at a time to allow for maximum continued operation; this element of the construction would occur between 2008 and 2012. The two new egg-shaped digesters would be constructed in parallel with the remaining construction elements between 2010 and 2014; the new digesters would be on line in 2014. The carbon addition facility would be constructed between 2011 and 2014.

While certain types of construction activities would be noisy at times and visible from Barretto Point Park, overall, construction at the Hunts Point WPCP is not expected to result in potential significant adverse impacts to land use, open space, and neighborhood and visual character. Construction activities are predicted to result in a potential significant adverse traffic impact at one intersection, the intersection of Bruckner Boulevard and Tiffany Street, during both the AM and PM peak hours during most of the construction period. The impact would occur to the westbound left-turn movement at this intersection, which would deteriorate from LOS E to LOS F in the AM peak period and continue to operate at LOS F in the PM peak period. This impact could be mitigated with a modification to the signal timing at that intersection.

The analysis of potential impacts on air quality from the construction of the proposed action, including both on-site and on-road sources of air emissions, concluded that no potential significant adverse impacts from construction sources are expected. The greatest potential for the release of odors during the construction period is for a short period when sludge and grit deposits are removed from the existing digesters and storage tanks prior to renovation. The construction contractor would be required to take all necessary steps to control odors from this operation. For example, the residuals from tank cleaning would be transported from the plant site in covered trucks, and odor counteractant would be used. No potential significant adverse odor impacts are anticipated.

While the on-site construction activities would at times be noisy and intrusive in Barretto Point Park, due to the limited duration of the adverse impacts and in consideration that maximum construction impacts would occur on weekdays, which is not likely to be the period when Barretto Point Park is most fully utilized, the predicted temporary adverse noise impacts from the construction of the proposed action would not be significant. Nonetheless, pursuant to the New York City Noise Control Code, as amended December 2005 and effective July 1, 2007, the adoption and implementation of noise mitigation plans would be required for the construction of the proposed action. A construction wall at least 8 feet in

height would also be built around the area of digester construction; however, the wall would not provide shielding during construction of the digesters at greater heights.

- **Public Health:** The analysis of potential effects of the proposed action on public health considered potential health concerns related to air quality, including the potential for exposure to particulate matter concentrations and volatile organic compounds; noise; increased pollution from vehicle emissions; and hazardous materials during both construction and operation.

As described in Chapter 20, “Public Health,” of this EIS, the analysis included the identification of special local populations that are sensitive to environmentally induced stresses. High-density populations, such as those in New York City, are generally considered to have higher asthma rates than non-urban populations. Asthma exacerbations resulting in hospitalizations appear to be particularly frequent and severe among minority, inner-city children. In New York City, the prevalence of asthma among children and adults exceeds that of the nation as a whole. The New York City Department of Health and Mental Hygiene reported that the prevalence of asthma among children 4 to 5 years old in 1999 was 9.1 percent. Moreover, areas with high asthma hospitalization rates are geographically clustered in low socioeconomic status areas. For example, children residing in zip codes with the lowest family income have a prevalence rate of 13.9 percent, compared to children in the zip codes with the highest family income having a rate of 6.4 percent. Hunts Point had among the highest prevalence of asthma among 4 to 5 years olds, 17.1 percent, just a bit lower than High Bridge-Morrisania, Bronx (17.2 percent) and East Harlem (18.5 percent). The prevalence of asthma among adults in New York City is also higher than that of the U.S. as a whole, and the Bronx overall had a higher rate than all other boroughs (6.2 percent). The South Bronx had a prevalence rate somewhat higher than the City as a whole, with 7.1 percent of adults having asthma. Unlike childhood asthma, adult asthma is not strongly associated with neighborhood poverty.

Areas with high asthma hospitalization rates tend to contain a number of potential pollution sources that could affect respiratory health, including designated truck routes and high traffic roads, waste transfer stations, manufacturing facilities and nearby power plants. As described in Chapter 20, NYSDEC has developed threshold values for particulate matter to protect public health. In addition to those thresholds, NYCDEP has promulgated interim guidance for fine particulate matter (PM_{2.5}), a neighborhood-scale threshold value that is used for comparison when determining the potential significance of air quality and public health impacts. NYCDEP is currently recommending updated interim guidance criteria for evaluating the potential PM_{2.5} impacts for projects subject to CEQR. NYSDEC is reviewing its 24-hour interim guidance criteria of 5 µg/m³ and is expected to lower this threshold in the future. The updated interim guidance criteria currently employed by NYCDEP for the PM_{2.5} 24-hour average considers a concentration increment greater than 5 µg/m³ at a discrete receptor location a potential significant adverse impact on air quality under operational conditions (i.e., a permanent condition predicted to exist for many years regardless of the frequency of occurrence), and concentration increments which are predicted to be greater than 2 µg/m³ but no greater than 5 µg/m³ a significant adverse impact on air quality based on the magnitude, frequency, duration, location, and size of the area of the predicted concentrations. The 24-hour PM_{2.5} impact assessment of the planned Phase I and II Upgrades and the proposed action utilized the above criteria for the purpose of evaluating the significance of predicted impacts on PM_{2.5} concentrations. Based on the air quality assessments performed for the EIS, the operation of the upgraded plant (for both two- and

four-digesters) and the construction of the proposed action would not result in any new predicted exceedances of air quality standards and the predicted neighborhood average incremental concentration of PM_{2.5} would be less than the applicable interim guideline concentration. In addition, the potential impacts from non-criteria air pollutants, noise, traffic and hazardous materials are also not expected to result in a significant adverse impact on public health.

F. ENVIRONMENTAL BURDENS ON THE HUNTS POINT PENINSULA

Consistent with the intent of Executive Order 12898, this environmental justice analysis also considers the potential for cumulative environmental burdens in the study area. An inventory was made of sources of environmental burdens in the study area and cumulative environmental impacts in the study area are discussed.

The majority of the Hunts Point peninsula is zoned for heavy industrial use (M3-1) or light industrial use (M1-1). This industrial area is also part of a designated In-Place Industrial Park (IPIP), Industrial Business Zone (IBZ), and Significant Maritime Industrial Area (SMIA). As a result of these public policies, the southern two-thirds of the peninsula is occupied predominantly by manufacturing uses, as discussed in Chapter 2, “Land Use, Neighborhood Character, and Open Space,” of this EIS.

In addition to the Hunts Point WPCP, industrial uses in the study area include the Hunts Point Food Distribution Center, various other food distributors and warehouses, and construction storage; automotive-related uses; and two New York City Transit Authority (NYCT) facilities (Infrastructure Division and Logistics Supply). The Hunts Point peninsula also houses several waste transfer stations and recycling facilities and the New York Organic Fertilizer Company, which processes dewatered sludge from New York City water pollution control plants.

To identify potential environmental burdens present among these industrial uses, a compilation of databases was prepared by Toxics Targeting, Inc. for the Hunts Point peninsula. Data compiled consisted of records from regulatory databases maintained by the U.S. Environmental Protection Agency (EPA) and NYSDEC. These records were reviewed to identify locations within the study area where hazardous materials and chemicals are used, generated, stored, treated, and/or disposed of, as well as locations where they may potentially be released. Records reviewed include the following:

- **National Priority List (NPL):** The NPL is EPA’s database of some of the most serious uncontrolled or abandoned hazardous waste sites identified for probable remedial action under the Superfund Program.
- **Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS):** CERCLIS is a compilation of known or suspected, uncontrolled or abandoned hazardous waste sites that the EPA has investigated, or plans to investigate, for a release or threatened release of hazardous substances pursuant to the Superfund Act of 1980.
- **Emergency Response Notification System (ERNS):** This federal database compiled by the ERNS records and stores information on reported releases of petroleum and other potentially hazardous substances.
- **Toxic Chemical Release Inventory System (TRIS):** The TRIS contains information reported to the EPA and/or NYSDEC by a variety of industries on their annual estimated releases of certain chemicals to the environment.

- **Permit Compliance System of Toxic Wastewater Discharge (WWD):** This federal- and state-maintained database contains a listing of sites that discharge wastewater containing potentially hazardous chemicals.
- **EPA Civil Enforcement Docket:** This database is EPA’s system for tracking civil judiciary cases filed on behalf of the agency by the U.S. Department of Justice.
- **New York SPILLS Database:** The New York SPILLS database includes a list of releases reported to NYSDEC, including those attributed to tank test failures and tank failures. The database also includes spills that occur during the transport of chemicals.
- **Resource Conservation and Recovery Act (RCRA) Notifiers Listings:** NYSDEC’s Bureau of Hazardous Waste Facility Compliance regulates hazardous waste from the point of generation to the point of disposal. The identified sites tracked on this list are those that have filed notification forms in accordance with RCRA requirements regarding their hazardous waste activity. These sites include treatment, storage, and disposal facilities; small- and large-quantity generators; and transporters of hazardous waste regulated under RCRA. It also includes the CORRACTS listings of facilities that are subject to corrective action under RCRA.
- **New York State Chemical Bulk Storage (CBS) Database:** The New York CBS is a list of facilities that store regulated non-petroleum substances in underground storage tanks of any size or above-ground tanks greater than 185 gallons in size.
- **New York State Solid Waste Facilities:** This database includes a listing of landfills, incinerators, transfer stations, recycling centers, and other sites that manage solid waste.
- **New York State Petroleum Bulk Storage (PBS) Database:** The New York State PBS lists commercial facilities with registered petroleum tanks located either above or below ground in excess of 1,100 gallons and less than 400,000 gallons.
- **State Inactive Hazardous Waste Disposal Site Registry:** This database maintains information and aids decision-making regarding the investigation and clean-up of hazardous sites.
- **State Hazardous Substance Waste Disposal Site Study:** This database tracks waste disposal sites that may pose threats to public health or the environment, but cannot be remediated using monies for the Hazardous Waste Remediation Fund.
- **New York State Major Oil Storage Facilities Database:** These facilities may be on-shore facilities or vessels with petroleum storage capacities of 400,000 gallons or more.
- **Air Discharge Facilities Index:** This listing of sites tracked by the New York State Regulatory Compliance Information System includes facilities with regulated air discharges, their addresses, and the source of the air emissions. Facilities in this database include major sources as well as minor sources such as dry cleaners, gas stations, and auto body shops.

The results of this regulatory database search for the study area are tabulated in Table 23-2. As shown in the table, 835 sites or facilities are identified.

As noted in Table 23-2, the study area includes Table 23-3 lists the permitted solid waste facilities in the study area, including waste transfer stations permitted by the New York City Department of Sanitation (DSNY) and solid waste facilities permitted by NYSDEC. These facilities are located within Bronx Community Board 2, which encompasses the entire Hunts Point peninsula, and serve Bronx Community Boards 1 through 12. In addition, there is a Bronx Recyclables Acceptance Facility located at 850 Edgewater Road on the Bronx River.

**Table 23-2
Results of Regulatory Database Search for the Study Area**

Database	Total
NYS Toxic Spills including Leaking Underground Storage Sites	349
RCRA Hazardous Waste Generators & Transporters	175
Local & State Petroleum Bulk Storage Sites	160
NYS Air Discharges	65
NYS Solid Waste Facilities	31
Civil & Administrative Enforcement Docket Facilities	18
Toxic Release Inventory Sites (TRIS)	14*
Permit Compliance System Toxic Wastewater Discharges	9
NYS Chemical Bulk Storage Sites	5
Hazardous Substance Waste Disposal Sites	3
RCRA Hazardous Waste Treatment, Storage, Disposal Sites	3
RCRA Corrective Action Sites	1
CERCLIS Sites	1
NYS Major Oil Storage Facilities	1
NYS Inactive Hazardous Waste Registry or Registered Qualifying Sites	0
National Priority List Sites	0
ERNS	0
Total	835
Note: * No TRIS releases have been recorded in the study area since 1995.	
Source: Toxics Targeting, Inc., August 2006.	

**Table 23-3
Permitted Solid Waste Facilities in Study Area**

Name	Address	Type of Facility	Type of Permit	
			DSNY	NYSDEC
A.J. Recycling, Inc.	325 Faile St.	Non-putrescible waste transfer station	X	X
Bronx City Recycling, LLC	1390 Viele Ave.	Fill waste transfer station	X	
G.M. Transfer, Inc.	216-222 Manida Ave.	Non-putrescible waste transfer station	X	X
IESI New York Corp.	325 Casanova St.	Putrescible waste transfer station	X	X
John Danna & Sons, Inc.	318 Bryant Ave.	Non-putrescible waste transfer station	X	X
Kid's Waterfront Corp.	1264 Viele Ave.	Non-putrescible waste transfer station	X	X
Metropolitan Transfer Station	287 Halleck St.	Putrescible waste transfer station	X	X
NYOFCo	1108 Oak Point Ave.	Dewatered sludge processing		X
South Bronx Marine Transfer Station	Farragut St.	Solid waste transfer station		X
Tri State Transfer Associates	602 Tiffany St.	Solid waste transfer station		X
Waste Management of NY, LLC	620 Truxton St.	Non-putrescible waste transfer station	X	
Tilcon New York, Inc.*	980 East 149th St.	Fill waste transfer station	X	
Waste Management of NY, LLC*	Oak Point & Barry Aves.	Putrescible (intermodal) waste transfer	X	
Note: * These facilities are located just outside the study area, but within Bronx CB 2 in Hunts Point.				
Sources: DSNY Permitted Facilities: New York City Department of Sanitation (DSNY), <i>Final Environmental Impact Statement for the New York City Comprehensive Solid Waste Management Plan</i> , April 2005; DSNY, <i>Commercial Waste Management Study, Volume I – Summary Report</i> , March 2004; DSNY, <i>Final Scoping Document for the Draft New Comprehensive Solid Waste Management Plan Draft Environmental Impact Statement – Attachment A- Potential Environmental Justice Communities</i> , October 2004; DSNY, Permit Inspection Unit, July 2006. NYSDEC Permitted Facilities: NYSDEC, July 2006.				

G. ANALYSIS OF CUMULATIVE ENVIRONMENTAL BURDENS IN THE STUDY AREA AND THE POTENTIAL FOR DISPROPORTIONATE EFFECTS

POTENTIAL FOR CUMULATIVE ENVIRONMENTAL AND HEALTH IMPACTS IN THE STUDY AREA

The technical analyses included in the previous chapters of this EIS analyze the potential impacts of the proposed action in combination with conditions expected in the surrounding area in the future without the proposed action. In addition, for a number of the technical analyses, including criteria pollutants, non-criteria pollutants, odors, and noise, the analysis includes the impacts not only of the proposed action but also of the entire plant as upgraded under Phases I and II and the proposed action. These analyses therefore consider the cumulative, or combined, effects of the proposed action together with the baseline condition, where applicable, which includes other sources of pollution in the Hunts Point peninsula. This is consistent with the requirements of NYSDEC's environmental justice policy, which notes that under existing regulations, NYSDEC must consider other sources of pollution in order to establish the baseline conditions against which project impacts will be addressed.

The analyses performed for all impacts analysis areas of the plant during operation and construction, with the exception of two impact areas, demonstrated that there would not be significant adverse impacts. As noted above in Section E of this chapter, the proposed action would result in a limited potential significant adverse impact on the visual character of park users' views of the digester east from Barretto Point Park resulting from the project's new egg-shaped digesters, and a potential significant adverse traffic impact at one intersection during construction. No other potential significant adverse impacts were identified as a result of the proposed action. However, temporary noise impacts from construction activities would occur on the park.

CONCLUSIONS ON DISPROPORTIONATE ADVERSE IMPACTS

The study area is a minority and low-income community that is characterized by numerous light and heavy manufacturing uses. In general, the cumulative analysis of the proposed action together with expected future No Action conditions indicated that the proposed action would not result in potential significant adverse impacts to the surrounding area for air quality, noise, hazardous materials, public health, or other environmental impact areas.

As described above, however, two potential significant adverse impacts were identified: the proposed action's construction activities are predicted to result in a potential significant adverse traffic impact during construction, and the new egg-shaped digesters would result in a potential significant adverse impact on the visual character at Barretto Point Park. In addition, temporary noise impacts from construction activities would occur on the park. These impacts would be adverse impacts on minority or low-income populations.

The construction related noise impact would occur for a portion of the construction period and is therefore considered temporary. A noise mitigation plan will be prepared pursuant to the Noise Control Code and a construction wall at least 8 feet in height would also be built around the area of digester construction; however, the wall would not provide shielding during construction of the digesters at greater heights.

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The traffic impact is predicted to occur at the westbound left-turn movement at intersection of Bruckner Boulevard and Tiffany Street, during both the AM and PM peak hours throughout the construction period. This impact could be mitigated through a change to the intersection's signal timing.

Rising 130 feet tall, the proposed egg-shaped digesters (both the two-digester and four-digester scenarios) would be prominent additions to the study area. While they would be in keeping with the area's industrial character, the height and bulk of the digesters would be much greater than the relatively low-lying industrial buildings in the area surrounding the plant. Because it is an industrial area, there are few viewers or views that would be affected. However, for Barretto Point Park users looking east toward the 4.3-acre additional parcel on which the digesters would be constructed, there would be a potential for a significant adverse impact on visual character.

Barretto Point Park was designed to transition from its industrial surroundings to the waterfront. The potential significant visual character impact would be very limited. No views of or access to the waterfront would be affected. Only views looking east from the park would be affected. The impact would not significantly impact park users' enjoyment of the park and there are no significant shadows impacts. Further, the final design of the digesters' exterior will be completed with input from the community, to enhance and convey the modern, innovative architectural style associated with this particular wastewater technology, as was done at the Newtown Creek WPCP. A vegetated buffer has been established between Barretto Point Park and the area of the proposed digesters. However, due to the height of the digesters, the significant visual character impact, which would occur to low-income and minority people, cannot be fully mitigated (see Chapter 22, "Unavoidable Significant Adverse Impacts"). There would be no significant adverse impact on visual character from the Tiffany Street Pier where views would be at a distance and not intrusive, nor from the proposed greenway, from which views would be transient and at a distance from most vantage points.

In addition, the Mayor's Office and NYCDEP are working with the Hunts Point community to increase both open space and visually attractive environments in the study area. NYCDEP is working with the Hunts Point community to identify a community open space amenity in recognition that the plant and its long-term construction have placed a burden on the community, including the potential visual impact associated with the proposed digesters. This effort is described in more detail in section H, "Public Participation," below. The Hunts Point Vision Plan, South Bronx Greenway, roadway traffic improvements, and future additions to Barretto Point Park are among the efforts being pursued by the City within the Hunts Point community.

H. PUBLIC PARTICIPATION

As noted earlier, NYSDEC's *CP-29 Environmental Justice and Permitting* is intended to foster meaningful public participation by minority and low-income communities in the review of proposed projects that may affect those communities. For actions that may affect potential environmental justice areas, the Policy requires project sponsors to actively seek public participation through the permit review process. In accordance with the Policy, public participation has been actively sought from the communities potentially affected by the proposed action, through and in addition to the environmental review process. Public participation to date has included outreach and coordination through the Hunts Point Monitoring Committee, public outreach during scoping for the EIS, and several specific outreach efforts undertaken by NYCDEP, as discussed below. Through coordination with HPMC and other NYCDEP outreach efforts, other Mayoral and NYCDEP efforts to increase open space and improve the

neighborhood's visual character, and the public review of this EIS, the proposed action will be consistent with the public participation requirements of the Policy.

HUNTS POINT MONITORING COMMITTEE (HPMC)

In late 2003, the Hunts Point Monitoring Committee (HPMC) was established to ensure that community concerns are directly considered in the multi-phase upgrade program at the Hunts Point WPCP, and to incorporate community input into the decision-making process to the extent possible within NYCDEP's mandated requirements. NYCDEP continues to sponsor this public participation effort which enables NYCDEP to provide regular updates to the HPMC about the upgrades and operations at the plant and to receive continuous feedback from HPMC members about community issues.

HPMC comprises community representatives, NYCDEP, and other New York City agency representatives. HPMC members are sponsored by Congressman Serrano, New York City Councilmember Arroyo, the Bronx Borough President, and the community Board (Community Board 2). HPMC members include representatives from the following organizations: the Bronx Overall Economic Development Corporation, the Citizen Advice Bureau, the GAIA Institute, the Hunts Point Economic Development Corporation, Mothers on the Move, Sustainable South Bronx, and The Point Community Development Corporation.

As of December 2006, NYCDEP staff and HPMC members have met 33 times to discuss a variety of plant related issues and community concerns. Specifically, these meetings provide opportunities to:

- Provide information on the need, extent, requirements, benefits, design, and technologies of the upgrade work;
- Provide progress updates on the upgrade;
- Obtain community input and feedback on the upgrade project;
- Identify and address community issues, concerns, needs, and values with respect to the project and the community to ensure they are consistently understood and considered;
- Discuss upgrade, operational, and community-based alternatives that will have the least impact/greatest benefit reflecting community concerns and values both during construction and after the facility enters into normal operations at the completion of the construction;
- Identify community development/mitigation needs and opportunities;
- Provide feedback to the community as to how public input is influencing decisions related to the project.

In addition, NYCDEP, in coordination with HPMC, is organizing and facilitating a community planning process that would identify a project to improve conditions on the Hunts Point peninsula for area residents. Several members of the HPMC formed a subcommittee to work with NYCDEP to develop the request for proposal (RFP) and interview different firms to facilitate the Hunts Point Community Investment Project. The Project included a two-week exhibition held prior to a workshop event designed to bring members of the community together to explore different amenity options. The exhibition displayed at The Point from November 15 to December 9, 2006, provided information about NYCDEP's expansion of the Hunts Point WPCP, the role of water treatment plants, and the relationship of the Hunts Point community to the waterfront. The opening of the exhibition on November 16, 2006 also provided an orientation to attendees about the objective and format of the four-hour workshop held on

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December 9, 2006 at the Hunts Point Recreation Center. NYCDEP and the consultants developed outreach materials for both the exhibition and workshop which were then disseminated by the HPMC sponsors and members. Approximately 78 members of the Hunts Point community participated in The Hunts Point Community Investment Project Workshop and identified the following priority options: 1) a boathouse facility at Lafayette Park and streetscape improvements on Lafayette Avenue (described as the Lafayette Paseo in the South Bronx Greenway Master Plan); 2) a multi-use facility focused on maintenance uses and environmental education 3) a floating swimming pool, the reconstruction of Tiffany Street Pier, shellfish habitat creation, or streetscape improvements on Ryawa and Viele Avenues. Results of the workshop, including discussions of potential amenity projects have been shared with the Hunts Point community (see “Other NYCDEP and City Outreach Efforts” below for more information about the Hunts Point Community Investment Project).

Finally, NYCDEP provided the HPMC an independent consultant tasked to assist the HPMC’s review of the Draft EIS and provide technical services in connection with the EIS review (see “Public Outreach for CEQR and ULURP,” below).

OTHER NYCDEP AND CITY OUTREACH EFFORTS

In addition to the ongoing coordination with HPMC and the public participation efforts associated with review of the DEIS and ULURP application discussed above, the Mayor’s Office and NYCDEP are working with the Hunts Point community to increase open space and improve the visual character of the neighborhood. Among the efforts being pursued by the City within the Hunts Point community are the Hunts Point Vision Plan, South Bronx Greenway, and roadway traffic improvements (see Chapter 1, “Project Description,” for a description of these efforts). NYCDEP-specific efforts are described below:

- Odor Source Study. The community odor surveys of the Hunts Point peninsula conducted by Malcolm Pirnie in November and December 2006 were a qualitative study to be used for informational purposes on the odors in the area. The findings were based on a snapshot in time. The community odor surveys did not quantify the odor emissions from any unit operations at the Hunts Point WPCP, and collection of the limited odor data during the study did not follow the rigorous procedures for quantitative analysis/data quality control that are required for use in a CEQR impact assessment. Therefore, this information could not be combined with data used in the DEIS.

The community odor surveys in November and December 2006 identified vehicle exhaust as the most predominant odor in the residential area. Odors from the Hunts Point WPCP (which still did not have all the odor mechanisms being installed under the Phase I Upgrade functioning at the time of the 2006 odor surveys) were localized along Ryawa Avenue and Halleck Street extension.

- Hunts Point Community Investment Project. In recognition that the Hunts Point WPCP and its long-term construction have placed a burden on the community, including the potential visual impact associated with the proposed digesters, NYCDEP is working with community members, a HPMC subcommittee, and a consultant to obtain community input in selecting a project that will improve conditions on the Hunts Point peninsula for area residents. The potential amenities under consideration included physical improvements, such as implementation of segments of the South Bronx Greenway, the extension of Tiffany Street Pier to its former length, a pedestrian bridge from Riverside Park to Soundview, among others. Other amenities were focused on North Brother Island, including providing access to

the island and/or construction an environmental research center on the island. Other suggestions included creating recreational uses along the waterfront, a tree nursery, purchasing land at Oak Point, and watershed improvements. As discussed above, as part of the Hunts Point Community Investment Project Workshop held on December 9, 2006, the community identified three priority projects.

- Future Addition to Barretto Point Park. In 2001, NYCDEP transferred approximately 11 acres (5 upland acres and 6 acres of land underwater) to NYCDPR to create Barretto Point Park. Barretto Point Park has since been constructed and is now open to the public. NYCDEP prepared a ULURP application to map the area as parkland (discussed above under “Public Outreach for CEQR and ULURP”). NYCDEP will transfer additional land to NYCDPR—the 1.2-acre construction staging area—when it is no longer needed for construction staging for inclusion in Barretto Point Park (the area will be mapped as parkland at that time).

PUBLIC OUTREACH FOR CEQR AND ULURP

The proposed action is undergoing public review as required by City’s Uniform Land Use Review Procedure (ULURP) and the City Environmental Quality Review (CEQR) rules. Both of these procedures require extensive public review of a proposed action, as described below. As part of the public scoping process for this EIS and as part of the review of the DEIS, NYCDEP undertook extensive outreach efforts as described below.

The City’s ULURP, mandated by Sections 197-c and 197-d of the City Charter, is a process specifically designed to allow public review of the proposed actions at four levels: Community Board, Borough President, New York City Planning Commission (CPC), and City Council. The procedure sets time limits for review at each stage to ensure a maximum total review period of approximately seven months.

NYCDEP is undertaking two actions that require review under ULURP. NYCDEP and the New York City Department of Citywide Administrative Services (DCAS) have initiated a ULURP action for locating or site selecting a public facility on previously undeveloped or vacant city-owned land. A second ULURP application (with NYCDPR) for the mapping of Barretto Point Park is also following a parallel schedule. This mapping application consists of two separate application maps. The first is for Barretto Point Park and the second is for the 1.2-acre construction staging area. The application map for the construction staging area will be filed in the future (post-WPCP construction), and as such, the 1.2-acre parcel will not be given parkland status until NYCDEP determines that the parcel is no longer needed for work associated with its Hunts Point WPCP. NYCDEP has not yet determined when construction staging on the 1.2-acre Staging Area will no longer be necessary. Therefore, the exact filing date of the application map for the construction staging area is unknown but could be a minimum of 10 years from the ULURP application approval date.

The required public hearing for the DEIS (see below) may be held jointly with the required CPC ULURP hearing. However, for the proposed action, two separate hearings—a CPC ULURP hearing and a DEIS public hearing—were held to ensure that the DEIS hearing was held in the Hunts Point community. In coordination with the certification of the ULURP applications (which occurred on February 26, 2007), NYCDEP attended public hearings with the CPC (on June 6, 2007), the Bronx Borough President’s Office (on April 27, 2007), and the local Community Board (on March 14, 2007, March 28, 2007, April 11, 2007 and April 25, 2007) to present the findings of the Draft EIS as related to the ULURP applications. The DEIS public

hearing was held on April 12, 2007. Once ULURP is complete, NYCDEP may take action on the proposed action.

Responding to the State Environmental Quality Review Act (SEQRA) and its implementing regulations, New York City has established rules for its environmental review process, CEQR. The environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify and, when practicable, mitigate significant adverse environmental effects. Most recently revised in 1991, CEQR rules guide environmental review through the following steps:

- **Establish a Lead Agency and Determine Significance:** Under CEQR, the “lead agency” is the public entity responsible for conducting environmental review. The lead agency is typically the agency with primary responsibility for the proposed action. As lead agency, NYCDEP determined that this proposal could have a significant adverse effect on the environment, requiring an EIS be prepared. NYCDEP issued a Positive Declaration on November 23, 2004.
- **Scoping:** Once the lead agency has issued a Positive Declaration, it then issues a draft scope of work for the EIS. “Scoping” is the process of establishing the type and extent of the environmental impact analyses to be studied in the EIS. CEQR requires public input during the scoping process. Public review of the Draft Scope of Analysis for the proposed action began on November 23, 2004 with the issuance of the Notice of Lead Agency Declaration, Positive Declaration, EAS, and Draft Scope of Analysis to Prepare a Draft Environmental Impact Statement. A public scoping meeting was held to accept comments on the scope of work on February 1, 2005 at The Point Community Development Center, within the community. The comment period remained open until February 25, 2005. A final scope of work, reflecting comments made during scoping, was issued on June 15, 2005.

A notice regarding the public meeting date of February 1, 2005, appeared in the Bronx Times twice in December 2004. An English version of the notice appeared twice in both the Bronx Times and the Daily News in January 2005. A Spanish version of the notice appeared twice each in January in Hoy and El Diario. HPMC members received written meeting announcements three times (twice in December, once in January) prior to the public meeting. Communication for the public meeting was discussed at the January 11, 2005 HPMC meeting where in addition to the newspaper announcement additional outreach efforts for the public scoping meeting were discussed. In response, NYCDEP delivered flyers in both English and Spanish; NYCDEP also posted announcements in both English and Spanish.

- **DEIS:** In accordance with the final scope of work, a DEIS was prepared. The lead agency reviews all aspects of the document, calling on other City agencies to participate as it deems appropriate. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review; this occurred on December 19, 2006. For projects, like the proposed action, that are also being reviewed in the City’s ULURP process, the DEIS must be completed prior to or at the same time as the ULURP application is certified as complete and ready for public review. For the proposed action, NYCDEP made the DEIS available prior to certification of the ULURP application as complete to provide the community additional time to review the DEIS.

Public Review: Upon publication of the Notice of Completion, a period of public review begins. During this period, which must extend for a minimum of 30 days, the public may review and comment on the DEIS either in writing or at a public hearing. A public hearing was held during the public comment period on April 12, 2007, to receive oral testimony from the public and from involved or interested public agencies. The public hearing was held at The Point Community Development Corporation at 940 Garrison Avenue in Hunts Point, the Bronx. A public notice advertising the date, time, and location of the public hearing on the DEIS was published in the *City Record* and in newspapers of general circulation in the affected area, including *The New York Daily News*, *The Bronx Times*, *Hoy*, and *El Diario*. Information on the public hearing was also published in NYSDEC's Environmental Notice Bulletin. Flyers were distributed throughout the community (in both English and Spanish), and notices of the public hearing were mailed to those who provided testimony at the public scoping hearing on February 1, 2005. The public comment period was closed on April 23, 2007.

For the proposed action, HPMC has been assisted by an independent consultant, provided by NYCDEP, but selected by HPMC. The consultant was tasked to review the DEIS and provide technical services in connection with the DEIS review. In connection with the consultant's review of the DEIS, NYCDEP held four technical meetings/conference calls with HPMC's consultant and met with HPMC to discuss the consultant's review (January 17, 2007, January 30, 2007, March 16, 2007, and March 19, 2007). NYCDEP also replied to over 125 questions and requests for additional data from the consultant.

All substantive comments become part of the CEQR record and must be summarized and responded to in the Final EIS (FEIS) (see Chapter 25, "Comments and Responses").

- **FEIS:** After the close of the public comment period for the DEIS, the lead agency prepares an FEIS (this document), which includes a summary restatement of each substantive comment made about the DEIS with a response. Once the lead agency determines that the FEIS is complete, it issues a Notice of Completion and circulates the FEIS.
- **Findings:** The lead agency adopts a formal set of written findings, reflecting its conclusions about the potential significant adverse environmental impacts of the proposed action, potential alternatives, and mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may take their actions. *