

**Hunts Point Monitoring Committee
Hunts Point, New York**

April 23, 2007

Ms. Esther Ziskind
New York City Department of Environmental Protection
Office of Environmental Planning
59-17 Junction Boulevard, 11th Floor
Corona, NY 11373-5107

**RE: Comments on the Draft Environmental Impact Statement
for the Hunts Point Water Pollution Control Plant**

Dear Ms. Ziskind:

The Hunts Point Monitoring Committee (HPMC) has reviewed the Draft Environmental Impact Statement (DEIS) for the Hunts Point Water Pollution Control Plant (Hunts Point WPCP) with great interest and care. We fully understand the need for the plant upgrade in order to comply with the 2006 Nitrogen Consent Judgment and improve solids handling at the facility and that part of the upgrade will require the construction of new egg-shaped digesters. However, as you are no doubt aware after the April 12, 2007 Public Hearing, HPMC and the Hunts Point Community in general, are troubled by many of the conclusions drawn in the DEIS. We find that many of DEP's analyses are based on faulty assumptions, that documented impacts have been ignored and that DEP has failed to consider the historical impacts suffered by the Hunts Point Community.

The community has a long history of environmental burdens from many sources including the highway systems that ring the area, waste transfer stations, the New York Organic Fertilizer Company (NYOFCo) and the Hunts Point WPCP. As Mayor Bloomberg described it... trucks begin entering the Hunts Point neighborhood hours before sunrise and hundreds of them drive under expressways and over highways. By sunset, more than 15,000 trucks have driven through the peninsula, virtually all of them powered by diesel fuel. The trucks rattle down alternate routes, often slipping down side streets, past houses and apartment buildings, as they search out the Produce Market, the Fulton Fish Center, the meat market. . . and trucks are just a fraction of the traffic through the South Bronx. More than 77,000 vehicles pass through the neighborhood daily, spewing exhaust and gasoline fumes . . . pg. 119, Mayor Bloomberg's PlaNYC: "A Greener, Greater New York (hereinafter, the "Mayor's Sustainability Plan.")

Hunts Point has one of the worst child asthma hospitalization rates in the City. We are predominantly a community of color with many subpopulations who are vulnerable to air pollutants and have experienced a disproportionately high rate of upper respiratory and cardiovascular illnesses. The Mayor recognized these concerns in his Sustainability Plan: "[i]n some communities, the impacts of exposure to local air emissions have likely contributed to higher asthma rates and other diseases." (pg. 119, the Mayor's Sustainability Plan).

The Hunts Point community also has one of the highest percentages of population under 18 years old in the City and one of the lowest rates of open space in the City. Only 2% of the community district is open space, which puts CB 2 in the lowest 5% of the community boards in NYC.

Mayor Bloomberg made a major commitment on Earth Day to address this disparity in open space. “Expanding access to open space is not a panacea for these health problems, but it can be part of the solution. In the interest of public health and environmental justice, we have to do better.” (pg. 30, the Mayor’s Sustainability Plan). The City, in partnership with the elected officials from Hunts Point and the Bronx, has moved forward to address this open space disparity by creating the Barretto Point Park and the South Bronx Greenway. DEP has the opportunity to ensure that these open spaces are protected and fully utilized by residents rather than degraded by construction and the operation of the Hunts Point WPCP. DEP must relocate the egg-digesters to the current location of the digesters and prevent air quality and odor impacts to these important open spaces. DEP must not use the flawed rationale that the Hunts Point residents will not be present at these two open spaces long enough to be impacted.

The Hunts Point WPCP DEIS presents one of the first opportunities for the City to implement the Mayor’s Sustainability Plan, and specifically in one of the communities where he identified the need to address the cumulative loading and high incidence of disease. The DEP must use the Hunts Point WPCP DEIS as an opportunity to “assess the impact of development, infrastructure changes, traffic changes, and traffic mitigation measures.” (pg. 129, the Mayor’s Sustainability Plan). This should begin with DEP aggressively reducing the impacts from the Hunt’s Point WPCP thereby becoming the first example of the City’s commitment to making Hunts Point healthier and sustainable. In particular, DEP must aggressively reduce PM 2.5 and other air pollutants, both during construction and operations; and cover and capture odor sources to the maximum extent possible. We need to move the Hunts Point community from an overburdened community to a more livable and sustainable community.

The expansion provides DEP with an opportunity to be a good neighbor and even more importantly to set a new standard for environmental controls on City facilities. We urge you to carefully consider our comments, and make the necessary changes to the DEIS and the plans for the future expansion to ensure that it truly minimizes the impacts on this community. We would very much like to meet with you after you receive these comments to discuss your responses.

Sincerely,

The Hunts Point Monitoring Committee

cc: Hon. Michael R. Bloomberg, Mayor, City of New York
Hon. José E. Serrano, 16th Congressional District
Hon. Adolfo Carrión, Bronx Borough President
Hon. María del Carmen Arroyo, 17th Council District
Roberto García, Chair, Bronx Community Board 2
Rohit Aggarwala, Director, Mayor’s Office of Long-term Planning and Sustainability
Julie Stein, Department of Environmental Protection

**HUNTS POINT MONITORING COMMITTEE
PUBLIC COMMENTS ON THE
HUNTS POINT WATER POLLUTION CONTROL PLANT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

NEIGHBORHOOD CONTEXT

Hunts Point has suffered for many years from an overabundance of environmental burdens, the Bruckner, the Sheridan, the Cross-Bronx and the Major Deegan have been major sources of diesel fumes and particulates. We are home to waste transfer stations, wastewater treatment plants and the only facility in the city that pelletizes sludge, NYOFCo. Our kids have one of the highest rates of asthma hospitalizations in the City and have the additional burden of one of the lowest rates of open space in the City. Only 2% of the community district is open space, which puts CB 2 in the lowest 5% of the community boards in NYC. We need to improve the health of our residents, we need to reduce current levels of pollution, we need to increase the amount of safe, usable green space and we need to reverse the long history of environmental impacts to the community.

There is skepticism in the Hunts Point Community that DEP is committed to trying to reduce the impacts of the plant on the neighborhood. DEP has known for years, since its consultant published a report in 1996, that the plant is a source of significant odors in the community. Although DEP has recently installed some odor controls at the plant, the fact that little has been done in the last ten years to address these odors is extremely frustrating. DEP's responses to the community complaints have been slow, disorganized and piecemeal. The question we keep asking is why has so little been done and we think part of the answer is that the DEP plays the role of plant operator and plant regulator. There is an inherent conflict when the entity that is operating the facility is also responsible for regulating that facility. If the regulators who are writing the EIS could do so independently of the operators who will be running the plant, it might enable a more objective assessment of the impacts posed by such large construction projects. The operations at facilities like Hunts Point need to be completely separate from the regulatory oversight; HPMC no longer has the confidence that DEP can regulate itself. Why should DEP facilities have less independent oversight than a private company? While we do not have a solution to this very fundamental problem, one idea might be to have the regulatory side of DEP report directly to the Mayor and leave the utility side under the DEP Commissioner.

Although it seems unlikely that self-regulation will change anytime soon, the HP WPCP expansion cannot be allowed to add to the burdens in Hunts Point, the expansion must be part of a new effort to create a sustainable environment. The expansion cannot be allowed to diminish the value of our brand new open spaces and must be built with the goal of bettering the Hunts Point environment. This means DEP must set an example by doing more than the minimum—that you will change your operations, install pollution controls and expand the plant in a way that contributes to building a sustainable community in Hunts Point.

ODORS

The DEIS contain numerous flaws with respect to the odor analysis and conclusions. First, DEP must apply its own guidelines and acknowledge that there are significant odor impacts from the

Hunts Point WPCP. Second, DEP must fully and comprehensively investigate and control all odors from the plant, beginning with the odor control recommendations developed over 10 years ago. Third, it must not underestimate the odor impacts from the plant and must conduct an odor impact analysis that more accurately incorporates the higher odor emissions from the Hunts Point WPCP.

DEP Must Apply its Own One ppb H₂S Standard

The DEIS finds that there are H₂S impacts- 3.35 ppb at the eastern fence line and 2.44 ppb at Ryawa Avenue /Greenway– both which exceed the DEP threshold of 1 ppb. Despite exceeding the NYC threshold of 1 ppb at Ryawa Avenue/Greenway, DEP concludes in the DEIS that it is not required to implement any additional odor controls at the Hunts Point WPCP because the exceedance “would not be disruptive of the types of activities that would occur along the South Bronx Greenway.” Users of the greenway – cyclists, walkers and skaters – tend to pass through, spending only a limited time in a given area.” (pg. 10-12, DEIS). In other words, DEP claims residents will never remain on Ryawa Avenue/Greenway location for up to an hour.

The City Environmental Quality Review Technical Manual (CEQR TM) states “DEP considers a 1 ppb increase of H₂S as a *significant* odor impact from wastewater related processes” (pg. 3Q-6, CEQR TM). On the basis of the CEQR TM, DEP must conclude that the exceedance of the 1 ppb threshold is a significant impact and must implement mitigation measures. Moreover, DEP’s basis for concluding that people will not be on the Greenway is contrary to the requirement under the CEQR TM that the DEIS impact analysis be based on a reasonable worst-case analysis. It is clearly reasonable to foresee that residents will sit or otherwise be stationary on portions of the Greenway for up to an hour, particularly at the location of the greatest H₂S impact on the Greenway, Ryawa Avenue, because that location contain an attractive natural landscape buffer referred to as the demonstration garden in the Greenway Plan.

DEP Must Fully Investigate and Control Odor Sources Identified in Reports over the last 10 years

In 1996, Odor Sciences and Engineering, a consultant to DEP, conducted a study to assess the odor sources at the Hunts Point WPCP and the impacts to the Hunts Point Community. The results of the study were set forth in a report entitled: “Hunts Point Water Pollution Control Plant Odor Monitoring Pilot Project Final Report,” prepared by: Ned Ostojic, Ph.D., P.E., September 24, 1996 (hereinafter, “1996 Odor Report”). The report found that there were numerous odor sources in the Hunts Point area, with the largest facilities being the Hunts Point WPCP, NYOFCo and waste transfer stations (pg. ii, 1996 Odor Report). The most significant odor sources from the Hunts Point WPCP were: the primary settling tanks effluent weirs, the sludge thickener – effluent weirs, sludge storage tanks 9 and 10, and the digester gas flares (Table 5-3, pg. 5-14, 1996 Odor Report). The most significant odor impacts were in the area of Ryawa and Viele Avenues. The report notes that the odor study was done in April and May 1996 and that increases in odors occurred as the weather got warmer towards the end of the study in May. As a result of these observations, the report indicated that there was a likelihood of worse odors or peak odors during the hottest period of the year (pg. 6-5, 1996 Odor Study).

The sources of odors identified in the report are as follows:

Sludge Dewatering

“Without proper odor control systems, the emissions from dewatering could, under upset conditions, cause objectionable odors within the sensitive residential area. It is therefore

important to assure a consistently high level of performance for these odor control systems. For that purpose it is recommended that the odor control systems at the dewatering building be optimized. The optimization program should identify specific equipment rehabilitation and/or upgrade measures and operational modifications which may be needed to assure consistent optimum performance.” (pg. 6-4, 1996 Odor Study).

Digester gas flare

“Downwind observations have shown that, when lit, the flares effectively control the digester gas odors. Historically, however, periodic flare outages were known to have occurred. Because of the very high odor concentration in the unburned digester gas, even the relatively small stream of that gas escaping through an unlit flare, could cause significant odor impacts... Precautionary measures aimed at reducing the likelihood of flare outages and providing their early detection should be considered. At a minimum, installation of an alarm to warn the operators of a flare outage is recommended. Flare lighting mechanism should be maintained in excellent working order and tested routinely (pg. 6-4, 1996 Odor Study).

Sludge Thickeners

“[S]ludge thickeners could be a source of occasional intense odors at the plant fence line. At the level of odor emissions measured in this study, these odor levels are unlikely to be considered objectionable within their present impact areas. However, odor emissions from sludge thickeners exhibited an upward trend with the approach of the warmer season. [Note: the odor study was performed in April and May 1996] Should the upward trend continue, the odor impacts from the thickeners could result in objectionable off-site odors. This underscores the importance of an effective odor monitoring program by plant staff. Should elevated odor impacts off-site be traced to sludge thickeners, operational measures may need to be considered such as reduction of sludge blanket or possibly chemical treatment of the incoming sludge. Covering of the effluent weirs could be considered if elevated odor emissions from this source persist.” (pg. 6-5, 1996 Odor Study)

It was further noted that “Many of the wall and roof segments of the building where the thickeners are located had been removed for improved ventilation. At present the building is ventilated by natural ventilation (g. 4-5, 1996 Odor Study).

Primary Sedimentation Tanks

“At the level of emissions measured in this study, the primary settling tanks (PSTs) are not a source of objectionable odor impacts off-site. The results of the odor emissions inventory revealed a potential upward seasonal trend in odor emissions from the [primary settling tanks]. As in the case of sludge thickeners, odor monitoring should provide early warning, should the trend intensify during the peak of the hot season. Chemical treatment could be considered should there be a dramatic increase in odors from the PSTs.” (pg. 6-5, 1996 Odor Study).

Aeration Tanks

“The aeration tanks are also currently not a source of objectionable odors off-site. However, a potentially significant change in the pattern of the odor emissions from the aeration tanks was found in the study. More detailed evaluation of the odor emission patterns may be necessary if it becomes apparent that the aeration tanks have become a

source of objectionable off-site odors. Such evaluation may need to establish the impact of the anoxic zones on odor emissions and investigate potential operating modifications for odor remediation (pg. 6-5, 1996 Odor Study).

Scum Collection and Centrate Distribution Box

“Odors described as ‘rancid’ and ‘putrid’, have occasionally been detected downwind east of the plant. These odors were traced to scum collection. In addition, ‘fecal’ and ‘putrid’ odors, which were occasionally observed in the areas surrounding the east end of the plant, were traced to the centrate distribution box and overflow pipe. Both of these odors are unlikely to reach the sensitive complaint area. Nevertheless, it is recommended that remedial measures be considered to reduce these odors. The roadways in the area surrounding the east end of the plant are more heavily traveled than those at the west end of the plant, which increases the number of potential odor receptors who may find such odors objectionable.

In the case of scum collection, remedial measures could include more frequent emptying of the scum pit and/or installation of suitable covers. Covering of the centrate distribution box and overflow pipe with suitable covers (e.g., hinged or removable) is recommended.” (pgs. 6-5 through 6-6, 1996 Odor Study).

Sludge Overflow Boxes

Sludge overflow boxes were found to be an intermittent source of higher level odors which could escape as fugitive emissions. Covering of the overflow boxes with suitable covers, e.g., hinged or removable, is recommended to contain these odors. Use of covers would also significantly lower that odor levels and improve working conditions within the room in which the sludge overflow boxes are located (pg., 6-6, 1996 Odor Control Study).

Subsequent to the 1996 report, DEP conducted another odor analysis in 1999 and used the results to prepare another report entitled: “Report on Predicted Atmospheric Impacts From the Hunts Point Water Pollution Control Plant,” by Odor Sciences & Engineering, Inc., dated April 21, 2003 (hereinafter, the “2003 Air Study”). The study found that the highest predicted odor impacts arose from the primary clarifiers, sludge thickeners and primary clarifier effluent weirs and channel (2003 Air Study).

The report found that the “The leading source of H₂S emissions is the primary clarifier complex, which accounts for 36% of the plant’s total emissions. Within the complex, most of the emissions are contributed by the influent channel, which accounts for 50% of the emissions from the complex (20% of the plant total). The centrate tank is the next highest source, accounting for 12% of the plant total, followed by the emission control equipment for the centrate collection system and the screens buildings with 11% each. Secondary aeration accounts for 10% of the plant total, followed by sludge thickeners at 8%. On a plant-wide basis, the report found that “the leading source of odor emissions is again the influent channel to the primary clarifiers, which accounts for 31% of the plant’s total odor emissions. It is followed by the odor control equipment serving the centrate collection system (16%) and emissions from the screens building (12%). Secondary aeration tanks accounts for 12% of the plant’s odor emissions, while the share contributed by sludge thickeners is 4.5% (pg. 3-14, 2003 Air Study)

A summary of some of the specific findings from the 2003 Air Study are as follows:

- Primary Clarifier Complex- Influent Channel: “The two highest H₂S concentration values – 7, 600 ppb and 5,600 ppb . . . coincided with an upset condition at the influent gate. (pg. 3-2).
- Primary Clarifier Complex: The effluent weir segment of each clarifier was the source of high levels of H₂S emissions (pg. 3-2).
- Secondary aeration tanks:
 - “The highest H₂S levels were measured in the anoxic zone of Pass A (1,400 ppb).
 - 5 of the 6 aeration tanks provide activated sludge treatment for the wastewater from primary clarifiers.
 - “Tank No. 5 serves as an aerated holding tank for the centrate from the sludge dewatering. As such, t5 differs significantly from the remaining five tanks from the standpoint of air emissions...” This tank received “twice as much aeration per unit surface as the secondary aeration tanks.” [In other words, it is a potential source of significantly higher levels of H₂S]. It does not appear that H₂S and odor tests were performed at Tank No. 5. (pg. 3-5 through 3-6)
- Sludge Thickeners: The “turbulence at the weirs significantly enhances H₂S and odor emissions. The factor by which emissions exceeded those from the quiescent portion of a thickener, ranged from 10 to 23 times. “ Higher odor emissions “may have been related to plant influent flow rate due to rain. . .”
- Sludge Storage Tanks:
 - “Tanks 5 and 6 are covered and have a six foot wide opening on the roof, H₂S emissions occur primarily through displacement of the air from within the tanks when they are filled. . . . The surface of the sludge in tanks 5, 6 and 8 has dried up forming a deep crust with some cracks, which effectively reduced the emissions from the sludge.” Tank 8 is completely open. (pg. 3-10)
 - “Tank 9 is an open storage tank to which the sludge is pumped from any of the tanks, 5, 6 or 8 . . . Since the surface of the sludge in tank 9 was not crusted over like those in tanks 5 and 6, H₂S concentrations measured in tank 9 were significantly higher than the values obtained inside tanks 5 and 6. (pg. 3-10)
- Activated Odor Unit at the Centrate System: “The carbon adsorber . . . [provided] an odor control removal efficiency of only 25%. High inlet H₂S concentrations also indicate that the wet scrubber providing the first stage of treatment was not operating adequately. Operation of these emission control systems will be optimized as a separate task of this project.”
- Wet Scrubbers at the Sludge Dewatering Building: “[B]oth inlet and outlet H₂S and odor concentrations were low. Optimization of this scrubbing system will be performed as a separate task of this project. “ (pg. 3-12).

DEP Must Accurately Assess the H₂S Impacts

HPMC and its technical advisor have identified a number of assumptions used by DEP in its odor analysis that have potentially resulted in the underestimation of odor impacts. Specifically, HPMC and its technical advisor pointed out that DEP’s use of lower odor emissions from sludge storage tanks 5 and 6 would underestimate the reasonable worst-case odor emissions from these tanks. It was unreasonable for DEP to assume that the “dried sludge that formed a floating crust with some cracks” could provide a reliable form of odor control for these tanks. DEP agreed to use the odor emissions from Tank 9 as the basis for reanalyzing odor impacts.

The HPMC noted that there were a number of areas at the plant identified as open to the outside air during the recent plant tour on February 13, 2007. In addition, the 1996 Odor Study identified these openings as potential sources of odors. The HPMC's technical advisor raised the issue that DEP's odor analysis was flawed because it assumed that all of the odor control units were 100% effective in capturing odors. The assumption of 100% odor capture is only appropriate if DEP conducted a separate analysis to support this assumption. HPMC's technical advisor provided DEP with a method for this analysis: *USEPA METHOD 204--Criteria for and Verification of a Permanent or Temporary Total Enclosure*. The analysis has not been provided to HPMC or its technical advisor but DEP stated at a recent meeting that it had performed the analysis and identified a number of areas at the plant that required modifications in order for the odor control system to capture 100% of odors. DEP needs to provide the results of the analysis to HPMC and its technical advisor for review and identify the modifications necessary to ensure that odors are no longer being emitted to the open air from these sources.

DEP's odor analysis also failed to account for other existing sources of odors that impact sensitive receptors, such as Barretto Point Park and the Greenway. DEP assumed that the background for H₂S was zero and, based in part on this assumption, DEP concluded that there was no violation of the 10 ppb H₂S (1-hour average) ambient air – New York State Standard. Given the extensive odor complaints and the odor sources in Hunts Point documented in the 1996 Odor Study and the recent odor study performed by Malcolm Pirnie – the EIS must provide an inventory of the odor sources. DEP could also perform a cumulative impact analysis – using the same air dispersion modeling tools that were used in the 1996 Odor Study- that includes the odors from other significant sources. Such an analysis would provide a more accurate assessment of the H₂S levels at Barretto Point Park and the Greenway. DEP must also perform short-term odor monitoring to assess the H₂S levels at Barretto Point Park and Greenway.

The Hunts Point Community has complained for many, many years about the odor impacts from the plant as well as impacts from the DEP-contracted facility, NYOFCo. Finally in 1996 as a result of these complaints, DEP had a consultant conduct an odor survey at the plant and the consultant identified numerous sources of odors that were impacting the community. However DEP has dragged its feet for years and the community has continued to suffer. A proactive environmental agency would never accept such delays by private facilities – it's even worse that the very agency that has the responsibility for addressing odor impacts is itself an odor generator. DEP's recent construction of some odor controls at the plant is a welcome beginning but it is not enough.

This expansion provides DEP with an excellent opportunity to be a leader in controlling odors in the community by controlling the odors from the plant. Right now, DEP's own analysis in the EIS shows that the odors from the Hunts Point Water Pollution Control Plant will exceed the City's odor impact standard on the Greenway. DEP cannot simply dismiss the need to address the odors by stating that people will never be at a location for an hour. DEP needs to be a leader – not try to figure out how to get away with a bare minimum.

DEP needs to conduct a comprehensive analysis of odor control options for each of the odor sources at the plant and DEP needs to develop a comprehensive odor management program – as recommended by its own consultant. DEP must also become more vigilant about investigating the Hunts Point WPCP when it receives an odor complaint, about tracking responses to odor complaints and about making sure that the sources of the complaint are addressed. DEP must

also install H₂S monitors to verify that the Hunts Point WPCP is not impacting Barretto Point Park and the Greenway.

DEP must partner with the community to address odors from its facilities, both from the plant and from NYOFCo. DEP should use this opportunity to work with the HPMC to explore operational procedures under its control that could lessen impacts from NYOFCo. Such procedures might include instituting regular sludge deliveries to reduce the back-up on NYOFCo's tipping floor and the associated odors. It should also work with HPMC and community members to examine opportunities in its contract with NYOFCo to strengthen odor controls. DEP cannot continue to defend NYOFCo just because it is a City contractor. DEP has promised for over ten years that it will control the odors from NYOFCo and other sources in the community. The community demands a transparent process for investigating, and controlling odors from NYOFCo, the plant and other significant sources in the community.

In addition, it was reported on page 17-34 of the DEIS that sludge and grit removal activities in the digesters and sludge storage tanks had the potential to generate odors, yet the DEIS did not contain a quantitative analysis of these odor impacts. HPMC is concerned about these odors and urges DEP to consider the installation of a permanent odor misting system, similar to the one installed at Newtown Creek, around the digesters and sludge storage tanks prior to the cleaning.

DEP cannot dismiss these air and odor impacts, they must be more carefully quantified and measures developed for mitigation.

Odor Mitigation

DEP must perform a comprehensive odor control analysis on the areas of the plant that have been identified as sources of odors. This analysis must consist of controlling odors at currently uncontrolled sources of odors, optimizing odor control at sources that are inadequately controlled for sources of odors and a comprehensive on-going odor control management and monitoring program to assess the effectiveness of odor control sources. In consultation with the HPMC, based on the results of this odor control analysis, DEP must develop and implement a comprehensive odor control program at the Hunts Point Plant. The uncontrolled sources of odors that must be analyzed include:

- primary clarifiers and weirs,
- primary effluent channels
- secondary aeration tanks
- sludge thickeners
- sludge storage tanks 8 and 9 and
- return activated sludge channels.

This analysis must consist of both fixed odor controls, as well as odor control management techniques such as those identified in the 1996 Odor Study.

In addition, the Hunts Point WPCP has a number of planned/existing odor control systems:

- Central Residuals Building – primary and secondary screen rooms
- Primary clarifier tank influent channels – covered and treated with activated carbon
- Sludge Storage Tanks 5, 6 and 10
- Sludge distribution box

- Dewatering building - 4 wet scrubber exhausts

Both the 1996 Odor Study and the 2003 Air Study identified the fact that the existing odor controls systems are a significant contributor to odors. Specifically, the activated odor unit at the Centrate System and the wet scrubbers at the sludge dewatering building were identified as performing inadequately and requiring optimization. It should be noted that DEP has switched from scrubbers to carbon at Newtown Creek because carbon was determined to be more effective. Moreover, these studies identified particular problems during certain upset conditions and wet weather events that was not analyzed in the DEIS. These issues must be included as components of the odor control analysis.

AIR QUALITY

PM 2.5

[A]mong the most dangerous [air pollutants] is PM 2.5—more commonly known as soot. Its small size lets it drift deeper into the lungs, where it can cause inflammation and other damage. According to the EPA, exceedances of the PM 2.5 standard cause up to 15,000 premature deaths annually. Estimates from the City’s Department of Health and Mental Hygiene show that a 10% decrease in current levels in New York City would result in hundreds fewer deaths annually. . . [W]e must . . . prioritize sites where children suffer from higher rates of asthma and other diseases (pgs 120-121, the Mayor’s Sustainability Plan). DEP must address this serious concern by 1) assessing the PM 2.5 impacts from the Hunt’s Point WPCP in light of the more stringent technical recommendation adopted by the northeastern states, 2) reducing all sources of PM 2.5 from the Hunts Point WPCP.

DEP Must Apply the Impact Threshold Accepted by the Northeastern States

The DEP performed its analysis of PM 2.5 24 hour impacts based on the outdated interim Policy issued by the New York State Department of Environmental Conservation (“DEC”): “CP-33 / Assessing and Mitigating Impacts of Fine Particulate Matter Emissions, (hereinafter, DEC’s PM 2.5 Policy) dated 12/29/03. DEC’s PM 2.5 Policy was developed as an interim direction to DEC Staff in connection with DEC permitting. With respect to assessing 24-hour impacts, the DEC Policy established an impact threshold of 5 ug/m³.

Since the issuance of the policy two significant events have occurred that directly affect the assessment of PM 2.5. First, the USEPA reduced the PM 2.5 24-hour standard to 35 ug/m³ from 65 ug/m³. Second, the DEC and all of the northeastern states have reevaluated the appropriate significant impact threshold based on more up to date information.

USEPA reduced the PM 2.5 24-hour standard because it found “premature mortality and hospital admissions for cardio-respiratory cases that are likely causally associated with short-term exposure to PM_{2.5}” and “statistically significant associations between short-term PM 2.5 exposure and total or cardiovascular mortality in areas in which long-term average PM 2.5 concentrations ranged between 13 and 14 ug/m³ and 98th percentile 24-hour concentrations ranged between 32 and 59 ug/m³ (Federal Register / Vol. 71, No. 200 / Tuesday, October 17, 2006 / Rules and Regulations Pgs. 61169 and 61154). Moreover, USEPA underscored that the reason for the 24-hour standard was to provide “protection against days with high peak PM 2.5 concentrations, localized hotspots.” (Federal Register / Vol. 71, No. 200 / Tuesday, October 17, 2006 / Rules and Regulations, Pg. 61153).

The residents of Hunts Point have disproportionate levels of diseases that are associated with PM exposure – most notably asthma and upper respiratory illness – as recognized by the Mayor’s Sustainability Plan. The very poor air quality conditions and health consequences that USEPA sought to address in its revised USEPA rule exist in Hunts Point with respect to both annual and 24-hour PM 2.5 levels. Moreover, recent studies by NYU have determined residents in areas such as Hunts Point where the population is in close proximity to vehicular emissions – especially diesel emissions- are exposed to very high levels of pollution and are especially vulnerable to health impacts. <http://www.icisnyu.org/ix/projects/detail/6> These facts are recognized in the Mayor’s Sustainability Plan:

“The EPA and DEC deliberately placed most monitoring systems away from highways, power plants, and heavily-trafficked roads so that their emissions wouldn’t skew the results. The intent was not to record the output of an individual smoke stack, but to understand how that smoke affected the region. Today, the EPA still largely measures its success by looking at overall area concentrations; the cumulative pollution gathered over a given region. ***But implicit in that decision is the acknowledgement that the closer one gets to an actual polluter, the greater the exposure to that pollution.*** In cities like New York, where roads, power plants and highways are interwoven through communities, the ambient measurements are inadequate indicators of actual exposure. Virtually all of us live, work, or walk near heavily trafficked streets. And we are learning that those are the ***highest risk zones.*** Recent studies have begun to measure local pollution exposure correlated with health impacts of the surrounding communities. This apparently is the next front of air quality science. ***It is also an area where the City can have an enormous impact.*** When the issue is solving regional ambient air quality, the impact on any neighborhood is uncertain. When the focus is on local exposure and community health, there are various opportunities to decrease environmental disparities. In the South Bronx, where asthma rates are particularly high, the City has worked with local communities to begin installing a network of parks around the perimeter. We are exploring an alternative fuel station for drivers, a program to retrofit and upgrade trucks, and conversion of entire fleets to Compressed Natural Gas, which has 90% lower carbon monoxide and particulate matter emissions than diesel. ***And there’s a lot more we can do.*** The findings of these local exposure studies are compelling. We must build on these efforts to gain an accurate understanding of the air quality variations across New York City. Meanwhile, we can begin moving forward on policies designed to reduce our biggest known polluting sources—diesel fuels . . .”

“ . . . [W]e can begin targeting the sources in New York City even more aggressively. . . Based on current emissions levels, we will need to reduce our local PM2.5 by 39% per square mile to achieve the cleanest air of any big city in America. . . We have chosen PM2.5 as our standard because of its significant impacts—and because we lag behind our peer cities in stemming its release into the air. But other pollutants such as SO₂, NO_x, and VOCs also contribute to our PM 2.5 levels, so achieving further reductions in those emissions will also be essential.” (pg. 120, the Mayor’s Sustainability Plan (emphasis added)).

In 2006, because USEPA had failed to establish significant impact thresholds for PM_{2.5} impacts, NESCAUM - Northeast States for Coordinated Air Use Management – adopted an impact threshold of 5 ug/m³ for 24 hour impacts. NYSDEC is a member of NESCAUM and fully

supported this recommendation; this recommendation then became the basis for the DEC PM 2.5 Policy. Subsequently, NESCAUM examined more recent PM 2.5 modeling results from projects in the northeast and adopted a 2 ug/m³ significant impact threshold for PM 2.5 24-hour impacts. See <http://www.nescaum.org/topics/permit-modeling>. NYSDEC is a member and fully accepts this threshold as the most technical sound threshold – based on the most recent understanding of and knowledge regarding the significance of PM 2.5. NESCAUM notes that this revised threshold does not account for the revisions to USEPA 24-hr standard.

DEP must use a 2 ug/m³ significant impact threshold. This impact threshold reflects the recommendation of the very agency that regulates PM 2.5 in New York: NYSDEC, as well as all the other states in the Northeast. For DEP to ignore the recommendation of air quality regulators that was developed on the basis of the most current knowledge of PM 2.5 impacts in Hunts Point, a location with documented poor air quality, would essentially be to totally ignore the public health consequences of its actions.

DEP Staff alleges that they do not have adequate information to apply NESCAUM's 2 ug/m³ significant impact level threshold. Specifically, DEP Staff claims that there is uncertainty as to how PM 2.5 24-hour data should be used, i.e., whether to use a 98% percentile value or an alternative such as 99%. This is incorrect. USEPA, in its rule revising the PM 2.5 24-hour standard, has affirmed that the 98th percentile is the basis for assessing PM 2.5 24-hour levels. (Federal Register / Vol. 71, No. 200 / Tuesday, October 17, 2006 / Rules and Regulations, pg. 61165.) DEC cannot alter this recommendation from USEPA and, therefore, there is no further clarification necessary from DEC regarding how the monitored data should be used in assessing whether the impact threshold of 2 ug/m³ is met.

Using the impact threshold of 2 ug/m³, and based on DEP's analyses in the DEIS, there would be impacts under all operating scenarios at the following locations:

- Barretto Point Park
 - 2.3 ug/m³ normal plant operations
 - 4.6 ug/m³ PLM participation
 - 2.7 ug/m³ emergency generator testing periods
- South Bronx Greenway
 - 2.1 ug/m³ normal plant operations
 - 4.6 ug/m³ PLM participation
 - 2.1 ug/m³ emergency generator testing periods
- Maximum Impact Location – western fence line
 - 11.7 ug/m³ PLM
 - 6.0 ug/m³ emergency generator testing

During the last month, DEP revised its analysis on the basis of less conservative and more realistic operating scenarios. This analysis was performed using the currently accepted USEPA air model AERMOD. DEP had performed the air modeling using an older air model ISC during the period that such model was valid but in response to a recommendation from HPMC and its technical advisor, DEP reanalyzed the impacts using the new air model. A summary of the revised findings was presented to the HPMC and its technical advisor. While the levels of PM 2.5 impacts have decreased, the summary results presented by DEP are as follows:

- Barretto Point Park
 - 0.79 ug/m³ normal plant operations (no emergency generators in the winter period)
 - 2.8 ug/m³ PLM participation
 - 1.6 ug/m³ and 1.5 ug/m³ for the two maintenance testing scenarios
- South Bronx Greenway
 - 1.6 ug/m³ normal plant operations (no emergency generators in the winter period)
 - 3.0 ug/m³ PLM participation
 - 1.9 ug/m³ and 1.7 ug/m³ for the two maintenance testing scenarios
- Nearest Resident
 - 0.63 ug/m³ normal plant operations
 - 0.98 ug/m³ PLM participation
 - 0.84 ug/m³ and 0.72 ug/m³ emergency generator testing
- Maximum Impact Location – unclear

Although the HPMC and its technical advisor have not been provided the complete analysis to review, DEP's summary presentation indicates there would continue to be significant impacts to Barretto Point Park and the South Bronx Greenway during use of emergency generators in the PLM Program and fairly high impacts associated with the use of the emergency generators for maintenance testing. In the FEIS, DEP must conclude that at these locations, PM_{2.5} levels would exceed the significant impact threshold recommendation of NESCAUM and DEC and, therefore, these impacts are significant impacts.

DEP Cannot Use Flawed Logic to Avoid Reduction of PM 2.5 Impacts

DEP claims that even if the DEIS assessment did not account for the fact that the PM 2.5 24-hour standard has changed – the DEIS “assessment considers impacts below 5 ug/m³” and that the “PM 2.5 standard is derived based on a continual 24-hour exposure.” (pg. 8-21, DEIS). DEP seems to be saying that because the residents of Hunts Point will not be at the location of the highest PM 2.5 impacts: Barretto Point Park and the Greenway, for 24 continuous hours, any public health concern is reduced. This conclusion is incorrect for many reasons.

First, as USEPA notes, the PM 2.5 standard is based on an average over a 24-hour period in order to “protect against health effects associated with short-term (*hours* to days) exposure (pg. 61164, **Federal Register** / Vol. 71, No. 200 / Tuesday, October 17, 2006 / Rules and Regulations (emphasis added). In other words the PM 2.5 24-hr standard is designed to protect against PM 2.5 exposure during discrete spans of time within the 24-hour period and that the assessment of impacts is based on averaging periods of exposure and non exposure. Therefore, contrary to DEP's statement, the 24 hour standard is not based on 24 continuous hours of exposure, but on protection from exposure during any number of hours in a 24-hour period when averaged over the entire 24 hour period. This is the reason that USEPA and DEC's air regulations automatically require mitigation whenever any project exceeds the impact threshold.

Second, DEP's rationale is also flawed because the impacts from the generators in the PLM program coincide identically with periods during which residents can use the Barretto Point Park and the Greenway. The use of the emergency generators in the PLM program would occur

between the hours of 11 AM and 7 PM for a maximum of six hours for up to 15 days between June 1 and September 30th. The hours of operation for the emergency generators are also the hours that the Barretto Point Park and Greenway will be open for use by Hunts Point residents. This means the residents would be exposed to the air pollutant emissions for the entire period that the emergency generators are operational. The fact that the residents are not at the park during the rest of the 24-hour period when the generators are not operational is irrelevant with respect to assessing the severity of impacts.

Furthermore, DEP has attempted to minimize the severity of the impacts by emphasizing that the PLM program would only be occur for a maximum of 15 days. The PM 2.5 24-hour standard is designed to protect against short-term exposure. As underscored by the Mayor's Sustainability Plan and USEPA's recent revisions to the PM 2.5 standard, this means that a single day of excessive impacts would result in public health impacts. Moreover, because the use of these generators during peak load conditions would occur during the hottest days of the year, the PM 2.5 impacts would be occurring during the worst air quality days of the year when ozone would be at its highest levels. This means that the potential health consequence of PM 2.5 exposure is compounded by another air pollutant that has similar health concerns.

The DEIS also predicts that construction activities will generate PM_{2.5} concentrations in excess of the proposed NESCAUM 24 hour threshold of 2 ug/m³ at the Barretto Point Park fence line and on Manida Street along the Greenway. In the DEIS, DEP used the outdated NYSDEC 24 hour threshold to dismiss these PM 2.5 impacts but suggested at the Public Hearing that they would examine the possibility of reducing the PM_{2.5} impacts by using ultra low sulfur fuel in the emergency generators and limiting the plants participation in the PLM program. HPMC urges DEP to pursue these options so that the plant can reduce its PM_{2.5} impacts on the park and the Greenway.

PM 2.5 Mitigation

Based on the significant impacts from PM 2.5, DEP must mitigate the PM 2.5 impacts. The DEC sets forth three general categories of mitigation measures when PM 2.5 is estimated to have significant impacts.

- implementation of an emission level compatible with the concept of the Lowest Achievable Emissions Rate (as outlined in 6 NYCRR 231-2) for PM_{2.5}; and/or
- obtain reductions in emissions from other existing sources to offset the project's emissions; and/or
- limits on the hours of operation or fuel used at the proposed project

DEP must analyze all these options to eliminate the significant impacts from the generators. In addition, with respect to the most acute impacts from the generators, DEP must either:

- Decline to participate in the PLM program or
- Restructure the emergency generators with lowest achievable pollution controls and use the cleanest fuels to order participate in the PLM

It must be noted that, because the current levels of PM 2.5 for 24-hours are greater than the USEPA standard, the use of the generators with the lowest achievable pollution controls is justified under the USEPA and DEC regulations.

The DEP must use the Hunts Point WPCP DEIS as its first opportunity to "assess the impact of development, infrastructure changes, traffic changes, and traffic mitigation measures." (pg. 129, the Mayor's Sustainability Plan). This strategy should begin with reducing the impacts of the

Hunt's Point WPCP to the maximum extent possible. "We must also add enough clean supply to retire our dirtiest plants, which are frequently located in some of the city's most underserved communities . . . (pg. 102, Mayor's Sustainability Plan). Pursuant to the Mayor's challenge for peak load management, the DEP must explore alternatives to the use of dirty energy on the hottest days of the year. Specifically, DEP needs to move aggressively in the load packet enveloping Hunts Point on: 1) mandating that all city and city-contracted facilities, such as NYOFCo, reduce energy use during peak periods, and 2) to enter into agreements with the largest private users to reduce energy. Separately, the DEP, working with other City agencies, and the Mayor's Office must: 1) begin a monitoring program to assess the hot spots of PM and other air pollutants, and aggressive traffic mitigation measures – particularly related to reducing the exposure of residents adjacent to roadways from diesel trucks.

NON-CRITERIA AIR POLLUTANTS

The DEIS showed that the projected concentrations of three volatile organic compounds will exceed the NYS Annual Guidance Concentrations (AGCs) at the Greenway:

- 1,4-dichlorobenzene: 2.15 times 0.09 ug/m³ AGC
- Chloroform: 3.93 times AGC of 0.043 ug/m³ AGC
- Dichlorobromomethane: 1.22 times AGC of 0.02 ug/m³

A separate analysis done by DEP in 2003 showed that the concentrations of these compounds exceeded the AGCs by slightly higher levels and that an additional compound- benzene- was also present at a concentration that exceeded its AGC (pg. 4-1, Report on Predicted Atmospheric Impacts From the Hunts Point Water Pollution Control Plant, Part B. VOC Emissions and Impacts Based on VOC Fate Modeling, dated April 21, 2003). This report states that for three of these compounds – 1,4-dichlorobenzene, dichlorobromomethane and benzene – "the peak impact occurs at the northwest portion of the plant in the close proximity to the uncontrolled sludge thickeners, which are likely to be significant contributor to the impact."

New York State regulations require the performance of a Best Available Control Technology (BACT) analysis when AGCs are exceeded by a factor of less than 10 due to emissions from a stationary source; the BACT analysis is essentially an analysis of controls available to reduce emissions of compounds. DEP conducted this analysis during the Phase II upgrade and analyzed VOC stripping and controls, tanks covers and control of non-criteria air pollutants, control at the point of release into the collection system and acquisition and incorporation of impacted land within the plant's fence line. DEP determined that the only viable option was placement of tank covers on the primary clarifiers and aeration tanks and treating ventilation exhausts from tanks using carbon adsorption. DEP then concluded that "the economic evaluation for this option showed that the cost effectiveness for combined control of three non-complying VOCs was outside the range of the cost-effectiveness values considered acceptable in BACT analysis. Based on the analyses conducted, BACT was determined to be "no control" due to technical and economical feasibility reasons." (pg 9-16, DEIS). However, DEP failed to examine the possibility that some of these pollutants came from other sources, such as the sludge thickeners identified in the April 2003 report referred to above, on which controls might have been more costs effective. DEP also failed to analyze whether non-fixed control techniques (i.e. process modifications) might also provide a cost-effective methodology for reducing the VOC concentrations.

Rather than providing a complete analysis of all non-criteria air pollutants, DEP chose not to analyze potential impacts from acrolein, a pollutant emitted by boilers, waste gas burners and emergency generators. DEP indicated that currently there are no methods for sampling acrolein emitted from stationary sources and therefore it is difficult to correctly estimate acrolein emissions. While EPA and CARB are in the process of developing a sampling method for acrolein, DEP took a more protective approach at the Newtown Creek WPCP and conducted some air modeling to estimate acrolein emissions. In that case, they relied on literature values to predict the potential concentrations at the Newtown Creek WPCP and compared the predicted concentrations to the NYS Air Guidelines. The calculations showed that there were potential exceedances of acrolein. However, upon further modeling with actual boiler usage rates, DEP was able to confirm that the acrolein concentrations would not pose an impact to nearby sensitive receptors. DEP should use the same approach at Hunts Point to definitively determine whether acrolein emissions may impact Hunts Point residents. Until that time, this potential impact remains an open question.

OPEN SPACE

The DEIS as it stands does not provide a sufficient or complete analysis of the impacts of the proposed action on open space in the Hunts Point Community. The DEIS must acknowledge the critical importance of the new open space in Hunts Point- both the Barretto Point Park and the Greenway- and the chapter on Open Space must be revised to provide a complete description of the project impacts (both construction and operation) on these spaces. A collective analysis of the impacts will verify the need for mitigation and for a serious analysis of the project alternatives. As you heard at the April 12, 2007 DEIS hearing, impacts to the park and the Greenway are a significant concern to the community not only because the community worked hard to establish the park and the greenway but also because it remains underserved with respect to parks and open space.

Barretto Point Park is a beautiful, new five acre waterfront park with basketball courts, play equipment, a natural amphitheater, a boat launch, landscaping and a waterfront promenade; an “oasis of green space” as noted in the DEIS (pg. 4-5, DEIS). HPMC cannot emphasize enough the importance of this park to the community. The park replaced a brownfield with much needed green space and parks have been shown to provide a series of public benefits, beyond aesthetics, which include neighborhood revitalization, economic opportunities for youth, creation of social fabric and promotion of good health. But as currently planned, the Phase III upgrade will entail the placement of four large egg-shaped digesters adjacent to the park. The bulk and height of the digesters will be overwhelming to park users; the 130 foot stainless steel eggs will tower over adjacent park structures and significantly affect the way kids and adults experience the park. The eggs will also create shadows on the park; the shadows may be restricted to morning hours but they nonetheless represent an additional impact to the park. Further, in addition to the significant visual impact, construction of the eggs will pose air quality and noise impacts to park users. Even after remediation of the soils, excavation of the clean fill for the foundation of the eggs will create dust and possibly odors and the construction will create noise impacts for over 1.5 years. These impacts were acknowledged in the DEIS but were dismissed as insignificant, partially because they were examined individually rather than collectively. They must be examined collectively to provide a complete picture of the project impacts on the park.

In spite of all of these impacts, the DEIS concludes on pg 2-7, “the potential impacts would not result in a significant open space impact as park users overall enjoyment of the park would not be significantly diminished.” DEP offers no justification for this conclusion, and in fact cannot justify it because they have not analyzed the impacts in accordance with the CEQR Technical Manual (CEQR TM). The CEQR TM recognizes the value of open space and provides a directive to evaluate all impacts on open space, not just shadows and visual impacts but a comprehensive analysis of all potential impacts, which should include air quality, noise, and odors (pg. 3D-12, CEQR TM). Further, on page 3D-11, the CEQR TM recommends the conduct of a user survey to determine whether any of the impacts would discourage public use; that would include a user survey to determine whether the presence of the egg digesters, or noise or dust associated with construction would discourage use of the park. It is only through a user survey that the impacts of the expansion on the park can be quantitatively evaluated; anything else is conjecture on DEP’s part.

HPMC is also troubled by the implication in the EIS that the community agreed to live with the impact of the eggs on the park because “the two projects were contemporaneously planned” (p. 22-1, DEIS). This is not the case: the community had no idea of the extent of the impact of the eggs on the park until the DEIS was released. The community strenuously objects to language that suggests there was any form of agreement regarding the impact of the eggs on the park and requests that, prior to arriving at any conclusion regarding the open space impacts, DEP conduct a formal survey to determine the community’s reaction to locating the eggs adjacent to the park.

The DEIS must also more fully analyze the impacts to the Greenway. The Ryawa-Viele portion of the Greenway will be established along two sides of the plant and thus subject to impacts from its construction and operation. These impacts must be fully disclosed in the DEIS. Although the views were not evaluated in the DEIS, the presence of the eggs are likely to impact views for those walking and bicycling along the Ryawa Avenue and Manida Street portions of the Greenway. Further, while the DEIS presented a quantitative analysis of the shadow impacts on the park, it neglected to include the quantitative results of the shadow analysis for the Greenway; the qualitative results provided on page 4-10 are insufficient. The Open Space chapter must also include a more complete description of the air quality and odor impacts from operation of the facility (and these must be determined on the basis of more realistic assumptions about usage and time spent on the Greenway). Furthermore, the idea of extending the Greenway along the waterfront must be reexamined. In light of our recent trip to Newtown Creek and the proximity of the Nature Walk to the plant, we see no reason why the Greenway cannot also be designed to work in conjunction with the plant. If safety issues can be resolved at the Newtown Creek plant – they can certainly be resolved here. Through good design and planning– the Greenway could be placed on the Hunts Point Property along the waterfront and managed to ensure that the loading of sludge can occur. There is no reason why the Hunts Point residents cannot get access to waterfront.

The South Bronx Greenway and Barretto Point Park are the result of many years of work by South Bronx residents and its elected officials. And these amenities are two important steps forward in making the South Bronx livable and sustainable. These amenities are there for all of the residents to enjoy and will be used for playing, walking, sitting and bicycling. DEP’s expansion cannot reduce the value, the use or the enjoyment of these amenities. All impacts to the users of the park and the Greenway must be fully acknowledged and avoided. DEP must conduct a community survey that serves to truly measure the community’s reaction to the impacts of the expansion on the park and the Greenway and revise the Open Space section such

it fully discloses all of the impacts to the park and the Greenway and provides appropriate mitigation measures.

ALTERNATIVES

As noted above, the DEIS did not fully acknowledge the impacts of the proposed action on Open Space in Hunts Point. A complete analysis of the expansion would logically lead to the conclusion that an alternative location for the egg digesters must be fully and thoughtfully analyzed. However, the 2.5 pages of text (pgs. 24-10 to 24-12, DEIS) devoted to Site Plan Alternative- Scenario 2, which would place the egg-shaped digesters in the location of the current digesters, in no way constitutes a careful and thorough analysis of an alternative. Section 24. C is written as though it were a foregone conclusion that there was no value in examining the alternative; instead it should provide a complete description of the alternative and a careful evaluation of its advantages and disadvantages over the proposed action. Given the community's response to the visual and shadow impacts created by placing the egg digesters adjacent to Barretto Point Park, as well as the air quality and noise impacts associated with their construction, Alternative 2 must be more carefully considered.

DEP acknowledged that the placement of the egg digesters as proposed in Alternative 2 would eliminate the major, unmitigated impact of the proposed action, as well as the noise and air quality construction related impacts. But this conclusion was given short shrift on page 24-10 which indicates that construction would be more complex, take longer and cost more. When pushed to quantify what impact the alternative would have on the schedule and costs, DEP admitted that it would only take an additional year and a half of construction per pair of digesters. Community members at the public hearing made it clear that they were willing to live with the additional construction time to save the park. In terms of costs, DEP initially quoted a figure of \$30 million for this alternative and after some questions about costs savings associated with the alternative, reduced the figure to \$19 million and subsequently \$15 million. A more careful analysis might reveal additional costs savings or more cost-effective construction methods that could reduce these costs further. Even so, the \$15 million represents an increase of only about 2% to the current \$700 million budget for all three phases of the expansion and provides significant benefits to the community by eliminating the visual, noise, shadow, and air quality impacts to the park.

DEP also expressed some concern that under Alternative 2, the treated sludge might not meet PSRP until all four digesters are constructed. However, it was later clarified that it was only under maximum design sludge production conditions (which are based on a 2045 population) that PSRP might not be met. Since the egg shaped digesters should be complete well before 2045, this should not present significantly more of a concern than it does under current conditions at the plant. And to the extent that NYOFCo will have extra capacity as the egg digesters at Newtown Creek are put into operation, the City will have the capacity to treat any additional sludge that does not meet PSRP.

In the DEIS and in the response to comments (Comment 105) DEP also speculated that there might be a future need for new equipment, and that the new equipment might be more conveniently placed at the location of the current digesters. However, in the absence of a definitive plan for a future piece of equipment that is included in the proposed action, such future speculative actions cannot be considered in the CEQR analysis or the related ULURP proposal.

DEP must examine Site Plan Alternative 2 more carefully and thoroughly. It represents a viable alternative to the current plan for placing the egg-shaped digesters next to the park and would preserve a critical community amenity.

CONSTRUCTION

SCHEDULE

The construction schedule included in the DEIS does not include all of the tasks described in the DEIS and so is inconsistent with the description of the proposed action. More significantly, the schedule as shown suggests that construction at the plant will be complete by 2014 when in fact construction will take a least four years longer. The schedule, shown in Figure 17-1 is missing the following items that were described as part of the proposed action:

- Task bar showing time needed to construct the second set of digesters;
- Task bar showing time needed to complete remediation of the 0.7 acre parcel
- Task bar showing time needed for remediation of the remainder of the 4.3 acre parcel with the new digesters and
- Task bar showing time needed to complete remediation of the 1.2 acre construction staging area and incorporate that section into the park

The incomplete schedule raises two concerns:

1. Has the construction schedule been depicted in accordance with the description of the proposed action in the DEIS?
2. Have the truck trips and the workers associated with the tasks that are not included in the schedule been adequately accounted for in the impact analysis.

While remediation of the 0.7 acre parcel will not increase the length of the project, all of the other tasks will. The construction of the additional digesters, which according to the EIS could start as early as 2015, will add four years to the schedule (pg. 17-2, DEIS). DEP has argued that this construction was left out the schedule because funding is not in place, however, this argument is disingenuous and inconsistent with the remainder of the DEIS which includes the additional digesters. The digesters will have to be replaced because they will be at the end of their design life; at the very least the construction of the additional digesters should be noted with a dashed line on the schedule. As to the other tasks, the DEIS specifically states on page 17-2 that remediation of the 5.5 acre parcel will occur after completion of the construction/staging, hence the remediation will increase the length of the project. Between the construction of the additional digesters and remediation of the 5.5 acre parcel, the schedule could actually extend out to 2019 or longer.

The schedule also forms the basis for estimating construction workers and truck trips during the construction, so if it does not include all of the required tasks, the workers and truck trips shown in Table 17-1 are likely to be underestimated and the impacts from construction are then also likely to be underestimated. Although DEP has suggested that remediation of the 0.7 acre parcel is not part of the proposed action, this remediation work will happen concurrently with the ongoing Phase II work at the plant and will overlap with some Phase III work thus exacerbating the construction impacts estimated for 2007/2008. Likewise, remediation at the end of the construction will necessitate the presence of workers and truck trips (to bring in soil cover) that should be included in Table 17-1.

The tasks included in the construction schedule must be consistent with the activities described in the EIS; this is necessary for clarity and full disclosure of all of the anticipated impacts of the action. And, Table 17-1 must be revised to include all of the workers and trucks associated with all of the tasks to be conducted at the plant site. Given that the schedule for such construction projects always exceeds the projections (e.g. parts of the Phase II expansion are three years behind schedule) the initial schedule should be as inclusive and representative as possible.

NOISE

The analysis in the EIS verified that the noise caused by construction would exceed acceptable levels at the park during one 1.5 year interval between 2011 and 2012 and later in the project for three months. The noise would be created by construction equipment, construction vehicles and pile driving at the location of the egg digesters about 50 ft from Barretto Point Park. These impacts were dismissed in the DEIS because it was concluded that they would only occur during the weekdays between the hours of 7 AM to 4 PM and not on the weekends when the park would be more fully utilized (pg. 17-41, DEIS). This conclusion is without justification. It totally ignores the fact that during the warmer months the park will be utilized consistently during the weekdays thus park users will be subjected to unacceptable noise levels five days a week. Excessive noise levels day in and day out during the warmer months will make the park uninhabitable for families with young children and difficult for senior citizens who want a quiet place to sit and thus are a significant impact. Furthermore, there is some question as to whether construction work will be restricted to the weekday hours during construction. A review of the construction documents for remediation activities at Barretto Point Park indicated that while normal working hours are 8:00 am to 4:30 pm, the contractor has the option to work a second shift or overtime. If construction occurs during evening hours, additional park users who enter the park after work will likewise experience significant impacts.

The construction noise impact must be acknowledged the EIS as a significant impact and all potential options must be presented to reduce the noise impacts.

PEDESTRIAN IMPACTS

The EIS did not contain a quantitative analysis of pedestrian impacts from the project. The rationale provided was that no dangerous intersections were located in the study area. However, the Hunts Point Vision Plan reported that there were several dangerous intersections on Hunts Point Avenue with unusually high pedestrian accident rates. Furthermore, the EIS was based on current pedestrian activities and these will change, particularly during the summer, with the opening of the park. Although DOT may be evaluating traffic calming measures for pedestrians using the park, DOT's study does not take into account the future impacts of the project and so cannot be used as a substitute for a quantitative pedestrian analysis.

In addition to concerns about construction impacts to pedestrians using Hunts Point Avenue and to those using the park, the EIS should be consistent with the Hunts Point Vision Plan, which identifies "Support of Safe Connections" as one of its primary goals. DEP must recognize all of these concerns/conditions and conduct a quantitative analysis of pedestrian impacts.

HAZARDOUS MATERIALS

SOIL EXCAVATION IMPACTS

DEP is clearly cognizant of the likelihood of impacts to park users and the community during excavation of contaminated soils from the location of the former paint and varnish facility. The

DEP has proposed to conduct the excavation within a tented structure that is maintained under negative pressure to prevent the release of any odors or airborne particulates. In addition, the contractor will be required to conduct a Community Air Monitoring Program (CAMP) which includes the collection of real time air monitoring data for particulates and organic vapors and the measurement of particulate concentrations of PAHs and metals that may be released during excavation. These data can then be used to verify that there are no downwind impacts from the excavation. HPMC appreciates the extra care that DEP has taken and would like the opportunity to review the air monitoring data collected during the excavation.

Other areas, such as those under the southernmost digesters (and south of the 0.7 acre area to be remediated) and those under the waste gas burners, will also require excavation as part of the expansion. Soils in the vicinity of the southernmost digester are likely to be contaminated with semi-volatile organics and metals since those compounds were found consistently at the plant site (pg. 14-4, DEIS; and Figures 5 and 6, Barretto Point Site, November 2003, Record of Decision). More importantly, these soils may have also been contaminated by operations at the paint and varnish facility. In response to a question about whether the soils under the southernmost digesters were contaminated, DEP stated that data from test pits TP-31, TP-34, TP-40, TP-41 and TT-3 indicated that the soils were not contaminated (Response to Comment 107). However, a careful review of Figure 7 in the November 2003 Record of Decision suggests that the only samples sent to a laboratory were those from TP-40 and TP-41, the total VOCs in TP-41 were below the NYSDEC threshold concentration of volatile organics; but the total VOCs in TP-40 exceeded the NYSDEC threshold. No samples were sent to the laboratory for verification from the other three test pits installed on the presumed “clean” southern boundary of the excavation; yet screening data from TP-31 and TP-34 suggested elevated levels of volatile organics. At the very least these data cannot be used to rule out the presence of volatile organics in the soils underneath the southernmost digesters. DEP should require the contractor to collect some additional surface and subsurface samples from these soils prior to excavation and on the basis of that data, should require the contractor to implement specific measures for dust and odor control and to implement a Community Air Monitoring Program that entails the same elements as those established for excavation of the 0.7 acre area. The data collected should likewise be given to HPMC.

Soils in the vicinity of the waste gas burner are also contaminated with semi-volatile organics and metals as demonstrated by the surficial soil sample SS-08 (the sample location is labeled SS-06 in DEIS Figure 14-2, but we believe that this is a typographical error). A community air-monitoring program should also be implemented during excavation of these soils because it is critical to verify that this work does not impact park users. A site specific health and safety plan is not generally sufficient to address community impacts because its primary focus is on the health and safety of the contractor personnel and not on the community, and more specifically, the park users. Furthermore, a separate plan is generally developed when a more comprehensive sampling program that requires laboratory analysis is needed. DEP should require the contractor to implement the same air-monitoring program as that required for the excavation of the 0.7 acre area. Further the results must be provided to HPMC so that they may review the data and inform the community.

ASBESTOS AND LBP IMPACTS

Similar to the concerns about soil excavation, removal of asbestos containing materials and lead based paint from the digesters and sludge thickeners may also generate particulates that could impact park users. The contractor must be required to prepare and implement a Community Air

Monitoring Plan to verify that measures taken to prevent the release of asbestos and lead based paint are effective in preventing impacts to the parks users. The data collected during the program should be provided to HPMC so that they may review the data and inform the community.

INSTITUTIONAL CONTROLS

The final remedy selected for the 5.5 acre parcel of the plant includes excavation of the 0.7 acre former paint and varnish facility area and placement of a demarcation liner and two feet of soil across the remainder of the parcel. Because significant concentrations of contaminants will be left in the soils, the remedy also requires DEP to:

- develop a Site Management Plan that describes how future exposure to soil contamination will be prevented, and
- implement institutional controls including an easement that requires compliance with the Site Management Plan and a long term maintenance program to maintain the soil cover and demarcation barrier.

HPMC has asked several times for a description of the procedures that would be included in the Site Management Plan to ensure that there is no exposure to contaminated soils in the future. HPMC's concern is that any excavation, even for routine procedures such as repairing or replacing utility lines, will generate dust and so have the potential to impact Barretto Point park users. To date, DEP's response has been to indicate that the Bureau of Wastewater Treatment has procedures in place, without explaining what those procedures are (Response to Comments 115 and 116). HPMC needs to review those procedures during preparation of the DEIS to ensure that they are sufficiently protective. The procedures should include requirements for soil sampling prior to excavation, excavation and off-site disposal protocols, dust control measures, particulate and volatile organic air monitoring and replacement of the demarcation liner and two feet of soil cover. Furthermore, the DEIS should identify procedures for: 1) maintaining the two foot cover to ensure that it continues to provide a protective barrier, 2) yearly inspections, what they will entail and required actions and 3) ensuring that all elements of the institutional controls are enforced. Institutional controls are generally not that rigorously enforced and HPMC needs to ensure that park users are protected in the future when new plant personnel are working at the site.

HPMC would also like to note that while DEP does not believe public notice to the community is required prior to excavation because there is no public access to the plant (Response to Comment 123); HPMC is certain that there should be public notice prior to excavation so that park users are aware when such work is being done at the plant. It may be that some excavation is sufficiently minimal or located sufficiently far from the park that it will not require notice but HPMC would like DEP to be conservative in order to protect park users and requests that public notification be included in the Site Management Plan.

MITIGATION OF IMPACTS

The DEIS, as currently written, only acknowledges two impacts from the project: the visual impact of the egg-shaped digesters on the park and the traffic impact at the intersection of Bruckner Boulevard and Tiffany Street. The DEIS offers a mitigation measure for the traffic impact and acknowledges that the visual impact cannot be mitigated. However, the mitigation

section of the DEIS does not adequately capture all of the impacts quantified in the earlier sections of the document and therefore does not adequately account for nor address all of the impacts posed by the project. The mitigation chapter cannot be limited to the impacts of Phase III of the expansion; DEP intentionally included an evaluation of the impacts posed by Phases I and II since the three phases of the upgrade have been conducted essentially as one, long continuous project. It is also unacceptable to ignore the impacts quantified in the DEIS in light of the historical impacts of the plant on the community.

When considering the impacts, DEP must also consider the full duration of construction and cannot segment the project into separate phases. Construction started with Phase I in 2002 and will continue through at least 2014, and more likely 2018, when the second set of digesters are complete. This schedule means that at a minimum, the community will have endured 16 years of construction. And 16 years is probably a minimum; the project will undoubtedly take longer because of unforeseen conditions, change orders and contractor delays.

In addition, DEP must consider that the receptors of many of the impacts (visual, shadow, PM2.5, air quality, and odors) are the Barretto Point Park and the Greenway. The City has invested a significant amount of time, effort and money into building these resources. The section of the Greenway along the plant alone was estimated to cost \$13 million in 2005. The treatment plant cannot restrict the use of or reduce the value of these community amenities. Instead, construction and operation of the plant should be designed to meet the goals established in the Hunts Point Vision Plan to: support safe connections, improve environmental quality and promote urban health.

HPMC has developed what it believes to be a complete list of impacts from Phase I, II and III (including the second set of digesters) at the property and it is as follows:

- Visual impacts on Park and Greenway
- Shadow impacts on Park and Greenway
- PM2.5 impacts on Park and Greenway
- Odor impacts on Park and Greenway
- Air Quality impacts on Park and Greenway
- Noise impacts on Park
- Traffic Impact
- Hazardous material impacts on Park during soil excavation and possibly during ACM and LBP removal from digesters and thickeners

Some of the impacts noted above may be mitigated, for example, the PM2.5 impacts could be eliminated by agreeing upfront that the plant will not participate in the PLM program and by using ultra low sulfur diesel. A more careful evaluation of odor causing operations could lead to the implementation of individual or smaller scale odor control projects. The visual and shadow impacts caused by the egg-shaped digesters could be eliminated by construction of Site Plan Alternative 2. Agreements to implement community air monitoring programs during any excavation on the 5.5 acre parcel could mitigate the impacts of current and future construction by collecting the data needed to ensure that dust control measures are effective.

It may also be that the visual, shadow, VOC and noise impacts cannot be avoided. In that case, DEP must find alternative ways of mitigating the impacts. But these measures can only be developed once all of the impacts are fully acknowledged. All mitigation measures and any

amenities provided to the community in connection with the upgrade must be included in the ULURP process via a ULURP resolution. This procedure has been used in other ULURP actions and will ensure that DEP addresses the impacts from the construction and operation of the Hunts Point WPCP.

NEXT STEPS

We would like to move forward in partnership with DEP as we try to make Hunts Point a more livable and sustainable community. We need to improve the health of the residents and we need to address residential needs for housing, open space and sustainable jobs. DEP can help with all of these goals by becoming an environmental leader and by making the two City-owned facilities in Hunts Point models of minimal environmental impacts. These facilities could be operated in such a way as to reduce pollution burdens rather than to increase them and could become anchors in our efforts to improve the community. If the internal conflict at DEP that is created by being a regulator and an operator could be resolved, we believe that DEP could make some significant changes that would benefit Hunts Point and other overburdened communities in the City.

As for next steps-

- We expect DEP to work with the HPMC and its consultant to address its comments and develop mitigation measures before the Final EIS, DEP must update its quantitative analysis of and provide the results to HPMC for:
 - Odor impacts
 - PM 2.5 impacts
- We expect the mitigation measures to be included in the ULURP agreement
- We expect that the DEP will provide resources, including an office, for a community liaison who will serve as a go-between between DEP and the community during construction.
- We expect a reexamination of routing of the Greenway along the waterfront
- We expect DEP to continue to work with the HPMC and its consultants during construction activities so that we can monitor the implementation of mitigation measures and prevent impacts to the community.
- We expect that DEP will install at least two monitoring stations, one at the park and one along the greenway to monitor impacts to these receptors during the expansion.



Adolfo Carrión, Jr.
Borough President

OFFICE OF THE BRONX BOROUGH PRESIDENT

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718-590-3500

**Comments of the Bronx Borough President Adolfo Carrión, Jr.
on the Draft Environmental Impact Statement concerning
Phase III Upgrade for the Hunts Point Water Pollution Control Plant
public meeting convened by the NYC Department of Environment Protection
April 12, 2007**

I offer these comments as an initial response to the Draft Environmental Impact statement. In my formal review of this project under the Uniform Land Use Review Process, I will submit a full recommendation to the City Planning Commission after holding my own public hearing, where I hope to receive further input from the public. The following comments also reiterate some of the concerns I raised at the scoping meeting for this project in February 2005.

I recognize the Department of Environmental Protection's challenge in its dual role as both enforcer of environmental regulations and operator of the City's water utilities, but I believe that in the fullest sense of environmental stewardship, the DEP can be an environmental leader and a role model in all aspects of its operations. DEP's mandate allows the agency to simultaneously protect and improve the environment while upgrading its infrastructure.

Environmental impact statements are constructive tools to the degree that they fully disclose and assess the impacts of major projects. Therefore, it is essential that the DEIS provide as much detail as possible on the effects of a proposed project, the various alternatives considered, and the possible means of addressing negative impacts. Several sections of the DEIS require additional information and analysis for a thorough assessment. These include pedestrian impacts, odor control, and air quality. Hunts Point is a community in transition, with substantial investment planned for a new greenway that will connect new neighborhood parks and bring more people to the plant vicinity. The EIS must consider the potential impacts of the project on the South Bronx Greenway and offer mitigation measures to protect the integrity of these valuable new community resources.

I appreciate the odor control measures already undertaken at the plant and DEP's commitment to ensuring that equipment performs at the highest standards. However, with the Hunts Point neighbors still burdened by odors, I wish to see a more detailed evaluation of additional potential odor control measures that may be warranted. Furthermore, I call upon the DEP to commit to further odor studies of the community and continued work towards improving the odor reporting and response systems.

continued

DEP must improve and formalize its communication channels with both the Hunts Point Monitoring Committee and the surrounding community. While I appreciate the cooperation that DEP has given to the HPMC since its creation, the agency should seek an even more effective working relationship going forward. Communication and procedural challenges must be overcome. To this end, I call for a commitment from DEP to fund a community-selected, full-time, community liaison, to work with the HPMC for the duration of the review, approval, and construction phases of this project. Having set a precedent at its Newtown Creek facility, by hiring a Community Liaison to help support the oversight and advocacy efforts of the Newtown Creek Monitoring Committee, DEP owes, and our community deserves, an equal commitment in Hunts Point.

Waterfront access is a priority of my administration. The nature walk currently under construction along Newtown Creek will provide a beautiful amenity to Brooklyn's Greenpoint community, therefore, I call on DEP to work with the HPMC on a creative plan for developing public access and natural habitat areas on the water side of its Hunts Point plant.

All unnecessary emissions are unacceptable. As you all know, Hunts Point and the South Bronx are burdened with high levels of air pollution and extremely high asthma rates. Given these background conditions, I consider any avoidable emissions from the Hunts Point Water Pollution Control Plant to be unacceptable, including the air quality burden created by the plant's participation in Con Edison's Peak Load Management program, as described in the DEIS. I recognize the PLM program's value in regulating energy consumption during times of high demand. However, DEP's use of dirty diesel generators at the plant will contribute to the degraded air quality and asthma emergencies that typically coincide with these peak load periods. I therefore call on DEP either to withdraw from the PLM program or, preferably, to upgrade to clean-burning equipment. Use of highly polluting diesel generators is contrary to the City's own emissions reduction goals and DEP should take the lead in switching to clean technologies for its back-up power sources as well as its normal operations.

This is a crucial time in the assessment process and all stakeholders must continue working together towards the best possible solutions. I wish to thank DEP for its ongoing collaboration in the planning of this facility and call on the agency to make every effort to minimize negative impacts and find ways of demonstrating environmental leadership at its Hunts Point facility.

Thank you.

Maria del Carmen Arroyo
Council Member, 17th District
Written Testimony
Public Hearing
Draft Environmental Impact Statement (DEIS)
Hunts Point Water Pollution Control Plant Upgrade
Thursday, April 12, 2007

I would like to begin my statement by expressing appreciation to the New York City Department of Environmental Protection (DEP), Commissioner Emily Lloyd and her staff, for the ongoing commitment to hear and understand the issues surrounding environmental justice we raise as individuals and as a community.

With regards to the Draft Environmental Impact Statements (DEIS) we are hear to discuss tonight, I again ask that DEP continue to listen to the concerns raised by Community Board #2, local environmental justice advocates, community based organizations and community residents.

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

The areas of concern include:

- Visual Character of the design,
- Shadow impacts from the digesters,
- Noise, odors and dust during excavation and construction,
- Traffic volumes and impact,
- Particulate Matter standard used when determining adverse impact; and
- The capital investment to be committed for the various projects identified by the Community Board and the Hunts Point Monitoring Committee.

I urge DER to make a commitment to work with us to resolve these issues, and to help us ensure the safety and well being of our community.

Thank you for the opportunity to share my concerns on behalf of the constituents of the 17th Council District.

JS

Corpus Christi Monastery
1230 Lafayette Ave
Bronx NY 10474
April 12, 2007

Dear Sirs:

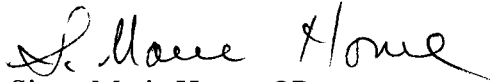
I just came from the community meeting about the DEIS planned upgrade. It was well attended and represented by our local officials, plus many concerned citizens. The representation by Sustainable South Bronx was very thorough as they have been working on this for a very long time.

The South Bronx has done and is doing its share in carrying the load of waste disposal plants for the city of New York. Enough is enough! The planned new park space, greenway and water access is long overdue. This plan to build 130 foot egg shaped "digesters" in the middle of all this recreational space is a sin.

This monastery has been here for 118 years. This was all farmland then with Leggets Creek running through it. Certainly we can't return to that but is it too much to ask that families have a healthy place to play in?? There are three grade schools within sight of this monastery. I have raised kids and have grandchildren that live out of state. It makes me sick when I see how families make do. Our kids deserve better!

I urge you to reconsider the placement of these digesters.

Be assured of our prayers,


Sister Marie Howe, OP