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## Chapter 7: Environmental Justice

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### 7.1 INTRODUCTION

Environmental justice is defined by NYSDEC as 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 resulting from industrial, municipal, and commercial operations or the execution of federal, State, local, and tribal programs, and policies.

The KEC Project would require several permits from the NYSDEC, which are subject to NYSDEC's Commissioner Policy 29, Environmental Justice and Permitting (CP 29), issued on March 19, 2003 (see **Table 1.6-1**). CP 29 provides guidance for incorporating environmental justice concerns into the NYSDEC environmental permit review process and the NYSDEC application of SEQRA. An environmental justice analysis has therefore been incorporated into the ~~Draft~~ Final EIS to support SEQRA requirements and the NYSDEC permitting process by providing a preliminary assessment to identify whether the Proposed Action is in or near potential environmental justice areas and determine whether potential adverse environmental impacts related to the Proposed Action are likely to affect a potential environmental justice area.

#### 7.1.1 METHODOLOGY

The methodology for conducting a preliminary environmental justice screen in accordance with CP 29 includes:

1. Identification of potential adverse environmental impacts and area(s) to be affected; and
2. Determining whether potential adverse environmental impacts are likely to affect an environmental justice area.

Potential environmental justice areas are defined by NYSDEC as:

- *Minority Communities*. A census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent in an

urban area<sup>47</sup> and 33.8 percent in a rural area of a total population. The study area is considered an urban area as per NYSDEC policy. A minority population is identified by the U.S. Census as Hispanic, African American or Black, Asian and Pacific Islander or American Indian; and

- *Low - Income Communities.* A census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population. Low-income population is defined as having an annual income that is less than the poverty threshold, as established by the U.S. Census.

An assessment of potential adverse environmental impacts due to the operation and construction of the Proposed Action was completed in accordance with SEQRA and CEQR (see [Chapter 3](#), “Potential Impacts from Construction of Proposed Action” and [Chapter 4](#), “Potential Impacts from Operation of Proposed Action”). This chapter summarizes the findings of the SEQRA/CEQR analyses that were completed to assess the social, economic, and environmental effects of the construction of the Proposed Action. In addition, potential environmental justice areas were identified by considering all census block groups with residential or commercial property that were located within a one-half mile radius of the Kensico Campus and KEC Eastview Site. As discussed in [Chapter 2](#), “Analytical Framework,” a detailed analysis of potential environmental justice impacts due to the future operation of the Proposed Action was not warranted.

### 7.1.2 IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS

Three census block groups in the Town of Mount Pleasant are partially within the one-half mile boundary around the Kensico Campus (see [Table 7.1-1](#) and [Figure 7.1-1](#)):

- Census Tract (CT) 119.02 Block Group (BG) 1,
- CT 119.02 BG 2; and
- CT 121.01 BG 3.

These block groups do not meet the definition for minority or low-income communities, with the highest poverty rate at approximately 8 percent (CT 119.02 BG 1) and the highest minority rate at approximately 33.3 percent (CT 119.02 BG 2), which is below the NYSDEC criteria of 23.59 percent or greater presence of low-income populations and a minority population of 51.1 percent or greater for an urban area, respectively. As a result, no potential environmental justice areas were identified within one-half mile of the Kensico Campus.

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<sup>47</sup> *Urban area* means all territory, population, and housing units located in urbanized areas and in places of 2,500 or more inhabitants outside of an urbanized area.

Five census block groups are located partially within one-half mile of the KEC Eastview Site (see **Table 7.1-1** and **Figure 7.1-2**):

- CT 119.02 BG2 in the Town of Mount Pleasant;
- CT 9810 BG 1 in the Town of Mount Pleasant;
- CT 110 BG 1 in the Town of Greenburgh;
- CT 110 BG 2 in the Town of Greenburgh; and
- CT 109.01 BG 1 in the Town of Greenburgh.

Three of these block groups (CT 9810 BG 1 and CT 110 BGs 1 and 2) meet the NYSDEC's definition for potential environmental justice area:

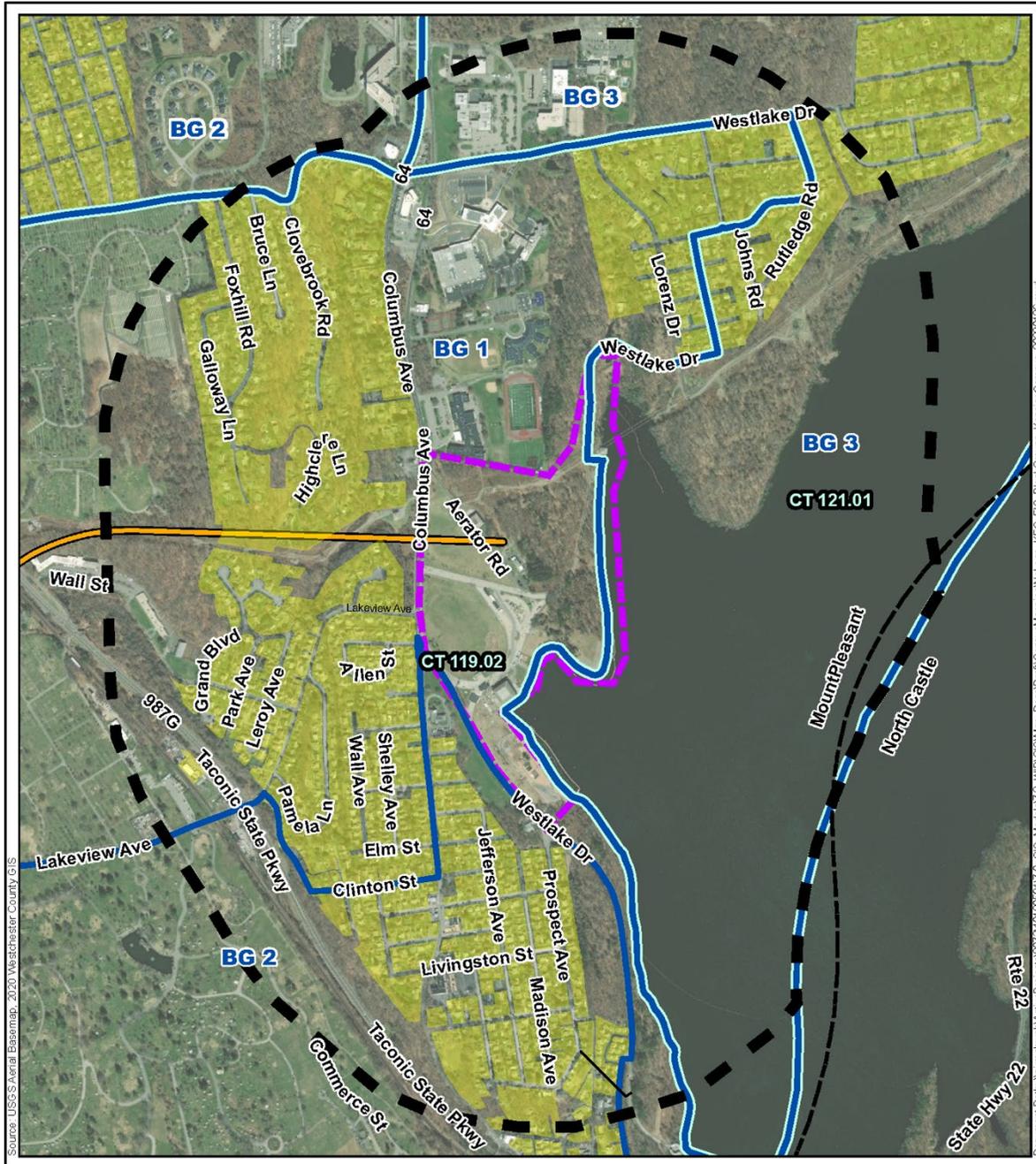
- Grasslands Reservation, located within CT 9810 BG 1, encompasses more than half of the study area around the KEC Eastview Site and meets the NYSDEC definitions for minority community and low-income community. The percentage minority population in this block group, at approximately 70 percent, is considerably higher than that of the Town of Mount Pleasant, Westchester County, and the State as a whole (at approximately 32 percent, 46 percent, and 44 percent, respectively). The percent living below the poverty level in this block group is close to 30 percent, considerably higher than that of the Town of Mount Pleasant, Westchester County, and the State as a whole (at approximately 7 percent, 9 percent, and 14 percent, respectively). Grasslands Reservation contains a substantial amount of "group quarters" housing<sup>48</sup>. Westchester County initially purchased the Grasslands Reservation in 1915 to provide an isolated setting for a poor house, a penitentiary, and a public hospital. It is now the site of the Westchester Medical Center, the Westchester County Correctional Facility, New York Medical College, as well as various County departments including Laboratories and Research, and Emergency Services. Single-family residences in this block group include Hammond House, immediately south and adjacent to the KEC Eastview Site, and six houses located on a cul-de-sac called Lisa Lane east of the Sprain Brook Parkway.
- Located to the south of the KEC Eastview Site, CT 110 BGs 1 and 2 have minority populations of approximately 81 and 62 percent, respectively. The residential community west of Bradhurst Avenue, on either side of the Sprain Brook Parkway and within the one-half mile radius of the KEC Eastview Site, spans a portion of CT 110 BG 1 and is considered a potential environmental justice area based on this assessment. Within the one-half mile of the KEC Eastview Site, in CT 110 BG 2, there is a single residence at the corner of Saw Mill River Road (State Route 9A) and Executive Boulevard.

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<sup>48</sup> Defined by U.S. Census Bureau as a place where people live or stay, in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. These services may include custodial or medical care, as well as other types of assistance, and residency is commonly restricted to those receiving these services. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

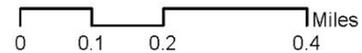
Table 7.1-1. Ethnicity and Income Characteristics

Area	2019 Population	Race and Ethnicity (Percent)								Economic Profile	
		White Alone (Not Hispanic)	Black or African American Alone	American Indian and Alaska Native Alone	Asian Alone	Some Other Race Alone	Two or More Races	Hispanic or Latino	Minority	Median Household Income in the Past 12 Months	Percent Below Poverty Level
<b>Kensico Campus</b>											
CT 119.02, BG 1	2,190	84.8	1.3	0.0	7.3	0.0	3.5	3.2	15.2	\$112,656	8.4
CT 119.02, BG 2	1,653	66.7	2.1	0.0	4.8	0.0	0.0	26.4	33.3	\$144,375	2.7
CT 121.01, BG 3	2,261	89.9	0.5	0.0	0.2	0.0	0.5	8.8	10.1	\$184,025	3.0
<b>KEC Eastview Site</b>											
CT 9810, BG 1	2,181	29.8	29.8	0.4	17.7	0.4	0.5	21.5	70.2	\$48,077	29.8
CT 110, BG 1	320	19.1	56.2	0.0	0.0	0.0	2.0	22.7	80.9	\$147,813	8.4
CT 110, BG 2	1413	37.6	35.5	0.0	9.7	0.0	9.1	8.2	62.4	\$80,179	7.5
CT 119.02, BG 2	1,653	66.7	2.1	0.0	4.8	0.0	0.0	26.4	33.3	\$144,375	2.7
CT 109.01, BG 1	737	56.4	23.4	0.2	4.7	0.3	2.0	13.0	43.6	\$123,750	6.0
<b>Town of Greenburgh</b>	<b>91,382</b>	<b>58.9</b>	<b>12.0</b>	<b>0.1</b>	<b>10.5</b>	<b>0.3</b>	<b>2.5</b>	<b>15.8</b>	<b>41.1</b>	<b>\$129,165</b>	<b>4.3</b>
<b>Town of Mount Pleasant</b>	<b>44,970</b>	<b>68.1</b>	<b>4.4</b>	<b>0.0</b>	<b>4.4</b>	<b>0.6</b>	<b>2.0</b>	<b>20.4</b>	<b>31.9</b>	<b>\$120,676</b>	<b>6.7</b>
<b>Westchester County</b>	<b>968,890</b>	<b>53.5</b>	<b>13.4</b>	<b>0.2</b>	<b>5.9</b>	<b>0.6</b>	<b>1.8</b>	<b>24.7</b>	<b>46.5</b>	<b>\$96,610</b>	<b>8.6</b>
<b>New York State</b>	<b>19,572,319</b>	<b>55.6</b>	<b>14.3</b>	<b>0.2</b>	<b>8.3</b>	<b>0.6</b>	<b>2.0</b>	<b>19.0</b>	<b>44.4</b>	<b>\$68,486</b>	<b>13.7</b>
<b>Notes:</b>											
Shaded rows indicate block groups that meet NYSDEC definition for minority and/or low-income community.											
CT – Census Tract; BG – Block Group.											
<b>Source:</b> U.S. Census Bureau, 2015-2019 American Community Survey (ACS) 5-Year Estimates											



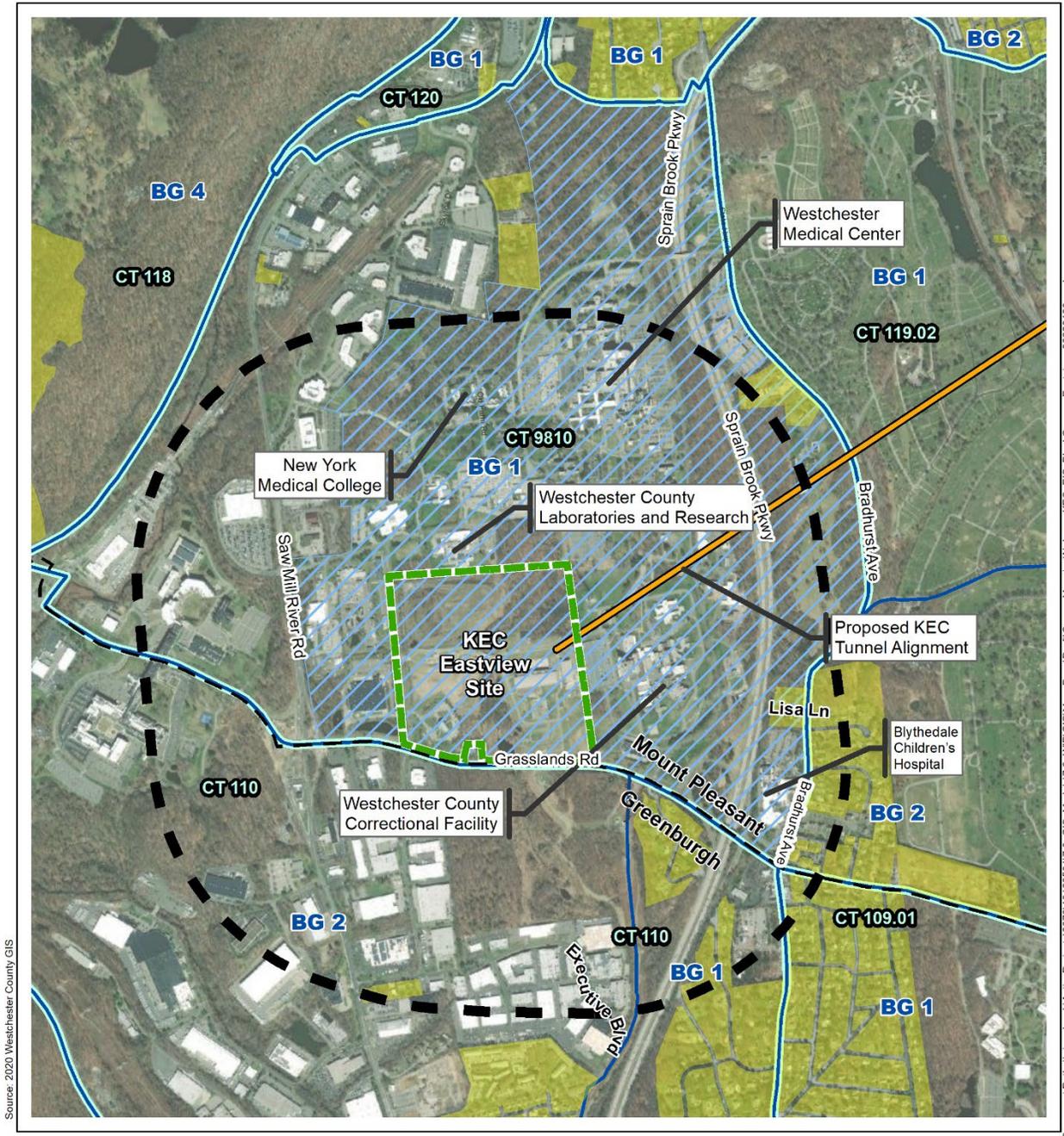
**Legend**

-  Proposed Tunnel Alignment
-  Study Area (0.5 Mile Buffer Around Site)
-  Kensico Campus
-  Municipal Boundary Line
-  Residential
-  Block Group
-  Census Tract



**Figure 7.1-1. Census Block Groups – Kensico Campus Study Area**



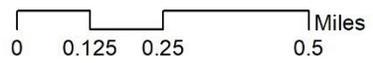


Source: 2020 Westchester County GIS

Document Path: \\nj-mathwah\ActiveProjects\80731018058117\_0\_GIS\_Models\7\_2\_VIP\GIS\Map\_Docs\Draft\CensusMapping\NoLogo\_KEC\_EIS\_BlockGroups\_Eastview\_2020126.mxd

**Legend**

- Proposed Tunnel Alignment
- KEC Eastview Site
- Study Area (0.5 Mile Buffer Around Site)
- Municipal Boundary Line
- Residential
- Block Groups
- Census Tract
- Grasslands Reservation



**Figure 7.1-2. Census Block Groups – KEC Eastview Site Study Area**



### **7.1.3 FUTURE WITH THE PROPOSED ACTION**

Portions of the Proposed Action are located in a potential environmental justice area where effects from the construction of the Proposed Action have the potential to adversely affect minority and low-income populations. As discussed in the preceding chapters of this ~~Draft~~ Final EIS, **Table 7.1-2** summarizes the findings of the SEQRA/CEQR analyses that evaluated construction of the KEC Project. As indicated in **Table 7.1-2**, the Proposed Action would result in adverse impacts in a limited number of SEQRA/CEQR categories. However, mitigation and/or other measures would be implemented to eliminate or minimize potentially significant adverse impacts as described below and in [Chapter 9](#), “Mitigation.” Likewise, all proposed construction associated with the Proposed Action would be conducted in accordance with all required permits and approvals, and conditions set forth within these permits and approvals. As noted in this ~~Draft~~ Final EIS, potential impacts would occur due to construction; however, these would be limited in duration, localized, mitigated where appropriate, and would cease with the completion of construction. This may include localized effects, such as increased noise, traffic, and dust that would occur at the Kensico Campus and KEC Eastview Site. Construction would be managed to minimize potential effects through the use of best practices measures, such as noise and dust control, implementation of a construction stormwater pollution prevention plan (SWPPP) and traffic signal modifications. While construction projects can be disruptive to nearby land uses, the residences within potential environmental justice areas in proximity to the KEC Eastview Site (CT 110 BGs 1 and 2) would be buffered from construction by distance (approximately 0.2 and 0.4 miles, respectively) and existing intervening buildings. No significant noise impacts are anticipated at these residences.

Adverse impacts to natural resources would also occur at and immediately adjacent to the Kensico Campus due to construction of the Proposed Action; however, no potential environmental justice areas were identified within one-half mile of the Kensico Campus. In addition, these effects would be mitigated (see [Chapter 9](#), “Mitigation”). The Proposed Action would therefore not disproportionately affect any potential environmental justice areas near the Kensico Campus.

**Table 7.1-2. Summary of Potential Construction Effects of the Proposed Action**

<b>Technical Discipline</b>	<b>Potential Construction Effects</b>	<b>Proposed Measures</b>
Land Use, Zoning, Public Policy	None	Not Applicable
Socioeconomic Conditions	None	Not Applicable
Community Facilities and Services	None	Not Applicable
Open Space and Recreation	None	Not Applicable
Critical Environmental Areas	None	Not Applicable
Urban Design and Visual Resources	Kensico Campus: Changes in visual context	No measures required
Historic and Cultural Resources	Kensico Campus: Changes in visual context of NRHP-eligible district	No measures required
Natural Resources	Kensico Campus: Loss of forested areas, loss of wetland areas, potential disturbance to Bald Eagle KEC Eastview Site: None	Off-site forest and wetland mitigation and implementation of monitoring as part of a Bald Eagle Management Plan; <u>acquisition of an incidental take permit for Bald Eagle, as needed</u>
Water Resources	None	Implementation of a stormwater pollution prevention plan (SWPPP)
Hazardous Materials	None	Not Applicable
Traffic and Transportation	Significant traffic impacts are anticipated at three intersections	Signal timing modifications and/or restriping of travel lanes
Air Quality	Increased dust related to site preparation, soil handling, and exhaust emissions from material truck deliveries and construction equipment	Best practices measures would be employed including, but not limited to limiting idling times and use of dust control measures
Greenhouse Gas Emissions and Climate Change	None	Not Applicable
Noise	None	Best practices measures would be employed including, but not limited to noise-reducing equipment controls
Water and Sewer Infrastructure	None	Not Applicable
Solid Waste and Sanitation Services	None	Not Applicable
Energy	None	Not Applicable
Greenhouse Gas Emissions and Climate Change	None	Not Applicable
Neighborhood Character	None	Not Applicable
Public Health	None	Not Applicable

**Table 7.1-2. Summary of Potential Construction Effects of the Proposed Action**

Technical Discipline	Potential Construction Effects	Proposed Measures
Cumulative Impacts	Significant traffic impacts are anticipated at three intersections	Signal timing modifications and/or restriping of travel lanes

### 7.1.3.1 Benefits of the Proposed Action

The KEC Project would increase DEP's operational flexibility and system redundancy for the general population of water supply customers including those in the Towns of Mount Pleasant and Greenburgh, New York City, and Westchester County that rely on this water supply. This would include potential environmental justice areas in proximity to the Kensico Campus and KEC Eastview Site. Completion of the KEC Project would also provide the ability to increase flow to the CDUV Facility to meet future demand and improve DEP's ability to maintain Hillview Reservoir water surface levels within normal operating limits during single-basin operations at the reservoir. Extended periods of single-basin operation of the reservoir are anticipated during construction of a cover mandated under the Hillview Reservoir Consent Decree and Judgment. The reduction in storage capacity at Hillview Reservoir during this time would impact the City's ability to meet peak distribution demands and reduce operational flexibility. Completion of the KEC Project tie-in and sequencing with the future Hillview Reservoir Cover construction would ensure sufficient transmission capacity to offset the reduction in storage capacity.

In addition, the Proposed Action would reduce the potential for a recurrence of severe erosion from wave action along the shoreline of the reservoir at the Kensico Campus as occurred during Superstorm Sandy in October 2012. This resulted in higher levels of sedimentation and suspended solids in reservoir waters, which caused turbidity in areas near the existing UEC and DEL Shaft 18 intakes at Kensico Reservoir. The Proposed Action would include stabilization of Kensico Reservoir's western shorelines running south of the UEC. In addition, improved control measures for addressing episodes of storm-related turbidity associated with releases from Malcolm Brook, located immediately northeast of the UEC, would also be put in place.

The Proposed Action would therefore also serve to ensure DEP's ability to provide a high-quality supply of potable water with an increased ability to manage this quality with access to the CDUV Facility via DEL Shaft 18 or the new KEC Tunnel.

### 7.1.3.2 Public Outreach

A key component of SEQRA/CEQR and the NYSDEC environmental permit review process is a program of activities that provides opportunities for citizens to be informed about and involved in the review of a proposed action. Meaningful and effective public participation has been incorporated as part of the SEQRA/CEQR process including:

1. A Public Scoping Meeting for the Draft EIS was held on April 7, 2021, via Zoom. This meeting was advertised in the Journal News and on DEP's website. Project-related materials were made available for public review, on the DEP website at <https://www1.nyc.gov/site/dep/about/kensico-eastview-connection.page>.

Members of the public and involved/interested agencies attended the Public Scoping Meeting. No public comments were received during the Public Scoping Meeting or subsequent comment period.

2. A public information meeting was held on September 29, 2021, via Zoom. This meeting was advertised on the Town of Mount Pleasant website and DEP's social media pages.

Members of the public and involved/interested agencies attended the public information meeting. Public comments were received during the public information meeting and potential topics of concern ranged from ground disturbance surrounding the Kensico Campus, requests for public access to Kensico Reservoir, electrical feed, potential electric vehicle and solar installations for the 30-car parking lot, and inquiries on anticipated zoning variances.

3. Advertisement for the Draft EIS Public Hearing appeared in the Journal News, DEP's website, as well as the City Record and NYSDEC's Environmental Notice Bulletin (ENB). A Draft EIS Public Hearing ~~is scheduled for~~ was held on December 7, 2022. Project-related materials have been made available for public review at area repositories noted below and on the DEP website at <https://www1.nyc.gov/site/dep/about/kensico-eastview-connection.page>.

- Town of Mount Pleasant Town Hall, One Town Hall Plaza, Valhalla, NY 10595
- Town of Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, NY 10607
- Town of North Castle Town Hall, 15 Bedford Road, Armonk, NY 10504
- Town of Mount Pleasant Branch Library, 125 Lozza Drive, Valhalla, NY 10595
- DEP, 465 Columbus Avenue, Valhalla, NY 10595
- DEP, 59-17 Junction Boulevard, Flushing, NY 11373