



STATEMENT OF FINDINGS FOR THE KENSICO-EASTVIEW CONNECTION PROJECT

CEQR No. 21DEP020U

August 28, 2023

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In accordance with New York City's Executive Order 91 of 1977 and its amendments establishing City Environmental Quality Review (CEQR), Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617), and the State Environmental Review Process (SERP) as required by the State Revolving Loan Fund Program, the New York City Department of Environmental Protection (DEP), acting as lead agency, issued a Notice of Completion of the Final Environmental Impact Statement (EIS) for the proposed **Kensico-Eastview Connection (KEC) Project on August 16, 2023**

Procedural History

DEP issued a Lead Agency Determination, Notice of Positive Declaration and Draft Scope of Work (DSOW) on March 3, 2021 and held a public scoping hearing on April 7, 2021, via Zoom. Copies of the DSOW were made available online at DEP's website:

<https://www1.nyc.gov/site/dep/about/kensico-eastview-connection.page>.

Written comments were accepted throughout the public comment period, which closed on April 21, 2021. DEP issued a Final Scope of Work that responded to the public comments on December 17, 2021.

The KEC Draft EIS was issued on October 19, 2022, and a public hearing on the Draft EIS was held on December 7, 2022 at the Town of Mount Pleasant Town Hall, One Town Hall Plaza in Valhalla, New York, 10595, and via Zoom. Copies of the Draft EIS were made available at the Town of Mount Pleasant Town Hall, Town of Greenburgh Town Hall, Town of North Castle Town Hall, Town of Mount Pleasant Branch Library, DEP offices in Valhalla and Flushing, NY, as well as online at DEP's website:

<https://www1.nyc.gov/site/dep/about/kensico-eastview-connection.page>.

Written comments were accepted throughout the public comment period, which closed on January 3, 2023.

A Final EIS for the KEC Project was issued on August 16, 2023, which included a response to public comments received on the Draft EIS.

Project Description

DEP provides drinking water to nearly 10 million people, roughly half the population of New York State. More than 90 percent of New York City's drinking water is supplied by the Catskill and Delaware watersheds located in upstate New York. The Catskill and Delaware aqueducts convey water by gravity from these upstate watersheds to Kensico Reservoir located in Westchester County, New York.

The KEC Project would provide for the construction and operation of a new, additional water conveyance tunnel between Kensico Reservoir and the Catskill/Delaware Ultraviolet Disinfection (CDUV) Facility. The KEC Project would be located in the Town of Mount Pleasant. The KEC Project would be comprised of several elements in addition to the water conveyance tunnel, located between two distinct project sites, the Kensico Campus and the KEC Eastview Site. The Kensico Campus encompasses an area immediately adjacent to and west of Kensico Reservoir and is bounded to the west by Columbus Avenue, the south by West Westlake Drive, and the Valhalla Middle and High Schools to the north. The KEC Eastview Site is located north of Grasslands Road (State Route 100C), east of Walker Road, and west of the Westchester County Corrections complex.

Purpose and Need

Since the activation of the CDUV Facility in 2012, DEP has used the Delaware Aqueduct to supply water to the CDUV Facility. To increase operational flexibility and system redundancy, DEP undertook a Master Planning and Facilities Planning effort to identify alternative water conveyance options from Kensico Reservoir to the CDUV Facility. A new tunnel (the KEC Tunnel) was identified as the preferred alternative to achieve this. The KEC Tunnel would provide an additional means of conveying water between the Kensico Reservoir and the CDUV Facility. Completion of this project would enhance operational resiliency and redundancy for the water supply system.

The KEC Project (including the environmental review) must be completed prior to the construction of a cover over the Hillview Reservoir. The KEC Project is required by, and must be constructed in accordance with, the terms of the Hillview Consent Decree and Judgment entered by the United States District Court of the Eastern District of New York on May 15, 2019. Completion of the KEC Project would increase flow to the CDUV Facility and improve DEP's ability to maintain Hillview Reservoir's water surface levels within normal operating limits during single basin operations at the Hillview Reservoir. 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 is critical to ensure sufficient transmission capacity to offset the reduction in storage capacity.

The KEC Project goals and objectives identified by DEP for the proposed KEC Project include:

- Enhanced operational resiliency and redundancy for the water supply system;
- Provide target capacity to the CDUV Facility;
- Preserve the potential for the Catskill Aqueduct to bypass Kensico Reservoir;

- Facilitate emergency and planned outages; and
- Provide compatibility with future infrastructure projects.

Description of the Proposed Action

DEP proposes to construct a new tunnel between the Kensico Reservoir and the CDUV Facility. The CDUV Facility is located on City-owned property (“the Eastview Site”) within the Town of Mount Pleasant in Westchester County, New York. The Proposed Action would be comprised of the following major components:

1. A new approximately 2-mile-long, deep rock tunnel between the Kensico Reservoir and the CDUV Facility and the construction of new shafts;
2. Subsurface utility easements along the tunnel corridor;
3. Construction of a new KEC Screen Chamber;
4. Construction of connecting tunnels to the new screen chamber and modifications to the existing Catskill Aqueduct Dike Grade Tunnel;
5. Consolidation of the electrical supply to the Kensico Campus and construction of a new electrical building;
6. Redevelopment of the Kensico Campus including the relocation of Westlake Drive, regrading of the overall site, a new DEP Police booth, and other security improvements;
7. Modifications to the chemical feed system at Delaware Shaft 18;
8. Modifications to the existing Catskill Upper Effluent Chamber (UEC) located within and adjacent to the Kensico Reservoir;
9. Construction of a new Eastview Connection Chamber (ECC) and interconnection to the CDUV Facility;
10. Management of excavated material from construction;
11. Shoreline stabilization efforts along Kensico Reservoir south of the UEC; and
12. Mitigation as needed for the project.

List of Discretionary Permits and Approvals

The KEC Project would require discretionary permits, approvals, and consultations from federal, State, and local agencies. Anticipated permits, approvals, and consultations are shown in **Table 1** and **Table 2**.

Table 1. Potential Major Discretionary Permits and Approvals

Agency	Permit/Approval	Applicability
Federal		
U.S. Army Corps of Engineers (USACE)	Individual or Nationwide Permit	In-water work in Kensico Reservoir Tunnel or other crossings under or over surface waters
U.S. Environmental Protection Agency (EPA)	State Revolving Fund	State Revolving Fund administered by New York State Environmental Facilities Corporation
U.S. Fish and Wildlife Service (USFWS)	Federal Fish and Wildlife Permit: Incidental Take	Construction activities within proximity to Bald Eagle nest
State		
New York State Department of Environmental Conservation (NYSDEC)	Beneficial Use Determination	Reuse of soil/rock removed from shaft, tunnel, and/or chamber construction
	Endangered and Threatened Species: Incidental Take Permit	Construction activities within proximity to a Bald Eagle nest
	Chemical Bulk Storage	On-site storage of chemicals
	Freshwater Wetlands Permit	Disturbance within mapped freshwater wetlands or their designated buffers
	Mined Land Reclamation Exemption	Exemption for excavated material disposal during shaft, tunnel, and chamber construction
	Minor Facility Registration: Permit to Construct and Certificate to Operate	Use of fuel burning equipment during construction and/or operation
	Petroleum Bulk Storage	On-site storage of petroleum products
	Protection of Waters and Section 401 Water Quality Certification	In-water work in Kensico Reservoir, Mine Brook and/or Clove (Davis) Brook or their regulated buffers
	State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Construction Activity (GP-0-20-001)	Discharge of construction stormwater to surface waters
	Individual SPDES Permit (NY-2C)	Discharge of treated industrial (shaft, tunnel, and chamber dewatering) wastewaters to surface waters
Water Withdrawal Permit	Withdrawal of 100,000 gallons per day or more of surface water, groundwater, or both	
New York State Department of Health	Approval of Public Water Supply Improvements	Approval of plans for changes to a public water supply
New York State Department of Transportation (NYSDOT)	Highway Work Permit	Activities on roadways/ property under NYSDOT jurisdiction

Local		
New York City Department of Environmental Protection (DEP)	Watershed Regulations ¹	Ground disturbance within New York City East of Hudson Watershed
Westchester County Approvals	Road Access/Opening	Activities affecting roadways/property under Westchester County jurisdiction
	Approval of Plans for Sewers; Approval of Plans for Public Water Supply Improvement	Activities affecting public water supply source in Westchester County
New York City Public Design Commission	Design Approval	Design approvals for structures on City property
Town Approvals (Mount Pleasant/ North Castle)	Site Plan Approval	Activities that require approval by the Planning and Advisory Boards
	Municipal Separate Storm Sewer System (MS4) Approval	Discharges to a Municipal Separate Storm Water System
	Tree Removal	Planting, maintenance, or removal of trees
	Wetlands and Watercourses	Disturbance within regulated wetlands, watercourses, or their buffers
	Zoning Ordinance	Approvals for variances from the zoning ordinance

Table 2. Potential Major Non-Discretionary Permits and Approvals

Agency	Permit/Approval	Applicability
Town Approvals (Mount Pleasant/ North Castle)	Building	Construction, improvement, or demolition of a building or structure
	Blasting	Blasting operations for material removal
	Street Opening/Curb Cut	Cut, excavation or opening in or under any street, sidewalk or public place
	Electrical	Electrical wiring for the installation of any device, appliance or apparatus for the utilization of light, heat, power, or alarm system
	Excavation/Steep Slope	Excavation of soils and/or within slopes equal to or greater than 15%
	Plumbing	Installation, alteration, relocation, or permanent removal of any piping for water supply or wastewater
Utility Providers	Consultations	Connections to local utilities
NYSDOT	Oversized/Overweight/Special Hauling	Vehicle or cargo being transported on State highways or bridges exceeds size or weight thresholds

¹ Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources.

Potential for Significant Adverse Impacts and Mitigation

There is a potential for significant adverse impacts to natural resources, specifically forested areas and wetlands, and temporary significant adverse traffic impacts. DEP's proposed mitigation plan would address anticipated significant adverse impacts to natural resources. The Proposed Action would provide mitigation for the loss of 9.3 acres of forested area at the Kensico Campus with off-site forest restoration. Similarly, wetland mitigation would fully address the loss of 2.33 acres of wetland impacts due to the Proposed Action. DEP's proposed mitigation plan would also address anticipated temporary significant adverse impacts to traffic and transportation through the retiming of signals at two intersections and pavement restriping at a third intersection.

Many measures incorporated into the design of the Proposed Action components would avoid or substantially reduce the potential for significant adverse impacts resulting from the construction or operation of the KEC Project.

Cumulative Impacts

Cumulative impacts are two or more individual effects on the environment that, when taken together, compound or increase other environmental impacts, which may then rise to the level of significance. Cumulative impacts can result from a single project or from a number of individually minor, but collectively significant projects or actions taking place over a period of time. They may include indirect or secondary impacts, long-term impacts, and synergistic effects.

Potential effects based on the construction of the Proposed Action are addressed within the Final EIS and were considered in their respective assessments, inclusive of other DEP and non-DEP projects that are also anticipated to occur within the analysis year(s). Where appropriate, analyses included assessments of the KEC Project as a whole, such as Greenhouse Gas Emissions and Climate Change, Energy, Neighborhood Character, and Public Health. Other analyses, such as Traffic and Transportation, Air Quality, and Noise, included a review of the Kensico Campus, KEC Eastview Site, and their overlapping road networks. Significant cumulative traffic impacts were identified at three intersections; however, proposed mitigation of these impacts discussed in Final EIS Chapter 9, "Mitigation," would address these anticipated temporary significant adverse impacts to traffic.

The operation of the KEC Project would not result in any significant adverse impacts but would instead provide additional benefits by increasing DEP's ability to provide a high-quality drinking water supply, provide added flexibility to manage water quality, and meet ongoing and future supply needs. No cumulative effects due to the operation of the Proposed Action would be anticipated.

Based on the assessments of proposed construction and operation presented within the Final EIS, inclusive of the Proposed Action and other DEP and non-DEP projects, no permanent cumulative impacts are anticipated, and temporary impacts would be mitigated.

Commitments

DEP has incorporated the following commitments and protective measures into the KEC Project components that would avoid or minimize the potential for significant adverse impacts. Through implementation of these commitments and/or protective measures, significant adverse impacts resulting from the KEC Project have been minimized.

Community Facilities

- Westlake Drive will be available to emergency vehicles until the new relocated Westlake Drive is open.

Open Space and Recreation

- Appropriate signage and warnings will be installed at any potential crossings of construction traffic and any bike routes/trails.
- The existing Tarrytown-Kensico Trailway will remain operational during construction. It is not anticipated that work activities at the KEC Eastview Site would encroach upon, cause a loss, or adversely affect the use or physical character of the trailway.

Visual Resources

- Temporary lighting will be the minimum required for security and safety. Construction lighting will be oriented away from neighboring properties. All lighting over 2,000 lumens will meet the full cut-off standard of the Illuminating Engineering Society of North America. Full cut-off standards generally include shielding of the lights to avoid light spilling onto adjacent properties or roadways.

Natural Resources

- DEP will work collaboratively with NYSDEC and the U.S. Fish and Wildlife Service (USFWS) to develop a mutually-agreed upon and appropriate Bald Eagle management plan. This plan will be implemented over the duration of the construction of the Proposed Action to eliminate and/or minimize any potential effects on the Bald Eagles, similar to successful Bald Eagle management plans developed collaboratively for other DEP projects.
- Nesting Bald Eagles will be closely monitored, and consultation with USFWS and NYSDEC on measures to limit potential impacts associated with construction activities related to the Proposed Action will be required. If necessary, DEP will implement appropriate measures that may be required to be protective of this species within and outside the 660-foot Bald Eagle secondary buffer. The turbidity curtain will be within the 660-foot radius from the current Bald Eagle nest; however, the work is not anticipated to be completed during work period restrictions. Development of an action plan that identifies key construction activities, the expected timing of their occurrences, measures that may need to be implemented in order to minimize potential impacts inclusive of reasonable

seasonal restrictions or limitations, and ongoing monitoring and documentation of Bald Eagle activity at this nest will be developed and reviewed with appropriate regulatory authorities prior to the initiation of construction activities.

- Tree removal will be conducted from November 1 through March 31 to avoid impacts to Indiana bats (*Myotis sodalis*), northern long-eared bats (*Myotis septentrionalis*) and other bats, as applicable. If tree clearing cannot be confined to the appropriate work window further coordination with NYSDEC and/or the USFWS will be required.
- Replanting of trees within the Kensico Campus will meet or exceed the Town of Mount Pleasant's ordinance requirements (at least 1,880 trees) for the entire Proposed Action. The proposed landscaping will include areas of native trees and shrubs including approximately 3.9 acres of new reforestation (at least 1.2 acres in size, with 10 percent canopy cover).
- The planting plans proposed as part of the Proposed Action will provide monarch butterfly habitat with the inclusion of milkweed and other nectar-producing plants.
- As part of the tree removal for the Proposed Action, approximately 350 trees of invasive species and numerous areas of invasive shrubs and vines will be removed. Removed vegetation will be replaced with native species, thus improving the overall quality of the vegetation on the Kensico Campus.
- Best management practices such as properly cleaning equipment prior to entering construction sites, the use of clean fill, and utilizing approved seed mixes for stabilization will prevent the introduction of new invasive species during proposed construction activities.
- In-water construction activities (e.g., sheet pile or cofferdam placement, dredging) will be conducted in accordance with applicable environmental work restrictions as required, such as warmwater fisheries requirements (March 1 to July 15). Measures will be put in place to limit potential impacts to reservoir water quality. Water quality monitoring of turbidity and/or other parameters will be conducted to be protective of water quality conditions.
- Construction activities related to removal of accumulated sediment will include the use of best management practices typically used for turbidity control during sediment removal, specifically, deployment of a turbidity curtain around the in-water work area. In addition, an oil boom will be deployed around the work barge(s). Double containment will also be provided on the launch for all fuels, oils, etc. required by the sediment removal operation. As required, water quality monitoring during sediment removal will also be conducted.
- Water drained from the removed sediment will be treated as required and either returned to Kensico Reservoir, discharged to the municipal sewer, or to Clove Brook consistent with required approvals and discharge requirements (e.g., DEP,

NYSDEC, and/or Town of Mount Pleasant). The dewatered sediment will be transported by truck for offsite reuse or disposal at an approved landfill facility.

- The KEC Eastview Site conveyor will be limited to a height/width ratio of no less than 0.7. Additional protective measures (e.g., screens/netting, high sides) to prevent the loss of conveyor-transported materials from entering Mine Brook, onsite wetlands, or buffer areas will also be put in place.
- Proper soil and sediment stabilization and control measures/BMPs will be put in place to prevent sediment from entering surface waters, such as Kensico Reservoir, Clove Brook, Mine Brook, and stormwater conveyance systems during construction. Measures will also be put in place to limit potential impacts to aquatic resources from construction runoff during regrading and tree removals.
- Stormwater associated with overall construction will be actively managed with stormwater management features (e.g., basins, swales, etc.) and best management practices. A Stormwater Pollution Prevention Plan (SWPPP), developed consistent with DEP, NYSDEC, and Town of Mount Pleasant requirements, will also be put in place. Any and all discharge of stormwater to Kensico Reservoir, Clove Brook, Mine Brook, onsite wetlands, or their buffers will be in accordance with applicable permits and regulatory requirements.

Water Resources

- All shoreline stabilization work will be performed behind a temporary steel sheeting wall, cofferdam, or other protective barrier and multi-layer temporary construction turbidity curtains. Shoreline stabilization below the waterline will be performed utilizing machine-placed riprap. Shoreline stabilization above the water line will be performed utilizing hand-placed riprap. If dewatering is required, any proposed discharges to the municipal sewer system, surface waters, and/or Kensico Reservoir will be in accordance with applicable regulations and requirements including measures that may be required by DEP (e.g., turbidity curtains, monitoring) to be protective of water quality.
- Removal of accumulated sediment can result in the temporary sediment resuspension that may result in short term and localized impact to reservoir water quality. As part of the proposed construction, measures will be put in place to limit these effects.
- Discharges due to construction wastewaters, infiltration, and/or dewatering flows will be conducted in accordance with applicable regulations and/or permit requirements and if necessary, treated to meet applicable discharge requirements.
- For both the Kensico Campus and KEC Eastview Site, construction activities will be phased to limit the amount of disturbance at any one time. If needed, a waiver will be acquired should any phase exceed five acres.
- SWPPPs prepared for the KEC Project will identify measures to be implemented to limit potential stormwater contamination from construction activities, the

storage of petroleum-based materials and other chemicals, and additional protective measures that will be implemented for the protection of water resources. The SWPPPs will also address measures and/or the timing for the implementation of these to address potential effects upon stormwater runoff and/or Kensico Reservoir during the clearing and grubbing.

- Construction will utilize soil and erosion controls such as silt fences, sedimentation basins, storm drain protection, and concrete/truck washouts to address erosion concerns during construction.
- Potential discharges to surface waters will be conducted in compliance with any and all applicable laws, regulations, permits, and approvals, and thereby be protective of human health and the environment including water resources.

Hazardous Materials

- Prior to the initiation of construction activities, a site-specific Health and Safety Plan (HASP) will be prepared. The HASP will be consistent with applicable Occupational Safety & Health Administration (OSHA), DEP, and other requirements in order to address worker, community, and environmental safety. The HASP will be developed to address those hazards that are known or expected to occur as part of the Proposed Action and will be appropriately modified if additional hazardous materials are encountered.
- Any asbestos-containing materials or lead paint that will be disturbed by construction activities will be removed and disposed of prior to construction in accordance with applicable laws, regulations, and requirements.
- Any additional interior building abatement (older electrical equipment such as light fixtures, switches, caulking that could contain mercury, polychlorinated biphenyls, or other regulated materials), as required, will also be identified prior to construction and removed and disposed of consistent with applicable laws, regulations, and requirements.
- A soil management plan will be prepared, if necessary, prior to the beginning of construction activities that provides the proposed plan for the management of excavated materials at the project sites and any applicable procedures that will be instituted to address both non-contaminated soil and rock, as well as the potential to encounter soils and rock which may be contaminated. The soil management plan will outline procedures for handling, stockpiling, testing, transporting, and disposing of excavated materials, including the potential management of contaminated materials or previously unknown tanks, if encountered.
- To the extent practical, excavated soils and rock will be reused on site or beneficially used consistent with applicable requirements. Any excavated materials requiring off-site disposal will be handled and disposed of consistent with all applicable federal and State laws and regulations. Testing of these materials, as required, will be conducted in accordance with and at a frequency consistent with

applicable federal, State, local and/or receiving facility requirements. If previously-unknown contamination is encountered, applicable laws and regulations will be followed to ensure proper handling and removal of contaminated soil or groundwater including additional sampling if necessary.

- Dust control and other protective measures, as required, will be put in place for all activities. Proper ventilation of the shafts, deep rock tunnel, and connector tunnels will be maintained for the duration of construction. In addition, active dust control measures will be employed at all construction areas.
- All use, storage, and management of petroleum-based products and other chemicals (e.g., concrete additives, etc.) will be in compliance with applicable petroleum and chemical bulk storage requirements, spill reporting requirements, and spill prevention, control, and countermeasures requirements, as applicable.

Transportation and Traffic

- The Kensico Campus and the KEC Eastview Site will provide on-site parking to accommodate the parking demand generated by construction of the Proposed Action.

Air Quality

- Proposed construction hours will mainly occur during two working shifts, 7 AM to 3:30 PM and 3 PM to 11:30 PM at both the Kensico Campus and KEC Eastview Site for up to seven days a week. In addition, a third shift (11 PM to 7:30 AM) will occur at the KEC Eastview Site for underground tunnel boring activities for the KEC Tunnel, associated tunnel lining, and ECC exterior and site work.
- Non-road diesel-powered vehicles rated at 50 horsepower or more will utilize best available technology for reducing emissions. Use of non-road diesel-powered vehicles and equipment rated at 50 horsepower or more will be limited to emit no greater than Tier 4 engine performance standards, as applicable.
- Air pollution control measures contained in the New York City's Administrative Code Title 24 Environmental Protection and Utilities, Chapter 1: Air Pollution Control will be implemented, as applicable and appropriate.
- Appropriate control measures (i.e., routine watering) will be implemented for the control of on-site construction-related dust emissions from unpaved roadways, excavated material stockpiles, and shaft working areas. A dust control plan including the watering program will be required as part of contract specifications. The plan may include measures such as:
 - Trucks hauling loose materials will be equipped with tight-fitting tailgates and their loads will be securely covered prior to leaving the construction sites.

- Water sprays will be used for excavation and transfer of soils to ensure that materials will be dampened as necessary to avoid the excess suspension of dust into the air.
- Loose materials will be watered, stabilized, or covered.
- Construction Dust Rules established by DEP regulating construction-related dust emissions will be implemented.
- As required under Subchapter 7 of New York City local law (§24-163), stationary vehicles on roadways adjacent to the construction sites will be prohibited from idling for more than three minutes. Idling restrictions however will exclude vehicles that require engine use to operate a loading, unloading, or processing device (e.g., concrete-mixing trucks) or which is otherwise required for proper engine operation.
- To extent practicable, equipment that could use electric engines in lieu of diesel engines will be utilized.

Noise

- Proposed construction hours will mainly occur during two working shifts, 7 AM to 3:30 PM and 3 PM to 11:30 PM at both the Kensico Campus and KEC Eastview Site for up to seven days a week. In addition, a third shift (11 PM to 7:30 AM) will occur at the KEC Eastview Site for underground tunnel boring activities for the KEC Tunnel, associated tunnel lining, and ECC exterior and site work.
- As part of the Proposed Action, various equipment control measures will be routinely used to minimize construction-related noise emissions during construction, as applicable and appropriate. These controls will reduce noise levels for the following individual equipment types:
 - Ventilation fan noise levels will not exceed 65 dBA at a distance of 50 feet.
 - Long-reach excavators used at the Kensico Campus will not exceed noise levels greater than 75 dBA at a distance of 50 feet.
 - Mini-excavator noise levels will not exceed 70 dBA at a distance of 50 feet.
 - Light towers used at the Kensico Campus will not exceed noise levels greater than 49 dBA at a distance of 50 feet.
 - Light towers used at the KEC Eastview Site will not exceed noise levels greater than 54 dBA at a distance of 50 feet.
 - On-site dump trucks used at the Kensico Campus will not exceed noise levels greater than 74 dBA at a distance of 50 feet.
- Additional construction control measures may include, but not be limited to:
 - Preparation and implementation of a Construction Noise Mitigation Plan

- Ensuring equipment is regularly and properly maintained
 - Use of appropriate manufacturer's noise reduction device(s)
 - Ensuring engine housing doors are kept closed, and using noise-insulating material mounted on the engine housing
 - Covering portable compressors, generators, pumps, and other such devices with noise-insulating fabric to the maximum extent possible
 - Limiting vehicle engine idling
 - Operating equipment at lower speeds during the work to the maximum extent possible
 - Using quieter back-up alarms
- DEP, as part of the required Town of Mount Pleasant site plan approval process, will seek required variances for overall construction hours and the Town of Mount Pleasant noise code limits for those periods that will not meet current noise code limits.
 - Ongoing monitoring of noise levels during construction will be implemented in order to refine actual noise levels encountered during construction versus current projections and to adapt construction and noise control measures, as necessary, to eliminate or minimize potential noise level effects.
 - As part of blasting, all feasible control measures including but not limited to full enclosure, covering open blasts with blast mats, monitoring and/or reducing net explosive weight will be considered and implemented as necessary to ensure no excessive ground-borne vibration and vibration noise in terms of air overpressure will occur.
 - A vibration and noise monitoring program will be implemented as part of the Proposed Action at nearby structures, as applicable, to monitor blast vibration and noise effects and to address potential vibration and noise complaints associated with the blasting activities.
 - The contractor will conduct structural assessments for each existing on-site non-residential buildings, underground structures (such as the UEC and Dike Grade Tunnel), and any historic structures eligible for listing under the National Register of Historic Places in order to identify the existing condition of the buildings or structures, determine its sensitivity, to establish equipment limitations and adjust the maximum instantaneous charge size for blasting, and determine their resultant allowable peak particle velocity limits. As part of the Proposed Action, if protective measures may be required, the contractor will implement these measures, in consultation with the State Historic Preservation Office (SHPO) as needed.

Water and Sewer Infrastructure

- DEP will coordinate with the Town of Mount Pleasant and/or Westchester County to allow continued access to their utility lines located within Westlake Drive during and after construction.
- Wastewater discharges due to construction, infiltration, and/or dewatering flows from the KEC Shaft 2C, KEC Tunnel, and ECC construction will be treated on site and then released to Mine Brook in accordance with the applicable regulatory requirements and/or the conditions of a discharge (SPDES) permit that will be acquired as part of the Proposed Action.

Solid Waste

- DEP established a target of diverting up to 95 percent of excavated materials and construction and demolition waste generated on site from landfills. DEP will seek to minimize the landfilling of waste materials through reuse and/or recycling.
- All removed materials will be managed in accordance with applicable regulations for the transport and management of this material.

Operations

Land Use, Zoning and Public Policy

- DEP will apply for variances related to building and fence heights, construction noise levels, and work hours, as needed, as part of the larger site plan approval processes required for the Kensico Campus and the KEC Eastview Site. The Proposed Action will comply with these site plan approvals and/or additional requirements identified by the Town of Mount Pleasant as part of this process.

Socioeconomics

- DEP will compensate landowners for any diminution in the fair market value of their parcels due to subsurface utility easements along the tunnel corridor.

Visual Resources

- An analysis of lighting levels will be developed as part of the Town of Mount Pleasant site plan application and will be in compliance with the applicable town codes related to lighting standards.
- DEP has committed to provide visually-appealing elements at both the Kensico Campus and KEC Eastview Site through the use of native landscaping. At the Kensico Campus, a more naturalistic planting scheme will provide visual interest and color during the growing seasons. Landscaping will provide varying colors and textures with plants that will change throughout the year.

- Final landscaping plans will be developed in coordination with the NYC Public Design Commission and the Town of Mount Pleasant.

Historic Resources

- DEP is committed to providing a landscaping design that promotes sustainability and wildlife habitats with native trees, shrubs, and meadow grass mixes.
- The new UEC roof will be consistent with the historic context and architectural style of the existing UEC roof. UEC roof replacement will follow the recommended methods and materials within the National Park Service's *Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Building*² and *Preservation Brief 2: Repointing Mortar Joints in Historic Masonry Buildings*³. Documentation of the existing roof will be provided with the proposed roof repair details for review and approval by SHPO.

Natural Resources

- During periodic inspection or maintenance of Delaware (DEL) Shaft 18, sole use of the UEC will be required which could result in higher intake flows and an increased risk for impingement or entrainment of selected fish species during these periods. These occurrences however will be limited, are not reflective of routine operations, and are not expected to have any significant or long-term adverse effect.

Greenhouse Gas Emissions and Climate Change

- Solar PV arrays will be installed on the KEC Screen Chamber, police booth, and electrical building at the Kensico Campus, and on the ECC at the KEC Eastview Site. The solar installations are expected to generate approximately 225,000 kWh/year at the Kensico Campus, and approximately 156,000 kWh/year at the KEC Eastview Site, which would offset approximately 58 mTCO_{2e}/year and 45.1 mTCO_{2e}/year, respectively.
- Buildings at the Kensico Campus and the KEC Eastview Site, and associated equipment and systems, will be constructed to be energy efficient, including:
 - Proposed rated efficiency of HVAC systems from equipment manufacturers which are higher than the minimum efficiencies required as per ASHRAE 90.1 (2013) for climate zone 4A.
 - 25 percent reduction of lighting power densities (LPD) as compared to minimum LPD's per ASHRAE 90.1 (2013) using the Space-by-Space Method.

² <https://www.nps.gov/orgs/1739/upload/preservation-brief-01-cleaning-masonry.pdf>

³ <https://home1.nps.gov/tps/how-to-preserve/briefs/2-repoint-mortar-joints.htm>

- Implement heat tracing for pipes to decrease the space heating requirements.
- Extensive use of mechanical ventilation to offset heat gains when outside air conditions are favorable.
- Additional energy conservation measures to reduce operations-related GHG emissions, include, but are not limited to temperature reduction, adjustments to temperature setpoints to save energy, heat pump variable refrigerant flow, implementation of solar light poles, and the reduction of redundant fans.
- The Proposed Action will also be consistent with the resiliency and renewable energy goals of OneNYC, which reaffirms the City’s commitment to the “80x50 Plan,” a goal to reduce GHG emissions by 80 percent by 2050 through investments in renewable energy.
- In order to reduce the risk for possible grid failures due to increased temperatures, measures have been integrated into the design, including selecting architectural materials to avoid heat-trapping facades for the KEC Screen Chamber, active and passive cooling, and redundant power supply along with a back-up generator for all electrical loads. Temperature control protections for critical equipment associated with the UEC and ECC, including specific temperature and humidity ratings that protect critical equipment, will further reduce any potential effect of increasing temperatures.

Mitigation

As presented, the Final EIS evaluated the potential for significant adverse impacts due to the construction and/or operation of the Proposed Action. As part of the Proposed Action, measures were incorporated to the extent practical to address, eliminate, or reduce potential impacts and these were previously discussed within the Final EIS. For those significant adverse impacts that could not be readily addressed through design changes, modification of the proposed construction or operation of the Proposed Action, and/or other comparable measures, specific mitigation was required.

As discussed within the Final EIS, the construction of the Proposed Action has the potential to result in significant adverse impacts to natural resources, specifically forested areas and wetlands, and temporary significant adverse traffic impacts. No other significant adverse impacts were identified for the construction and/or operation of the Proposed Action. Proposed mitigation measures are identified and discussed in more detail below.

Natural Resources

Terrestrial Communities

Forested areas encompass approximately 18.8 acres of the Kensico Campus. The primary benefit of forested areas on the Kensico Campus is related to the retention and storage of reservoir water. As water supply lands, DEP maintains forested areas as an important component to support and protect clean drinking water within the Kensico Reservoir watershed, as well as reducing impacts from climate change, heat island effects, and reduction of flooding and

stormwater runoff. Based on the disturbance anticipated and the location and area of the proposed planting that will be considered forested areas (and contiguous to existing forested areas at the Kensico Campus), approximately 9.3 acres of forested area will be impacted as a result of the Proposed Action.

DEP will provide mitigation for the loss of forested areas on the Kensico Campus by completing forest restoration work, including invasive species control and underplanting, in other areas in the Kensico Reservoir watershed. In the unlikely event that sufficient suitable acreage cannot be found within the Kensico Reservoir watershed, DEP will provide the balance of this mitigation within City-owned forested lands within the larger East of Hudson watershed. Forest restoration will improve forest health and, therefore, will provide increased benefit to water quality. Forest improvements will support ecological functions, such as regeneration, protection of soil, filtration of water, and nutrient buffering to ensure continuous, healthy, vigorous forest cover. Control of invasive species is required to ensure overall tree and ecosystem health. Healthy forests provide for ecologically diverse, vigorous, and sustainable forests that are resilient and capable of natural regeneration of desired species and can contribute to maintaining high-quality water resources while reducing impacts from climate change, heat island effects, and reduction of flooding and stormwater runoff. Maintaining a species and age/size class diverse forest cover increases that cover's resistance to disturbances (e.g., ice storms, wind events, hurricanes, droughts) and allows for faster recovery from any disturbances. Therefore, the proposed 18.6 acres of forest restoration will provide a comparable benefit to the forested resources lost as part of the Proposed Action.

Wetlands

Construction of the Proposed Action will result in unavoidable impacts to approximately 2.33 acres of wetlands at Kensico Campus. Compensation for wetland impacts at the Kensico Campus will be achieved through a new, wetland mitigation project. The wetland mitigation site, known as Big Peninsula, is located on City-owned lands southwest of State Route 120 on a peninsula in the northeastern portion of Kensico Reservoir in the Town of North Castle. This site is within the Kensico Reservoir watershed which also encompasses the location of the proposed wetland impacts due to the Proposed Action. DEP is also exploring the option of wetland mitigation banking to offset unavoidable impacts associated with the Proposed Action and may use such banking, if applicable.

Traffic

The KEC Project has the potential to result in significant adverse traffic impacts at three intersections during the PM construction traffic peak hour (3 PM to 4 PM). These temporary significant adverse impacts to traffic will be addressed through the retiming of signals at two intersections and pavement restriping at a third intersection. DEP would work with the appropriate entity (e.g., NYSDOT, Westchester County) for review and approval of the proposed mitigation measures.

Project Alternatives

The Final EIS evaluated numerous alternatives, including a No Action Alternative (Alternative 1) and four additional alternatives to the KEC Project: Pressurization of the Catskill Aqueduct (Alternative 2), Alternative Tunnel Drive (Alternative 3), Alternative Tunnel Lining (Alternative

4), and Use of a Construction Drop Pipe (Alternative 5). The alternatives analysis concluded that the No Action would be the same as the Proposed Action and as such would result in the same impacts and benefits as disclosed for the future with the Proposed Action. Pursuant to the Hillview Consent Decree and Judgment and its mandate that DEP construct the KEC Project, DEP assumed that the proposed KEC Tunnel and associated modifications and supporting structures would be built under the No Action Alternative condition and that the system redundancy provided by a second connection between Kensico Reservoir and the CDUV Facility would be constructed. With the second alternative, Pressurization of the Catskill Aqueduct would not provide sufficient flows to meet targeted or current flow demands from the Kensico Reservoir without the Delaware Shaft 18 in operation. Alternatives three through five were alternatives to the Proposed Action construction methods.

Conclusions and Findings

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impacts; and
- There are no reasonable alternatives that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

As discussed within the Final EIS, construction of the Proposed Action has the potential to result in significant adverse impacts to natural resources, specifically forested areas and wetlands, and temporary significant adverse traffic impacts. All potential significant or temporary adverse impacts related to the construction of the Proposed Action would be fully mitigated and eliminated.

In addition, future operation of the Proposed Action would not result in any significant adverse impacts.

Therefore, the KEC Project would not result in any unavoidable significant adverse impacts due to construction or operation.

Implementation of the KEC Project would allow the City to continue to meet and respond to variable water supply and demand conditions, even after the KEC Project is complete and essential City infrastructure has been repaired. The Proposed Action would result in an overall public health benefit.

Having considered the Final EIS and the information and analyses contained therein, the Commissioner, on behalf of DEP, concurs with the findings of the Final EIS and certifies that:

- The requirements of Article 8 of the New York State Environmental Conservation Law and its implementing regulations found at 6 NYCRR Part 617 and the requirements of City Environmental Quality Review found at Title 62, Chapter 5 of the Rules of the City of New York and as set forth in Executive Order 91 of 1977, as amended, have been met;

- Consistent with social, economic, and other essential considerations of State and City policy, from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision, those commitments and mitigative measures that were identified as feasible and practicable.

The Final EIS and the Notice of Completion of the Final EIS constitute the written statement of facts and analysis of the environmental, social, economic, and other factors and standards that form the basis of this decision, pursuant to Section 6.17.11(d) of the SEQRA regulations.

Dated: August 28, 2023
Flushing, New York



Rohit T. Aggarwala
Commissioner
New York City Department of Environmental Protection