Department of Design and Construction

Jamie Torres-Springer
Commissioner

Andrew Hollweck
Deputy Commissioner of
Communications and Policy

Jeffrey A. Margolies, Esq.
Executive Director
Intergovernmental and
Community Affairs

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East Side Coastal Resiliency Community (ESCR)
Community Advisory Group (CAG)
C/O Tara Duvivier
Pratt Center for Community Development
200 Willoughby Avenue
Brooklyn, NY 11205

VIA EMAIL

Re: ESCR CAG Environmental Monitoring Inquiries

To the Members of ESCR CAG:

Thank you for your letter dated April 9, 2021 outlining the CAG's questions, concerns and requests related to environmental monitoring during the ESCR construction process. DDC staff, consultants and agency partners would like to share the responses below to some of your key requests and concerns. The City takes the protection of the public health very seriously when designing and constructing a public project and agree that environmental monitoring should be taken seriously and plan to continue to do so.

1) The CAG wants to understand the hierarchy, layers, and contractual relationships between all entities that are part of environmental monitoring, including their specific jobs and duties.

The oversight for environmental monitoring for the East Side Coastal Resiliency (ESCR) project is multi-tiered and includes relationships between several agencies and entities. Please refer to Attachment No.1 for the ESCR Environmental Monitoring Hierarchy. See below general overview of responsibilities:

- NYCDEP: New York City Department of Environmental Protection serves in a design, advisory and regulatory capacity for activities related to stormwater management, water and sewer infrastructure, air quality, noise, hazardous materials, and natural resources. DEP is also responsible for long term operations and management of the interior drainage system including deployment and emergency response.

- NYSDEC: New York State Department of Environmental Conservation serves in an advisory and regulatory capacity for activities related to Manufactured Gas Plant (MGP) contaminated soil, water, and air. A NYSDEC representative is expected to be on-site weekly and will review the monitoring results.

- OER: Mayor's Office of Environmental Remediation serves in an advisory role, promoting and facilitating the cleanup of contaminated sites in NYC in close coordination with the NYSDEC.

- NYCDDC: New York City Department of Design and Construction (DDC) is NYC's primary capital design and construction project manager, building many of the vital infrastructure and civic facilities essential for a healthy, resilient city. The DDC Coastal Resiliency team, in collaboration with the Mayor's Office, was established to achieve the mission and goals of the program's Federally funded project portfolio to protect communities against future floods and combat the impacts of the current climate crisis. NYCDDC Construction Management team along with other branches of the DDC, serve in an oversight role for environmental monitoring.

- HNTB-LiRo: HNTB/LiRo Joint Venture serves as the Program Management/Construction Management (PMCM) Consultant for the Coastal Resiliency Program. Project and construction management services include management of multi-disciplined professional and technical staff, design oversight and reviews, community engagement, documentation and reporting, scheduling, program status and progress monitoring, cost analysis, construction administration, value engineering, constructability analysis, contract purchasing and project controls. HNTB-LiRo also ensures the Contractor's compliance with the project environmental specifications and reviews all reporting.
    - Environmental Specialist: HNTB-LiRo has engaged Preferred Environmental Services, environmental specialist, to lead environmental monitoring for the manufactured gas plant (MGP) CAMP (Community Air Monitoring Plan), see more about CAMP in response to request 3 and 5.

- Contractor: DDC, through a competitive procurement process selected Perfetto Contracting Corporation (PCC), to manage and construct Project Area 2 (PA2). PCC is responsible for implementing environmental monitoring and mitigation activities as outlined in the PA2 contract.
    - Environmental Specialist: PCC has engaged Distinct Engineering Solutions, Inc., environmental specialist, to lead environmental monitoring for air quality for PA2.

The Contractor and environmental specialist subconsultant(s) for Project Area 1 (PA1) will be identified once the contract has been fully executed.

2) The air quality monitoring stations should measure the presence of eight substances: Carbon monoxide (CO), Nitric dioxide (NO2), Carbon dioxide (CO2), Particulate matter (PM10 and PM2.5), Volatile organic compounds (VOC), Ozone (O3), Lead (Pb).

As stated in the Project's Final Environmental Impact Statement (FEIS):

> Construction of the proposed project requires the use of both nonroad construction equipment and on-road vehicles. Nonroad construction equipment includes equipment operating on-site such as pile drivers, excavators, and loaders. On-road vehicles include construction trucks arriving to and departing from the project area as well as operating on-site. Emissions from nonroad construction equipment and on-road vehicles, as well as dust-generating construction activities such as truck loading and unloading operations, have the potential to affect air quality. (Chapter 6.10 Construction Air-Quality, Section A)
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> In general, much of the heavy equipment used in construction is powered by diesel engines that have the potential to produce relatively high levels of nitrogen oxides (NOx) and particulate matter (PM) (both PM10 and PM2.5) emissions. Dust generated by construction activities is also a source of PM emissions. (Chapter 6.10 Construction Air-Quality, Section A) Measures would be taken to reduce pollutant emissions during construction in accordance with all applicable laws, regulations, and building codes as well as New York City Local Law 77. With the implementation of these emission reduction measures, construction of the Preferred Alternative would not result in any predicted concentrations above the National Ambient Air Quality Standards (NAAQS) for NO2, CO, and PM10 or the de minimis thresholds for PM2.5 from nonroad and on-road sources. Therefore, no significant adverse air quality impacts are predicted from the construction of the Preferred Alternative. Construction activities hold the potential to disturb hazardous materials in existing structures and the subsurface, as it would involve demolition and excavation activities. However, with the implementation of appropriate measures governing the construction (such as air monitoring, proper storage, and handling of materials, and, if required, odor suppression), the potential for significant adverse effects related to hazardous materials would be avoided. (Chapter 6.6 Construction Hazardous Materials, Section B)
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> As mentioned in Chapter 6.6 of the EIS, Construction -Hazardous Materials Section " Dust management during soil-disturbing work would include the following: (1) use of water spray for roads, trucks, excavation areas and stockpiles; (2) use of anchored tarps to cover stockpiles; (3) use of truck covers during soil transport within site limits and during off-site transport; (4) employment of extra care during dry and/or high-wind periods; (5) use of gravel or recycled concrete aggregate on egress and other roadways to provide a clean and dust-free road surface; and (6) use of a truck wheel wash at site access/egress points to prevent fugitive dust and off-site migration of dust and other particulates. The source(s) of any dust emissions would be identified and addressed immediately and appropriately.
>
> Asbestos-containing materials (ACM) and lead-based paint (LBP) would be addressed in accordance with the existing regulatory programs, e.g., for. Asbestos surveys would be completed by a qualified individual/contractor, and all ACM that would be disturbed by the demolition would be removed in advance, accordance with local, state, and federal regulations and guidelines. LBP would be addressed in accordance with applicable regulatory requirements including OSHA Lead in Construction requirements. If

> polychlorinated biphenyls (PCBs), or mercury containing fluorescent lights or older thermostats require removal, disposal would be performed in accordance with applicable regulations and guidelines. In addition, disposal of any chemicals would be performed in accordance with applicable local, state, and federal regulations and guidelines. (Chapter 6.6 Construction Hazardous Materials, Section D)

A thorough review of potential environmental impacts, including subsurface investigations, was conducted during the design phase as part of the Environmental Impact Statement (EIS). As a result of the investigations completed, Particulate Matter (PM) and Volatile Organic Compounds (VOCs) will be monitored as per the NYSDEC-approved Mitigation Work Plan and the Memorandum of Agreement between the City of NY and NYSDEC. As work activities involving lead or asbestos abatement are initiated, air monitoring specific to those activities will be undertaken.

See FEIS Section:

- Chapter 6.6 Construction Hazardous Materials: https://www1.nyc.gov/assets/escr/downloads/pdf/FEIS/ESCR-EIS-Chapter-6.6-Construction-Hazardous-Materials.pdf
- Chapter 6.10 Construction Air Quality: https://www1.nyc.gov/assets/escr/downloads/pdf/FEIS/ESCR-EIS-Chapter-6.10-Construction-Air-Quality.pdf

3) The CAG is very concerned that only six air monitoring stations will be installed for an area as large as ESCR and requests that more be installed. The focus of the additional monitors should be along resident apartments in closest proximity to the park construction. These monitors should gather data for some appropriate level of time to help establish an air quality (AQ) baseline for the pre-construction to compare against AQ readings during and post construction.

The six (6) dust monitoring stations noted for Project Area 1 (PA 1) and four (4) for Project Area 2 (PA 2) (Refer to Attachment No. 2) are the minimum number that the contractor must supply. This number was advised by the HNTB-LiRo Environmental Team during the preconstruction phase based upon the proposed phasing and work activities. The final number and exact locations are to be determined and as directed by the Engineer, HNTB-LiRo Joint Venture as work progresses. In general, the air monitoring stations will be installed between the work site and the residences.

For Project Area 2 (PA 2), the number and placement proposed by the contractor and environmental specialist subconsultant aligns with the phasing and work activities currently in progress and will be revised and modified as the work location and type changes. The determination regarding the number and location of all PA 1 dust monitors will be made once that contract is awarded. If during review of daily field activities and air monitoring analysis indicates that additional air monitoring stations are warranted, the contractor (PA1 or PA2) will be directed by the Engineer, HNTB-LiRo Joint Venture, to install additional stations.

As mentioned in Chapter 6.6 of the Environmental Impact Statement (EIS), Construction -Hazardous Materials Section " Dust management during soil-disturbing work would include the following: (1) use

of water spray for roads, trucks, excavation areas and stockpiles; (2) use of anchored tarps to cover stockpiles; (3) use of truck covers during soil transport within site limits and during off-site transport; (4) employment of extra care during dry and/or high-wind periods; (5) use of gravel or recycled concrete aggregate on egress and other roadways to provide a clean and dust-free road surface; and (6) use of a truck wheel wash at site access/egress points to prevent fugitive dust and off-site migration of dust and other particulates. The source(s) of any dust emissions would be identified and addressed immediately and appropriately. In addition, during excavation/and loading of any hazardous waste or MGP contaminated or petroleum-contaminated soil, real-time dust monitoring would be performed through a Community Air Monitoring Plan (CAMP)."

The term baseline is not used in the project specification. Background concentration levels change daily and seasonally based on atmospheric conditions. The background data is the data measured before the construction shifts begin and throughout the day, the upwind measured value.

4) The CAG is concerned that air pollution from FDR traffic will essentially bounce off the floodwalls and sloping areas that will be built along the roadway as part of ESCR. The CAG requests that a low-cost barrier wall be imminently erected in order to mimic these floodwalls and sloping areas. Then the City should conduct air quality baseline testing on the western side of them where over 10,000 people live, and the findings should be reported out to the public prior to breaking ground.

Based on analyses completed during the design and findings as included in the Final Environmental Impact Statements (FEIS), Chapter 6.10, "Construction-Air Quality", and City's Environmental Quality Review (CEQR) Technical Manual guidelines, it was deemed that baseline air quality testing with a mock wall was not necessary. All construction dust and emission reduction measures will follow DEP's Construction Dust Rules and the contractor will follow an approved dust control plan and a robust watering program to minimize dust and emissions from construction in compliance with National Ambient Air Quality Standards (NAAQS), established to protect communities. Air monitoring will be performed as per the New York State Department of Environmental Conservation (NYSDEC).

5) The CAG requests a grant be allocated for the purpose of enabling a wholly independent air quality monitoring system focusing on the directly impacted areas that are adjacent to ESCR.

The City does not intend on issuing a grant for additional independent air quality monitoring. HNTB-LiRo Joint Venture has retained a secondary environmental specialist (Preferred Environmental Services) that will be responsible for the Community Air Monitoring Plan (CAMP) and will assure that the contractor's specialist is following all required plans and permits. Both specialists will report findings to a representative of NYSDEC, who is expected to be on site at least weekly. We have agreed to provide the CAG with quarterly environmental monitoring reports and monthly updates.

During excavation and loading of any hazardous waste or MGP-contaminated or petroleum-contaminated soil, real-time dust monitoring will be performed through a Community Air Monitoring Plan (CAMP). CAMP identifies potential air emissions, and describes air monitoring procedures, the monitoring schedule, data collection, and reporting requirements for the remedial action to be completed by the Contractor. In addition, when necessary, it mandates corrective actions to abate emissions, and/or

shutdown work. Its intent is to provide protection for residents within the designated work area and the downwind community from potential airborne contaminant releases as a direct result of remedial construction activities.

6) The CAG requests a detailed phasing and timeline plan that lays out what type of environmental monitoring will occur throughout the construction process.

For Project Area 2 (PA2), air quality (particulate matter) and noise is currently being monitored that will continue throughout the duration of PA2 (Refer to Attachment No. 3 for PA2 phasing and timeline). The Community Air Monitoring Program (CAMP) as mentioned in the response for question 3 and 5, was activated in June 2021 and shall continue throughout the duration of PA2 within manufactured gas plant (MGP) known areas.

The phasing, schedule, and air monitoring plans for Project Area 1 (PA 1) will be available once the contract is awarded and review and approval has completed. As mentioned in the response for question 2, environmental monitoring for air (particulate matter), Volatile Organic Compounds or VOCs (through the CAMP program) and lead and asbestos (through applicable regulations) shall be performed.

7) It is imperative that DDC relay information related to environmental monitoring to the CAG in a clear, comprehensible way. This will help the CAG accurately pass information on to the community at large and will help public attendees of CAG meetings better understand the information being presented. The CAG is requesting that information be laid out in writing in English, Spanish, Mandarin and Cantonese. Information in written form can help CAG members absorb and process dense information.

The project team is committed to providing this information in a manner that is easily understood by community members and all levels of expertise. The team is available monthly at Community Boards 3 & 6, and Community Advisory Group (CAG) meetings where environmental information is explained and reviewed. These presentations are published on the dedicated ESCR website under 'Presentations'. Quarterly monitoring reports will be provided in a clear, comprehensible way. The team is also developing fact sheets on the environmental information which shall be made available in Spanish and Chinese. Once the PA1 contract has been executed, the ESCR project will have three dedicated Community Construction Liaisons (CCL's), including at least one CCL who will be speak Spanish, Mandarin and Cantonese, and be available to answer questions related to this information. The ESCR Team welcomes any recommendations from the CAG on how we can continue to improve communications.

8) The City's November 2019 commitment letter stated that communication would occur "at least quarterly" and "as frequently as the CAG requests" it, and the CAG requests that they occur on a monthly basis.

Agreed. We will provide quarterly reports, as well as monthly verbal updates to the CAG as part of our regular communications. The first quarterly report covering the months of January 2021 – May 2021 has been drafted and is awaiting final approval from DDC and City partners before it can be issued.

CAG QUESTIONS

1) **The EIS did not contain this information, so the CAG is requesting it. Additionally, how was the number of monitoring stations determined? Additionally, it is imperative that the CAG have the air quality baseline data before construction begins.**

Please refer to the CAG REQUESTS #3 response above. Refer to Attachment 2 to for AQM station location map for PA2.

2) **Is all the fill being brought to the site by barge and then dumped into trucks for site distribution? How long is the fill distribution anticipated to take?**

As the Project Area 1 (PA 1) contractor is not yet on board, specific details regarding how much material will be barged to the site vs being trucked is not yet available. As analyzed in the EIS, we expect a large volume of material, specifically the fill material, to be barged. Barged material will likely be offloaded onto trucks or similar earth moving equipment. Due to the phased nature of the project and because fill operations extend to various phases, we would expect the fill operation to require 3-4 years to complete. There are no barging activities planned for Project Area 2 (PA2).

The contractor will be held to upholding dust management practices per the Section 6.6 of the EIS which would include the following: (1) use of water spray for roads, trucks, excavation areas and stockpiles; (2) use of anchored tarps to cover stockpiles; (3) use of truck covers during soil transport within site limits and during off-site transport; (4) employment of extra care during dry and/or high-wind periods; (5) use of gravel or recycled concrete aggregate on egress and other roadways to provide a clean and dust-free road surface; and (6) use of a truck wheel wash at site access/egress points to prevent fugitive dust and off-site migration of dust and other particulates. Additionally, in the case of any dust emissions, the source(s) would be identified and addressed immediately and appropriately.

3) **The CAG would like to see an independent specialist / monitor who has the community's health concerns as their top priority. The CAG wants to know who will be performing this role(s), their experience in performing this type of role, and what processes will be implemented for compliance and transparent reporting. The CAG should have input on the selection of this specialist and development of an enhanced reporting plan.**

The community's health concerns are the top priority of the NYCDDC and ESCR Project Team. As described in the CAG REQUESTS response #1 and Attachment #1, the environmental monitoring for the East Side Coastal Resiliency (ESCR) project is multi-tiered and includes relationships between several agencies and entities. The Contractor is required to have an Environmental specialist (Distinct Engineering Services for PA2), and additionally, the HNTB-LiRo Joint Venture has retained a secondary environmental specialist (Preferred Environmental Services) that will be assuring that the contractor's specialist is following all required plans and permits. Both specialists will report findings to a representative of NYSDEC, who is expected to be on site at least weekly.

The Project Area 1 (PA 1) contract has not yet been awarded, so we do not have information on the contractor's proposed environmental specialist. The contractors are required to employ these specialists

and submit them for approval by the HNTB-LiRo Joint Venture. They will be approved when and if they meet the applicable requirements.

4) **An immense amount of fill will be brought in by barge to raise East River Park. The CAG is concerned that the area's commonly heavy winds will blow around some of the fill and negatively impact local air quality. Has any analysis of the potential for this been done?**

Dust monitors will be in place in locations up and downwind of the work zone prior to all earth moving activities in East River Park. Additionally, engineering control methods which includes the use of water spraying to wet down excavation areas, use of tarps during transport, and other methods described in the response to question 2 will be implemented and are a requirement of the contract. Dust management will be continuous during all activities. In addition, the project has been proactive by setting the action levels lower than permissible exposure limits mandated by city and state regulations. This means that the levels which trigger an alert are lower and ensure that the contractor and the Project Management/Construction Management (PMCM) team reviews dust mitigation measures and enhances them as necessary before mandated levels are surpassed.

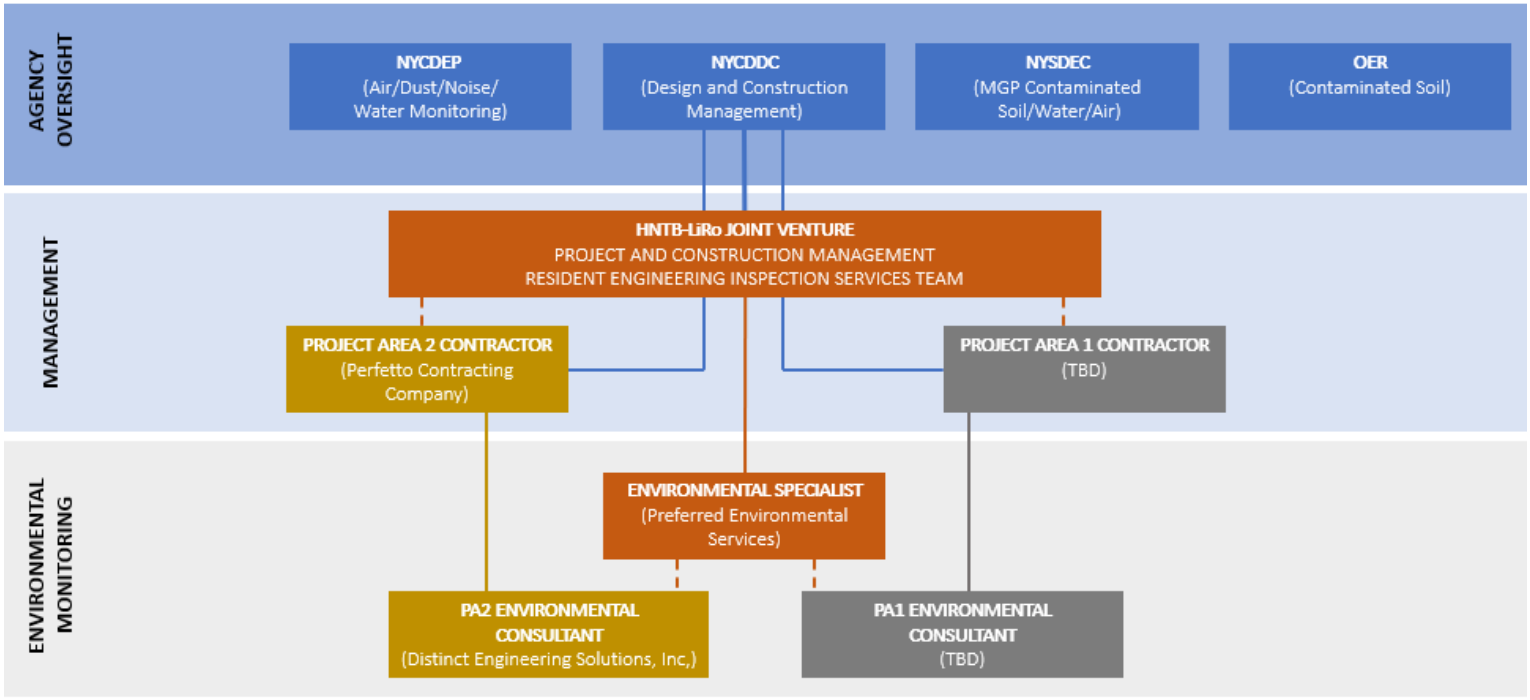
Thank you again for your continued collaboration on this important project for the east side of Manhattan.

Sincerely,

Jeffrey A. Margolies
Executive Director of Intergovernmental and Community Affairs

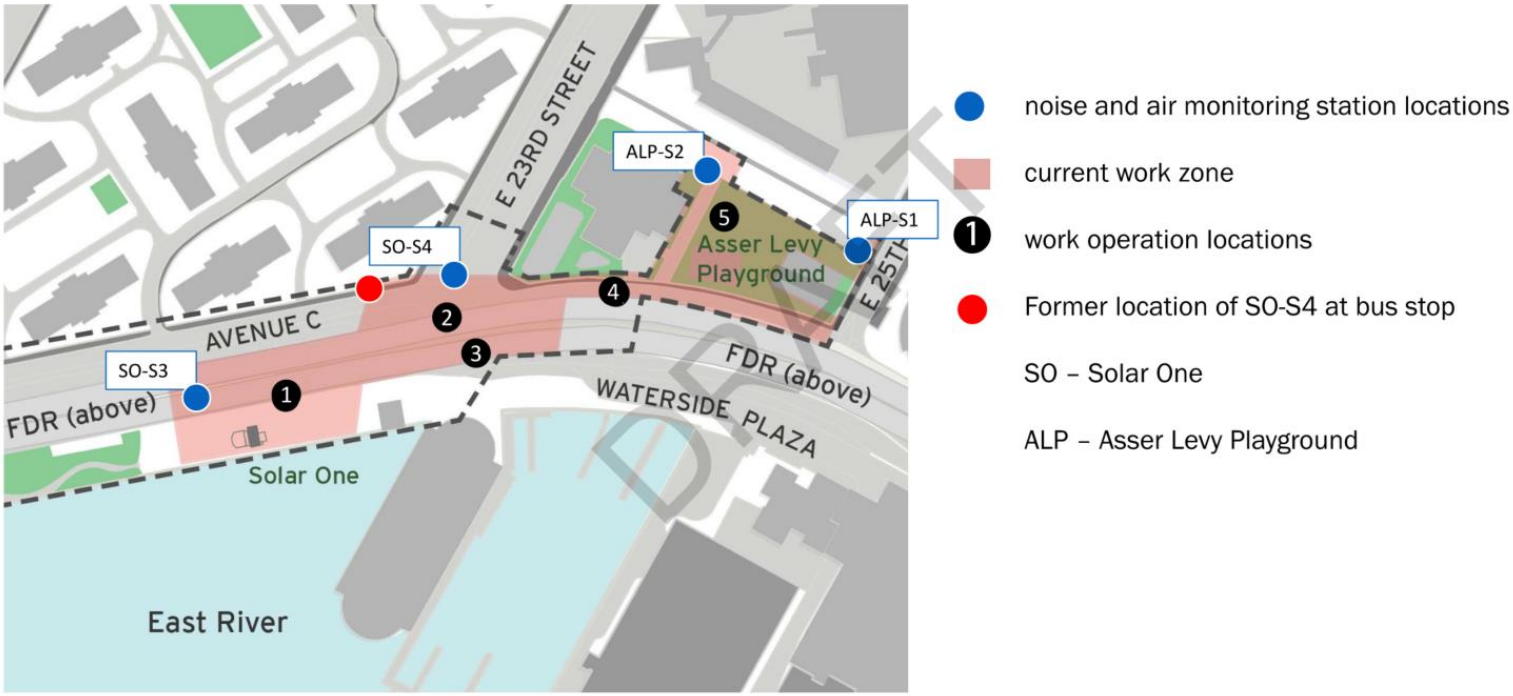
ATTACHMENT NO. 1

ESCR ENVIRONMENTAL MONITORING HIERARCHY



ATTACHMENT NO. 2

AIR QUALITY MONITORING STATION LOCATIONS



ATTACHMENT NO. 3

ESCR PROJECT AREA 2 PHASING DRAFT JUNE 2021 **SUBJECT TO CHANGE**