

A. INTRODUCTION

This chapter assesses the potential for the ~~Proposed Project~~previously proposed project to affect public health.¹ As defined by the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on human health may occur as a result of a proposed project and, if so, to identify measures to mitigate such effects. The potential effects of the ~~Proposed Project~~previously proposed project were considered with regard to effects on the surrounding community.

The *CEQR Technical Manual* states that a public health assessment is warranted for a specific technical area if there is an unmitigated significant adverse impact found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. As described in the relevant analyses of this ~~Draft-Final~~ Environmental Impact Statement (~~DEIS~~FEIS), the ~~Proposed Project~~previously proposed project would not result in significant unmitigated adverse impacts in any of the technical areas related to public health.

B. PRINCIPAL CONCLUSIONS

The ~~Proposed Project~~previously proposed project would not result in significant adverse impacts to public health. This ~~FEIS~~DEIS considers the technical areas related to public health, including air quality, water quality, hazardous materials, and operational noise. The respective analyses show that the ~~Proposed Project~~previously proposed project would not result in significant unmitigated adverse impacts in any of these areas. The analysis presented in Chapter 17, “Construction,” determined that construction activities would result in unmitigated significant adverse construction-period noise impacts at receptors in the vicinity of the ~~Proposed Project~~previously proposed project’s work areas. However, construction of the ~~Proposed Project~~previously proposed project would not result in chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term impacts of noise at high decibel levels, as per the *CEQR Technical Manual*. Consequently, the ~~Proposed Project~~previously proposed project and construction of the ~~Proposed Project~~previously proposed project would not result in a significant adverse impact to public health.

¹ Since the publication of the DEIS, the Applicant has withdrawn the application for the previously proposed project and submitted a modified application (Application Number C 210438(A) ZSM; the “A-Application”) with proposed changes to the project—this modified version of the project is described and considered in this FEIS as the Reduced Impact Alternative, as outlined in Chapter 18, “Alternatives.”

C. METHODOLOGY

The construction noise analysis presented in Chapter 17, “Construction,” was used to identify the extent of the potential construction-period noise exposure to the public as a result of the ~~Proposed Project~~previously proposed project. The *CEQR Technical Manual* thresholds for construction noise are based on quality-of-life considerations. In this chapter, the potential for the construction-period noise exposure identified in Chapter 17, “Construction,” to affect the health of the affected population is evaluated based on relevant health-based noise criteria. These criteria as identified in the *CEQR Technical Manual*, include chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, and episodic and unpredictable exposure to short-term impacts of noise at high decibel levels.

D. ANALYSIS

Water quality was considered in Chapter 8, “Natural Resources,” and under CEQR criteria, the ~~Proposed Project~~previously proposed project does not have the potential to have a significant adverse impact in the technical area of natural resources (including on water quality). Furthermore, any dewatering would be conducted in accordance with New York City DEP requirements. Similarly, as discussed in Chapter 10, “Water and Sewer Infrastructure,” the ~~Proposed Project~~previously proposed project would not result in significant adverse impacts on the City’s water supply and wastewater and stormwater conveyance, management, and treatment infrastructure.

Hazardous Materials was considered in Chapter 9, “Hazardous Materials,” in this ~~DEIS~~FEIS. For the Development Site, the potential for significant adverse impacts related to hazardous materials resulting from the ~~Proposed Project~~previously proposed project would be avoided through compliance with existing regulatory requirements and conforming to New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) requirements: in particular the already completed completion of a Remedial Investigation (RI) and the implementation of an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP) during project construction. Since the BCP is a voluntary program, should the developer not perform the remediation under the BCP (due to program withdrawal or other reasons), the developer would be required to perform these activities (including preparation and implementation of a RAWP/CHASP) under the oversight of the NYC Department of Environmental Protection (DEP) and/or the NYC Office of Environmental Remediation (OER). To ensure that this would occur an (E) Designation (E-621) for hazardous materials would be placed on the Development Site (Block 98, Lot 1). An (E) Designation would require that before issuance of a permit for construction involving subsurface disturbance, a RAWP and CHASP would need to be approved in conformance with requirements of OER.

For the Museum Site, a Phase I Environmental Site Assessment (ESA) was prepared that determined a subsurface investigation (Phase II) would need to be conducted in advance of any new construction on the existing vacant lot at the corner of South Street and John Street (the John Street Lot), because it once had included a gasoline filling station. Because the site is subject to a NYSDEC Stipulation Agreement (due to the failure to remove all subsurface contamination when the gasoline tanks were removed) a Remediation Plan to address this residual contamination would be prepared (and submitted to NYSDEC for approval) for implementation during construction. Additional investigations of non-petroleum-related contamination would also be undertaken and a RAWP to address both petroleum and non-petroleum contamination would be subject to NYSDEC and NYCDEP review and approval. To ensure that this would occur a mechanism

equivalent to an (E) Designation would be placed on the Museum Site (Block 74, Lot 1) for hazardous materials. This mechanism would ensure that before issuance of a permit for construction involving subsurface disturbance, a RAWP and CHASP would be approved in conformance with requirements of the NYC Office of Environmental Remediation. Renovation of the existing historic buildings for Museum use would be conducted in accordance with applicable regulatory requirements, including those applicable to building materials such as asbestos and lead-based paint. Similarly, any streetscape and open space improvements (e.g., planters) would be conducted in accordance with applicable regulatory requirements in the manner these activities are typically performed in New York City, e.g., importing new clean material for new landscaped areas. With these measures, the activities at the Museum Site and for the streetscape and open space improvements would not result in significant adverse impacts related to hazardous materials.

Finally, the technical areas of air quality and noise were also examined in the ~~DEIS~~-FEIS in Chapter 12, “Air Quality,” and Chapter 14, “Noise.” Through the application of certain restrictions to the Development Site and Museum Site under an (E) Designation (E-621) for the Development Site (Block 98, Lot 1) and through a similar mechanism for the Museum Site (Block 74, Lot 1), including fuel type and stack location restrictions as well as window/wall attenuation and alternative means of ventilation requirements, the ~~Proposed Project~~previously proposed project would not result in significant adverse impacts in either of these technical areas.

An emissions reduction program would be implemented for the ~~Proposed Project~~previously proposed project to minimize the effects of construction activities on the surrounding community. Measures would include, to the extent practicable, dust suppression measures, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, diesel equipment reduction, the utilization of newer equipment (i.e., equipment meeting the U.S. Environmental Protection Agency’s [EPA] Tier 3 emission standard), and best available tailpipe reduction technologies. With the implementation of these emission reduction measures, the dispersion modeling analysis of construction-related air emissions for both non-road and on-road sources determined that particulate matter (PM_{2.5} and PM₁₀), annual average nitrogen dioxide (NO₂), and carbon monoxide (CO) concentrations would be below their corresponding de minimis thresholds or National Air Quality Ambient Standards (NAAQS), respectively. Therefore, construction of the ~~Proposed Project~~previously proposed project would not result in significant adverse air quality impacts due to construction sources.

Construction of the ~~Proposed Project~~previously proposed project would be required to follow the New York City Noise Control Code, which requires the implementation of construction noise control measures. Additionally, the project would include construction noise control measures beyond those required by the Code. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Code. These measures could include a variety of source controls (i.e., reducing noise levels at the source or during the most sensitive construction time periods) and path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors).

Even with the implementation of these noise control measures, the analysis presented in Chapter 17, “Construction,” concluded that construction of the ~~Proposed Project~~previously proposed project has the potential to result in construction noise levels that exceed the *CEQR Technical Manual* construction noise screening threshold for an extended period of time or the CEQR construction noise impact criteria at receptors near the proposed construction work areas, including the South Street Seaport Museum, the school receptors at 1 Peck Slip, the Pearl Street Playground, the north-facing residential and school receptors along Water Street between

Beekman Street and Peck Slip, and the residential receptors at ~~127 John Street~~, 100 Beekman Street, 299 Pearl Street, 333 Pearl Street, 49 Fulton Street, 117 Beekman Street, and at 23-33 Peck Slip.

At these receptors, construction could produce noise level increases that would be noticeable and potentially intrusive during the most noise-intensive nearby construction activities, and would produce noticeable increases over the course of construction. While the greatest levels of construction noise would not persist throughout construction, and the noise levels would fluctuate resulting in noise increases that would be intermittent, these locations would experience construction noise levels whose magnitude and duration could constitute significant adverse construction noise impacts.

Although the *CEQR Technical Manual* thresholds for significant adverse construction noise impacts are predicted to be exceeded at certain locations during construction, these exceedances would not constitute a significant adverse public health impact. An impact found pursuant to a quality of life framework (i.e., a significant adverse construction noise impact) does not necessarily indicate that an impact would occur when the analysis area is evaluated in terms of public health (i.e., a significant adverse public health impact).

The predicted construction-period noise impacts identified and described in Chapter 17, "Construction," would not constitute chronic exposure to high levels of noise because of the temporary and intermittent nature of construction-period noise. The maximum predicted construction noise levels associated with the ~~Proposed Action~~previously proposed project would occur over a limited duration during the construction period based on the amount and type of construction work occurring in the construction work areas. The activity that would generate the highest noise levels, i.e., concrete operations at the Development Site or drill rig activity at the Museum Site, is expected to occur for approximately 3 to ~~6-12~~ months. Further, construction activity would typically be limited to the typical construction shift of 7 AM to 3PM, leaving the remainder of the day and the evening unaffected by construction noise. Since the construction noise would fluctuate in level and would not occur constantly throughout the construction period, which itself is limited in duration, construction noise would not be described as "chronic." Therefore, construction associated with the ~~Proposed Project~~previously proposed project would not have the potential to result in chronic exposure to high levels of noise.

The maximum short-term noise impact resulting from construction of the ~~Proposed Project~~previously proposed project would not exceed an $L_{eq(1)}$ of 85 dBA during peak construction periods at any of the analyzed receptors (see Chapter 17, "Construction"). Additionally, most of the receptors at which significant adverse construction noise impacts were predicted to occur represent indoor uses (i.e., not open space), and the building façade at these receptors would consequently offer further reductions in noise exposure for the occupants of these spaces. Therefore, construction of the ~~Proposed Project~~previously proposed project would not have the potential to result in prolonged exposure to noise levels above 85 dBA at any these receptor locations or others in the study area.

Based on the predicted noise levels described in Chapter 17, "Construction," construction associated with the ~~Proposed Project~~previously proposed project is not expected to result in unpredictable exposure to short-term impacts of noise at high decibel levels, as per the *CEQR Technical Manual*. The maximum short-term noise impact resulting from construction of the ~~Proposed Project~~previously proposed project would not exceed 85 dBA during peak construction periods at any of the analyzed receptors. Because exterior $L_{eq(1)}$ noise levels would not exceed the acceptable 85 dBA threshold at the other receptors, and because construction noise at the most

sensitive receptors (i.e., the residences) would not occur during the nighttime when residences are most sensitive to noise, predicted noise levels due to construction of the ~~Proposed Project~~previously proposed project would not constitute unpredictable exposure to short-term impacts of noise at high decibel levels at these receptors. Therefore, with these restrictions described above, the ~~Proposed Project~~previously proposed project would not result in a significant adverse impact to public health. *