

## **Willets Point Offsite Sewer Improvement Project Construction Dewatering and Discharge Permit**

On November 9, 2011, a Public Information Meeting was held by the New York City Economic Development Corporation (EDC) to provide information about the construction of the proposed sanitary and storm water sewer lines and the associated New York State Department of Environmental Conservation (DEC) Stormwater Pollutant Discharge Elimination System (SPDES) permit which is required for dewatering activities that will occur during construction of the sewers. Below is a summary of the answers to questions and/or comments raised at the Public Information Meeting which were not answered at the meeting.

**Comment 1:** The permit application, which is the subject of this meeting, was not made available for public review. The permit application should be made available for public review and the public information meeting re-held.

**Response:** The permit application is available at the repositories, as well as EDC's website ([www.nycedc.com/willetpoint](http://www.nycedc.com/willetpoint)). As part of an enhanced Public Participation Plan, a follow-up public information meeting will be held on Monday, December 19, 2011, at 6:15PM at the AI Oerter Recreation Center located at 131-40 Fowler Avenue, Flushing, New York 11355. Additionally, as part of the public comment period prior to issuance of the permit by DEC, the application and the draft permit are available for review at DEC's office through January 9, 2012.

**Comment 2:** Document repositories may not have been provided. Commenter visited the Langston Hughes branch of the Queens Library and the representative there did not know of the permit documents, but called EDC to have the draft permit faxed.

**Response:** The following documents are available at the following seven repositories identified in the meeting notice, Project Fact Sheet and Public Participation Plan: the Project Fact Sheet, the draft DEC SPDES Permit, the DEC Fact Sheet, the Public Participation Plan, and the SPDES permit application. The document repositories are located at the following locations: Queens Library—Corona Branch, Queens Library—Mitchell Linden Branch, Queens Library—Flushing Branch, Queens Library—Langston Hughes Community Library & Cultural Center, Queens Community Board 3 Office, Queens Community Board 4 Office, and Queens Community Board 7 Office.

**Comment 3:** Why weren't any of the present meeting attendees personally notified of the public information meeting?

**Response:** EDC developed the stakeholders list identified in the Public Participation Plan which was approved by DEC. These stakeholders included resident/neighborhood groups that are located or are active in the vicinity of the proposed project and that potentially would be affected by the construction of the proposed sanitary and storm water sewer lines; community boards, local community and civic organizations, environmental and business groups and any contacts recommended by these groups; neighborhood religious establishments; elected officials; appropriate state and local government personnel; non-city owned property owners and businesses immediately adjacent the construction area. The meeting notice and fact sheet were sent by First Class Mail via the United States Postal Service to all stakeholders, with the exception of businesses immediately adjacent the construction area, which were delivered the meeting notice and fact sheet by hand.

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Additionally, notice of the meeting was published in The Daily News and El Diario la Prensa newspapers on October 25, 2011, and October 27, 2011, respectively. An additional public information meeting will be held on Monday, December 19, 2011, at 6:15PM at the Al Oerter Recreation Center located at 131-40 Fowler Avenue, Flushing, New York 11355. Notification of the December 19, 2011, public meeting will be made by First Class Mail via the United States Postal Service to the above stakeholders, as well as an additional list of parties, as approved by DEC. The list of parties notified of the second public meeting is available at the depositories and online. Notice of the meeting will also be published in the New York Post in English and Spanish, as well as El Diario la Prensa in Spanish.

**Comment 4:** What is the adverse impact associated with this permit action? According to NYSDEC's environmental justice policy, identification of an adverse impact is what triggers the need for a public participation plan.

**Response:** There are no significant adverse environmental impacts anticipated as a result of activities that would be undertaken under this permit, as documented in the EJ analysis prepared for this permit application. NYSDEC's policy provides guidance for the permitting of projects with the potential to create a significant adverse impact in Potential Environmental Justice (EJ) Areas, as defined in NYSDEC Commissioner Policy 29 (CP-29). EJ areas are identified using US Census information, following the guidelines outlined in CP-29. With respect to the potential for significant environmental impacts, the NYSDEC examines, in particular, the potential for a proposed project's construction to result in quality of life impacts on the adjacent and surrounding community, and takes these potential effects into consideration when establishing the appropriate area to be examined for EJ analysis and outreach purposes. The types of potential effects on EJ areas include, among other things, trucking activity and noise during construction, as well as the disturbance and transport of known contaminated soils during construction. With respect to the NYSDEC environmental permit review process, the Public Participation Plan developed for this project's SPDES permit application outlined a program that provides a means for stakeholders to be informed about and involved in the review of a proposed action and allows for an opportunity for concerns to be addressed and to promote actions that might minimize any potential effects on the surrounding community.

**Comment 5:** What is the level of contamination present in the water that will be discharged to Flushing Bay and where can this information be found?

**Response:** Groundwater samples obtained in relation to this SPDES permit can be found in the permit application, which is available for review in the repositories and at DEC. Any water that is to be discharged will be treated and discharged at levels compliant with the Clean Water Act, state and federal regulations, and the Division of Waters Technical and Operational Guidance Series documents and in accordance with the DEC permit. The proposed treatment method is anticipated to include settling tanks; an oil/water separator; and, bag and carbon filters.

**Comment 6:** When/How will the public know when the permit is issued?

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**Response:** The public can review the status of the permit at the following DEC website:

<http://www.dec.ny.gov/cfm/xtapps/envapps/>

**Comment 7:** Does the permit application disclose the levels of contaminants present in the groundwater consistent with NYSDEC's prior claims of contamination in the area?

**Response:** Groundwater samples obtained in relation to this SPDES permit are available in the permit application.

**Comment 8:** What are the specific contaminants that will be discharged to Flushing Bay?

**Response:** Groundwater which is dewatered from excavations will be treated and discharged at levels compliant with the Clean Water Act, state and federal regulations, and the Division of Waters Technical and Operational Guidance Series documents. Pollutants levels to not be exceeded are identified in the draft permit. Any effluent discharge will meet the State's standards for discharge to a water body. The proposed treatment method is anticipated to include settling tanks; an oil/water separator; and, bag and carbon filters.

**Comment 9:** Per DEC requirements, there are supposed to be multiple meetings. When will the next meeting be held?

**Response:** EDC developed the Public Participation Plan, which was approved by DEC, outlines that one public meeting be held. To enhance the public outreach for this project, a follow-up public information meeting is scheduled for Monday, December 19, 2011, at 6:15PM at the AI Oerter Recreation Center located at 131-40 Fowler Avenue, Flushing, New York 11355.

**Comment 10:** What information is actually at the information repositories?

**Response:** The following documents are available at the following seven repositories identified in the meeting notice, Project Fact Sheet and Public Participation Plan: the Project Fact Sheet, the draft DEC SPDES Permit, the DEC Fact Sheet, the Public Participation Plan, and the SPDES permit application. The document repositories are located at the following locations: Queens Library—Corona Branch, Queens Library—Mitchell Linden Branch, Queens Library—Flushing Branch, Queens Library—Langston Hughes Community Library & Cultural Center, Queens Community Board 3 Office, Queens Community Board 4 Office, and Queens Community Board 7 Office.

**Comment 11:** When does the 30-day public comment period begin/end?

**Response:** The public comment period began on Friday, November 11, 2011 and will end on January 9, 2012.

**Comment 12:** Why is there no sign/billboard by the proposed sewer area signaling the site of the proposed construction?

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**Response:** At the time that this comment was made at the November 9, 2011 public meeting, a sign identifying the sewer project was being manufactured. Work on the sign has since been completed and the sign was installed at the site on November 28, 2011.

**Comment 13:** Are you aware of the “Keep it in Queens” initiative? Priority for construction jobs is supposed to be given to local contractors.

**Response:** The City and EDC are precluded by law from selecting construction companies based on where their business is located.

**Comment 14:** Who was allowed to bid on the proposed construction work?

**Response:** In accordance with the contract between EDC and EDC’s Construction Manager (CM), for Willets Point Offsite Infrastructure, EDC’s CM (Hunter Roberts Construction Group) identified 10 contractors which were prequalified and invited to bid on proposed construction work.

**Comment 15:** When (i.e. on what date) was the contract for sewer installment work awarded?

**Response:** July 13, 2011