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**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

April 11, 2008

**Hendrix Street Canal Interim Dredging  
CEQR No. 07DEP058K**

This Negative Declaration has been prepared in compliance with the requirements of the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, Article 8 of the Environmental Conservation Law establishing the New York State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617, and the State Environmental Review Process (SERP) as required to obtain financing under the State Revolving Fund Program. The New York City Department of Environmental Protection (NYCDEP), as lead agency, had determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. An Environmental Assessment Statement (EAS) form and attachments were distributed on March 7, 2008.

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**PROJECT DESCRIPTION**

NYCDEP proposes to remove accumulated combined sewer overflow (CSO) sediment from the upper portion of Hendrix Street Canal to provide odor abatement for the surrounding community in accordance with the CSO Consent Order with the New York State Department of Environmental Conservation (NYSDEC). The Hendrix Street Canal Interim Dredging Project is proposed for the uppermost 1,400 feet of the canal, a tributary of Jamaica Bay in Brooklyn, New York. This action would remove approximately 20,000 cubic yards of accumulated CSO sediment by hydraulic dredging.

Exposed CSO sediments generate odor when the sediments become exposed to the atmosphere during daily tidal events. By removing those sediments exposed at low tide and capping the remaining materials, the remaining sediment would be continuously submerged thereby reducing the emission of hydrogen sulfide and associated nuisance odors.

Following dredging, the creek bed would be capped with a 15-inch layer of clean sand to provide a barrier between the canal ecosystem and the remaining sediments. The cap design considered erosional forces caused by the skimmer vessel propulsion system. The cap would span the entirety of the dredged area.

The dredged material would be pumped through a flexible pipeline from the dredging work area to dewatering equipment to be staged on barges moored to an existing NYCDEP pier at the confluence of the canal and the North Channel of Jamaica Bay. The dewatered material would be transported by barge from the pier to a processing facility located in New Jersey.

The proposed activity is estimated to take approximately 13 months with dredging and dewatering activities scheduled to begin in winter 2008 and last for approximately four months; the ensuing capping activity is estimated to begin in spring 2009 and last for approximately four months. The remaining construction activity will involve mobilization and demobilization of the construction equipment.

Under SEQRA guidelines, the proposed action is classified as an Unlisted action<sup>1</sup>.

### **POTENTIAL IMPACT ASSESSMENT**

As presented in detail in the March 7, 2008 EAS, the proposed project would not result in the potential for significant impacts to occur to any aspects of the environment. The proposed project would be confined to the boundaries of the work area in Hendrix Creek and the staging areas in 26<sup>th</sup> Ward Water Pollution Control Plant. Detailed discussions of all impact categories are presented in the March 2008 EAS; key conclusions are summarized below.

#### **Natural Resources**

A detailed assessment of the potential for impacts on natural resources is presented in the EAS as Attachment C, "Essential Fish Habitat Assessment," dated May 2007. A low salt marsh, considered a sensitive community by the NYSDEC National Heritage Program, is located downstream of this action along the west bank of the Fountain Avenue Landfill. As discussed in the Essential Fish Habitat Assessment, the low salt marsh is considered unhealthy and is converting to a mudflat. It is anticipated that this action would not impact the low salt marsh, as it is downstream of the site. Therefore, this action would present no potential significant impact to the salt marsh.

#### **Hazardous Materials**

Characterization of the CSO sediments in the Hendrix Street Canal was completed for the 2007 Dredge Material Characterization Report. Target sediment was collected from thirteen locations and samples were analyzed for volatile organic compounds, semi-volatile organic compounds, pesticides, poly-chlorinated biphenyls (PCBs), and inorganic constituents. No compound was observed to exceed the thresholds for any listed hazardous waste, nor did collected sediment exhibit any characteristic of hazardous waste as defined by 6 NYCRR Part 371.

Dredged materials would be disposed by the contractor at an off-site disposal facility in accordance with applicable Federal, State and Local rules and regulations. Following dredging, remaining sediments would be covered by a cap of clean material as prescribed by NYSDEC guidance. A cap, consisting of approximately 12,500 cubic yards of sand has been proposed to cover remaining sediments and ensure stability based on site conditions and NYSDEC guidance. A Construction Health and Safety Plan, to be submitted by the selected contractor, and reviewed and approved by NYCDEP, would be required prior to the initiation of dredging activities to protect workers and the public from exposure to known and potential contaminants. Given that no hazardous waste is known to exist and appropriate measures are in place to handle contaminated dredged material, no potential for significant adverse impacts to the surrounding area are expected.

#### **Construction**

##### ***Natural Resources***

The hydraulic dredge was selected for the proposed dredging project which results in less disturbance of sediment than a mechanical dredge. The work area would be segregated with a silt curtain that would extend

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<sup>1</sup> According to SEQRA and set forth in 6NYCRR Part 617, Unlisted actions are those actions or projects that do not meet or exceed a threshold contained in the Type I list and is not identified as a Type II action.

from shoreline to shoreline of the canal. The silt curtain would extend from the water surface at extreme high tide to the bottom of the canal (typically weighted by chains) and from the point at which the water surface meets each shoreline at extreme high tide. The curtain would contain sediments within the work area during the anticipated peak velocity of water.

In addition, while the removal of bottom sediments creates the potential to temporarily impact fish and fish habitat as a result of increased turbidity and loss of benthic habitat during dredging activities, the extent of potential impact is expected to be negligible, as the habitat in the work area is considered degraded as documented in the Essential Fish Habitat Assessment, and fish would likely avoid the area during construction. Therefore, through the use of best management practices and due to its temporary nature, no potential significant impacts on natural resources are expected during construction.

### ***Traffic***

A temporary increase in traffic to surrounding streets during construction would be incurred when dredging equipment is delivered to and removed from the site at the beginning and end of construction. Up to approximately 12 additional personal vehicles would be added to surrounding roadways (such as, Van Sicken and Flatlands Avenues) and during construction to accommodate contractor personnel; however, parking for these vehicles would be on NYCDEP-owned land in the vicinity of the NYCDEP pier and would not affect public facilities. Delivery of fuel oil is also anticipated periodically during construction. Therefore, no potential significant impacts on traffic are expected during construction.

### ***Air Quality***

#### ***Mobile and Stationary Sources***

Use of diesel fuel to power construction equipment (e.g. hydraulic dredge, temporary dewatering plant, return water pump, crew boat, front end loader, dump trailer) would result in diesel emissions. In accordance with City Local Law 77 (Title 24 of the Administrative Code of the City of New York, Section 24-163.3) as well as the NYCDEP's Notice of Promulgation of Chapter 14 of Title 15 of the Rules of the City of New York – Rules Concerning the Use of Ultra-Low Sulfur Fuel and Emissions Control Technology in Non-road Vehicles Used in City Construction, this action would utilize Ultra-Low Sulfur Diesel (ULSD) fuel and employ Best Available Technology on construction equipment to minimize emissions during the temporary construction period to the extent practicable.

Best management practices, such as employing appropriate dust management techniques and pollutant control technologies, would be incorporated into the work to minimize any effects from this action. This action would create a temporary (during construction only) increase in stationary and mobile combustion sources. To verify the air quality in the surrounding community, NYCDEP has committed to real-time community air monitoring of volatile organic compounds and particulates during this project. Therefore, no potential significant impacts on air quality are expected during construction.

#### ***Odor***

The potential for increased odors during construction exists if dredged sediments would be exposed to the atmosphere; however, dredging activities would only occur while water completely covers the sediment in the work area, thus maintaining the current level of odor during construction. This project would be short in duration and the effects on the closest receptors would be insignificant as the odor would be no worse than today's conditions. Therefore, no significant odor impacts are expected during construction.

#### ***Noise***

The contractor would be required to comply with the New York City's Construction Noise Mitigation Rule (July 2007) by certifying all equipment used is maintained according manufacturers specifications and prepare and implement a Construction Noise Mitigation Plan. The duration of active dredging and dewatering would be

short in duration, lasting approximately four months. Therefore, due to its temporary nature, no significant noise impacts are expected during construction.

#### **STATEMENT OF NO SIGNIFICANT EFFECT**

The NYCDEP has determined that, as proposed, the Hendrix Street Canal Interim Dredging is not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts on natural resources, hazardous materials or other impact categories would occur as a result of the proposed action. Any natural resources, traffic, air quality, odor, and noise impacts related to construction will be short in duration and will follow appropriate governing regulations and therefore are not considered significant effects on the environment or public health. These conclusions are based on the analyses and determinations provided within the EAS of March 7, 2008.

#### Supporting Statements

The above determination is based on an environmental assessment that finds that the project, as proposed, would not result in significant effects on the environment that requires the preparation of an Environmental Impact Statement.

#### **For further information, please contact:**

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