

A. INTRODUCTION

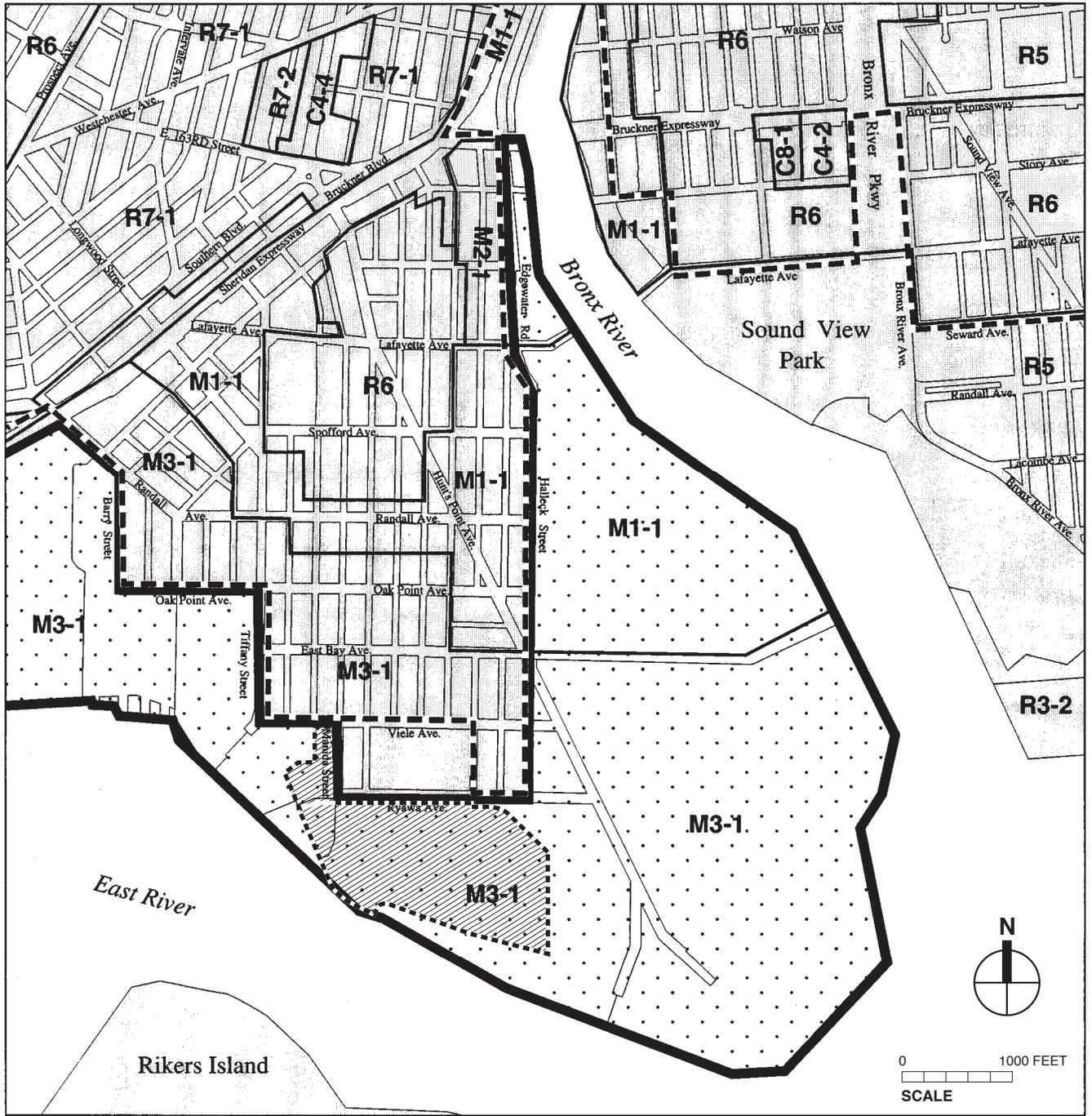
The Hunts Point Water Pollution Control Plant (WPCP) is located within New York City's Coastal Zone Boundary (see Figure 6-1). This chapter examines the consistency of the proposed action with coastal zone policies. The assessment addresses both the construction of the two digesters as part of the proposed action (two-digester scenario) as well as the two additional digesters as part of the four-digester scenario.

The Coastal Zone Management (CZM) Act of 1972 was established to support and protect the distinctive character of the waterfront, and set forth standard policies for reviewing proposed development projects along coastlines. The program responded to local, state, and federal concerns about the deterioration and inappropriate use of the waterfront.

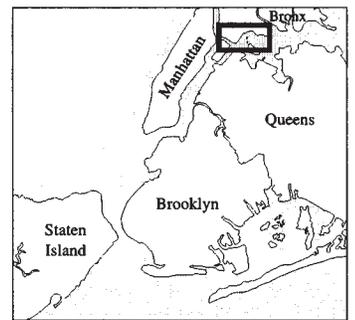
In response, New York State adopted its Coastal Management Program, designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline, and farmland; and to minimize the adverse changes to ecological systems as well as erosion and flood hazards. The program provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City.

The program encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. The New York State Department of State (NYS DOS) administers the program at the state level, and the New York City Department of City Planning (NYC DCP) administers it in the city.

The *New York City Waterfront Revitalization Program* (WRP) is the city's principal coastal zone management tool, outlining 10 policies dealing with: (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion; (7) solid waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources. The WRP's 10 policies are designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. Each policy is presented below, followed by a discussion of the application of the policy to the proposed action and/or the proposed action's consistency with the policy.



-  Project Site
-  South Bronx Significant Maritime and Industrial Area
-  Coastal Zone Boundary
-  Zoning District



B. CONSISTENCY OF THE PROPOSED ACTION WITH THE WRP POLICIES

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The Hunts Point WPCP is located in an M3 zoning district along the East River in the Hunts Point neighborhood of the Bronx. The project site is located in an industrial district and has been the site of a WPCP since 1952 when the plant began operating. Commercial and residential development would not be appropriate in this area.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

The Hunts Point WPCP project site is an existing industrial use located in a manufacturing zone. Therefore, this policy is not applicable. NYCDEP transferred vacant land to the New York City Department of Parks and Recreation (NYCDPR) to construct a publicly accessible waterfront park—Barretto Point Park—adjacent to the Hunts Point WPCP project site. In addition, the 1.2-acre parcel to be used for construction staging during construction of the proposed action would be transferred to NYCDPR for inclusion into Barretto Point Park when the area is no longer needed for construction staging.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

The proposed action would provide upgraded wastewater treatment facilities for the Hunts Point WPCP and as such is intended to improve infrastructure serving the WPCP's service area. Consistent with this policy, infrastructure to serve the operation of the WPCP is adequate.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

The Hunts Point WPCP is a water-dependent use located in a Significant Maritime Industrial Area. The WPCP is an existing industrial use that is well suited to the industrial development and working waterfront uses in the area. Therefore, the proposed action is consistent with this policy.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

This policy is not applicable (see Policy 2.1).

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

Upgrade of the Hunts Point WPCP is an infrastructure improvement that would better serve and support working waterfront uses. The project would upgrade equipment at or nearing the end of its useful life. Therefore, the proposed action is consistent with this policy.

Policy 3: Promote use of New York City’s waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.1: Support and encourage recreational and commercial boating in New York City’s maritime centers.

The proposed action would be built on and adjacent to the site of an existing WPCP, which is neither a recreational nor a commercial use. Neither recreational nor commercial boating is appropriate at this location. The proposed action would not affect the use of the nearby waterway for boating. Therefore, this policy is not applicable.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

The proposed action does not involve recreational, commercial, or ocean-going freight vessels; therefore, the action would not create conflicts among these vessels.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

As previously stated, the action would not involve commercial or recreational boating activities. Therefore, this policy is not applicable.

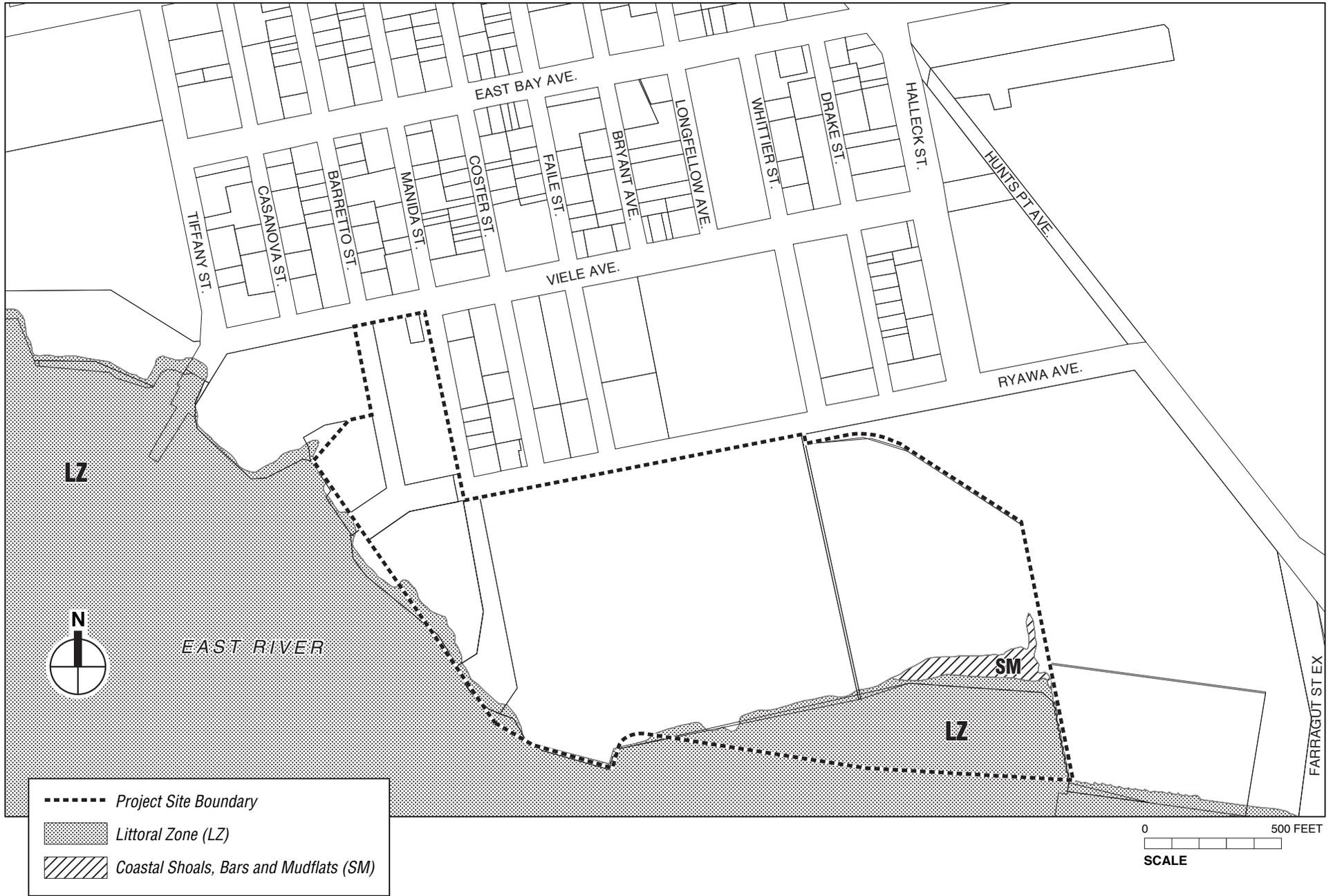
Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes and Significant Coastal Fish and Wildlife Habitats.

The project site is not located within a Special Natural Waterfront Area, Significant Coastal Fish and Wildlife Habitat, or Recognized Ecological Complex. Therefore, this policy is not applicable. Nonetheless, as described in Chapter 15, “Water Quality,” the proposed action would include enhanced nitrogen removal facilities, thereby improving the quality of the plant’s effluent to the East River.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

The plant site boundaries fall within a small portion of New York State Department of Environmental Conservation (NYCDEC)-mapped littoral zone (LZ). An approximately 1-acre area of Coastal Shoals, Bars, and Mudflats (SM), is also located within the boundaries of the project site (see Figure 6-2). No NYSDEC-mapped freshwater wetlands are located in the study area. Although the plant site encompasses a small portion of littoral zone and coastal shoals, bars and mudflats, no wetland vegetation is present on the portion of the existing site affected by the proposed action and the additional 5.5-acre parcel (the approximately 5.5-acre parcel contains the 1.2-acre construction staging area and the 4.3-acre area where the egg-shaped digesters would be constructed). The vacant 5.5-acre parcel contains highly disturbed fill material and vegetation typical of urban environments. In addition, no in-water work or work within the coastal shoals, bars, and mudflats is proposed, and the proposed action would improve the quality of the WPCP effluent discharge. Therefore, there will be no impacts on either tidal or freshwater wetlands.



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Policy 4.3: Protect vulnerable plant, fish, and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

There are no vulnerable or rare natural resources on either the existing WPCP site or on the additional 5.5 acre parcel. In addition, no in-water work is proposed, and the proposed action would improve the quality of the WPCP effluent discharge. Soil and erosion control measures would be used during construction to protect water quality. Therefore, there would be no impacts on vulnerable plant, fish, and wildlife species or on rare ecological communities.

Policy 4.4: Maintain and protect living aquatic resources.

The proposed action would improve the effluent from the facility. Furthermore, no in-water work is being proposed. Therefore, consistent with this policy, aquatic resources would not be adversely affected.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The purpose of the proposed action is to upgrade the plant's solids handling facilities and to enhance nitrogen removal. The proposed action would improve the facility's effluent. The plant upgrade would include a stormwater management plan to address non-point sources on the site. Therefore, the proposed action is consistent with this policy.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate non-point source pollution.

As part of the Phase I Upgrade, the WPCP's capacity to provide additional treatment during wet weather events was improved. The proposed action is being undertaken to improve the WPCP's solids handling facilities and to enhance nitrogen removal. The plant upgrade would include a stormwater management plan to address non-point sources on the site. As discussed in Chapter 12, "Infrastructure and Solid Waste," a drainage system would be designed to collect building floor drainage, wash water drainage, roof drainage, process and tank drains, and overflows in the area around the proposed digesters and all areas associated with the proposed action. Similar to Phases I and II, the wastewater from the proposed action sources would be routed to the head of the plant for treatment prior to discharge. The drainage system would conform with all NYCDEP rules and regulations for sewer design and stormwater management and with the New York City Building Code. Stormwater conveyance facilities would be designed to accommodate a 10-year peak storm flow. New grades at the site would be sloped away from buildings and other structures, and any new roads would be sloped to drain into catch basins and inlets. The stormwater drainage system would be designed to maintain the rate of stormwater runoff from the site. Therefore, the proposed action is consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes or wetlands.

The proposed action would not require any dredging, excavation, or fill operations in any navigable water, marsh, estuary, tidal marsh, or wetland area. Therefore, the action is consistent with this policy.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

The proposed action would not significantly affect streams or the source of water for wetlands. Groundwater from the project site is not used for drinking water or any other purposes. If dewatering is required during construction, it would be tested and treated prior to discharge to the WPCP in conformance with NYCDEP industrial pretreatment regulations. Therefore, the proposed action is consistent with this policy.

Policy 6: Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

The Hunts Point WPCP site is partially located within the 100-year flood plain (see Figure 6-3). Therefore, the buildings and facilities would be built to withstand these flood conditions so as not to be damaged in a 100-year flood. Consistent with this policy, this will minimize the potential for property damage and endangering human life.

Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

Funding for flood protection and stormwater erosion control measures would protect a significant public investment at the WPCP.

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

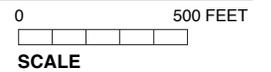
There are no non-renewable sources of sand on the project site; therefore, this policy does not apply.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.

The Hunts Point WPCP would continue to produce sludge as a by-product of the wastewater treatment process. The proposed action would improve the solids handling capability of the plant. While carbon addition would increase sludge production at the plant; the proposed action would improve sludge handling facilities and would not significantly affect the City's Sludge Management Program, including the handling, transport, and disposal of sludge materials.

All solid waste, hazardous materials, and petroleum products would be stored and transported in accordance with all applicable federal, State, and local regulations. As described in detail in Chapter 14, "Hazardous Materials," the construction of the proposed action would include measures to address potential impacts from hazardous materials on the portions of the existing WPCP site and the additional 5.5-acre parcel affected by the proposed action. The health and safety plan would protect workers and the public during the construction period. All hazardous materials would be handled and disposed of in accordance with all applicable regulations during demolition, renovation, construction, and operation of the proposed action.



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Policy 7.2: Prevent and remediate discharge of petroleum products.

Previous investigations of the project site have indicated the presence of hazardous materials (see Chapter 14, “Hazardous Materials”) but petroleum products are not of significant concern during construction. However, if petroleum products are encountered during construction, this material would be handled and disposed of in accordance with all applicable regulations.

Petroleum fuels storage is a necessary component of normal plant operations. Petroleum would be stored on-site for fuel and for the new emergency generator. To minimize the potential impacts related to accidental spillage, secondary containment would be provided for petroleum products and they will be stored in accordance with federal, state, and local regulations.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

See Policy 7.1, above.

Policy 8: Provide public access to and along New York City’s coastal waters.

Policy 8.1: Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront.

The Hunts Point WPCP project site is located within an industrial area where public waterfront access is limited to the recently completed Barretto Point Park adjacent to the Hunts Point WPCP and the partially restored Tiffany Street Pier. In the future without the proposed action, a segment of the South Bronx Greenway could be constructed adjacent to the plant site (the Ryawa-Viele Connection). While the egg-shaped digesters would result in a potential adverse visual impact to users of Barretto Point Park looking east toward the digesters, upgrading the plant under the proposed action would not affect waterfront views from or access to Barretto Point Park, Tiffany Street Pier, or the proposed South Bronx Greenway. Barretto Point Park was designed to accommodate its location adjacent to the WPCP and incorporates a vegetative buffer between the park and plant. The analyses conducted for the proposed action take into account the close proximity of the park, a sensitive use.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

While no public access is proposed as part of the proposed action, NYCDEP transferred land to NYCDPR to build a park at Barretto Point. In addition, approximately 1.2 acres used for construction staging will be transferred to NYCDPR for inclusion in Barretto Point Park when the area is no longer needed for construction staging. All efforts are being made to make the industrial use of the WPCP compatible with the provision of adjacent open space (see Chapter 1, “Project Description,” for a discussion of NYCDEP efforts to work with the community in selecting a project that will improve conditions on the Hunts Point peninsula for area residents; many of the possible amenities relate to increasing open space and improving visual character in the study area). Once constructed, there would be no potential significant adverse impacts on Barretto Point Park or the 1.2-acre area that would be transferred to NYCDPR other than the potential significant adverse visual impact for park users’ as they look east toward the digesters.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

The Hunts Point WPCP is an existing use in an industrial area. As discussed in Chapter 4, “Visual Character and Shadows,” the components of the proposed action to be built off the existing WPCP site, proposed egg-shaped digesters would not block views of the waterfront vista from within Barretto Point Park or limit the public’s enjoyment of those views. In addition, the 1.2-acre area used for construction staging will be transferred to NYCDPR for incorporation into Barretto Point Park when the area is no longer needed for construction staging.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

Upon completion of construction, the 1.2-acre construction staging area would be transferred to NYCDPR. NYCDPR would then turn this area into additional open space as part of the Barretto Point Park. As discussed in Chapter 1, “Project Description,” NYCDEP is also working with community members and a HPMC subcommittee to obtain community input in selecting a project that will improve conditions on the Hunts Point peninsula for area residents; many of these possible amenities relate to increasing open space and improving visual character in the study area. Therefore, the action is consistent with this policy.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and City.

The project site would continue to be under the jurisdiction of NYCDEP, except the 1.2-acre construction staging area, which would be transferred to NYCDPR for inclusion in Barretto Point Park when the area is no longer needed for construction staging. Therefore, the action is consistent with this policy.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City’s urban context and the historic and working waterfront.

The project lies within an industrial area and would not impair any scenic resource. The Hunts Point WPCP project site would be landscaped once completed. While the egg-shaped digesters would result in a potential significant adverse visual impact for Barretto Point Park users’ looking east toward the digesters, waterfront views from within the park would not be affected.

Policy 9.2: Protect scenic values associated with natural resources.

There are no significant natural resources in the upland areas affected by the proposed action, nor is it located in a Special Natural Area District, Special Natural Waterfront Area, or Recognized Ecological Complex; therefore, this policy does not apply.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

In letters dated May 12, 2000 and September 8, 2006, the New York City Landmarks Preservation Commission (NYCLPC) determined that there are no historic resources of archaeological or architectural significance located on the WPCP site. In a letter dated

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November 17, 2006, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) determined that the proposed action will have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. Therefore, this policy is not applicable.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

As discussed above, NYCLPC and OPRHP concluded that the Hunts Point WPCP project site, including the additional parcel, does not have the potential to contain archaeological resources. Therefore, the proposed action would not result in a significant adverse impact on archaeological resources on the Hunts Point WPCP site, and the action is consistent with this policy. *