

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the proposed school facility made during the public review period. These consist of written comments as well as comments made at the public hearing held by the New York City School Construction Authority (SCA) at 4:00 PM on September 6, 2006, at P.S. 156, which is located at 750 Concourse Village West, Bronx, and adjoins the proposed site to the north. After the public hearing, the SCA continued to accept written comments for twelve (12) days, until September 18, 2006.

Section B of this chapter lists the names and affiliations of individuals who commented on the DEIS, with the date of the comments.

Section C summarizes and responds to each substantive comment on the proposed school facility. Following each comment is a list of people or organizations that made the comment. Responses then follow each comment.

B. LIST OF GROUPS AND INDIVIDUALS WHO COMMENTED ON THE DEIS

1. City Councilmember Maria del Carmen Arroyo, spoken testimony of September 6, 2006.
2. Sigfredo Gonzalez, Coalition for a Better Bronx, spoken testimony of September 6, 2006.
3. Kevin Olsen, New York Lawyers for the Public Interest, spoken testimony of September 6, 2006 and written testimony of September 18, 2006.
4. Belinda James, President of the Community District Education Council for District 7, spoken testimony of September 6, 2006 and written testimony of September 18, 2006.
5. Ernestine Davis, spoken testimony of September 6, 2006.
6. Jane Maisel, spoken testimony of September 6, 2006 and written testimony of September 17, 2006.
7. Eulalie Crichlow, spoken testimony of September 6, 2006.
8. Chiara Salem, spoken testimony of September 6, 2006 and written testimony of September 18, 2006.
9. Valerie Valentine, spoken testimony of September 6, 2006 and written testimony of September 18, 2006.
10. Betty Franklin, spoken testimony of September 6, 2006.

11. Sylvia Rodriguez, spoken testimony of September 6, 2006.
12. Kathleen Saunders, spoken testimony of September 6, 2006.
13. Dario Concepción, spoken testimony of September 6, 2006.
14. Alice Johnson, spoken testimony of September 6, 2006.
15. Wanda Garcia, written testimony of September 18, 2006.
16. Leonor Cruz, written testimony of September 18, 2006.
17. Jennifer Oquendo, written testimony of September 18, 2006.
18. Helen Cintron, written testimony of September 18, 2006.
19. Ms. Munnings, written testimony of September 18, 2006.
20. Janice D., written testimony of September 18, 2006.
21. Portio O. Lagran, written testimony of September 18, 2006.
22. Noemi A. Rodriguez, written testimony of September 18, 2006.
23. Gladys Lozada, written testimony of September 18, 2006.
24. Angela Smith, written testimony of September 18, 2006.
25. Ms. Parker, written testimony of September 18, 2006.
26. Janice M. Robinson, written testimony of September 18, 2006.

C. COMMENTS AND RESPONSES

Comment 1: Traffic conditions on East 156th Street between Grand Concourse East/Morris Avenue and Concourse Village West, adjacent to P.S. 156 and I.S. 151, are dangerous and may further deteriorate with the construction of the proposed school complex. (Arroyo, Davis, Rodriguez) The existing street regulations are not followed and should be better enforced. (Rodriguez) The street currently contains two traffic lanes, parking, and school bus drop-off/pick-up. The street can't accommodate all of these uses; parking should be eliminated and traffic should be directed out onto Grand Concourse. (Davis)

Response: The proposed project would result in less than 100 vehicles per hour (vph) on East 156th Street between Grand Concourse East/Morris Avenue and Concourse Village West in any given peak hour. Enforcement of on-street parking regulations is beyond the scope of this Environmental Impact Statement. The traffic impact analyses conducted for this project did not identify impacts requiring the elimination of curbside parking.

Comment 2: The EIS does not provide any assurance that the proposed traffic mitigation will be implemented by the New York City Department of Transportation (DOT). The community needs assurances from DOT that all of the proposed mitigation measures will be put into effect if the proposed project is developed. (Arroyo)

Response: All the traffic mitigation measures proposed in the EIS are subject to review and approval from DOT. Once approved, DOT generally implements the mitigation measures before the project is operational. The SCA will coordinate with DOT on the implementation of all appropriate mitigation measures before the opening of the proposed school facility.

Comment 3: There are serious health and safety concerns in the community about the proposed project. There should be a more sincere effort on the part of the SCA that the proposed project, if constructed, is done well and that these concerns are addressed. (Arroyo)

Response: Under the aegis of the Brownfield Cleanup Program, the SCA participated in at least nine (9) meetings with local stakeholders regarding environmental conditions at the site and the proposed remedy, prior to final approval of the proposed remedy by the NYSDEC in July 2006. The SCA shall continue to work closely with the local community board, elected officials, and other stakeholders to address concerns that may arise during the course of construction. (See also Response to Comment 8.)

Comment 4: The public meeting should not be held at 4:00 PM. It should be in the evening so that more of the community residents could attend. (Crichlow) The public has not been sufficiently involved in the review process. (Maisel, Salem, Gonzalez, Arroyo) The public hearing should have been more widely publicized in the community. (Maisel, Valentine, Gonzalez, James, Johnson)

Response: Notice of the public hearing was included with copies of the DEIS report that were distributed to local elected officials and Bronx Community Board No. 4, and was also published in the New York Post and City Record. The hearing notice was also included with the DEIS posted on the SCA's website. Individuals or organizations interested in commenting on the DEIS could attend the public hearing and/or submit written comments to the SCA. The SCA continued to accept written comments for twelve (12) days following the public hearing.

Comment 5: Construction activities associated with the proposed project should be sensitive to the surrounding residents and should not begin before 6 AM. (Davis)

Response: Construction activities are scheduled to take place Monday through Friday, between 8 AM and 4 PM. Occasionally, overtime may be required to complete some time-sensitive tasks outside the typical work day such as the delivery or installation of certain critical equipment which may occur on weekend days. Truck movements would be spread throughout the day and would generally occur between the hours of 9:00 AM and 3:30 PM, depending on the period of construction.

Mott Haven School Facility

Comment 6: The train tracks that run adjacent to the project site will pose a serious danger to students. (Davis)

Response: The project site will be surrounded by a chain link fence which will separate the school facility and student population from the train tracks. All entrances to the proposed schools are located on Concourse Village West, opposite from the tracks. In addition, access to the auditorium, gymnasium and recreational playing fields is provided from outdoor plazas at various levels and from inside the building, at the podium level, not from the area near the tracks.

Comment 7: This is not an appropriate site for four new schools. This is a residential area and there are too many schools in this area. (Davis, Crichlow, Franklin) Why build a new school when nearby P.S. 31 is empty? (Franklin) There are better sites in other parts of the Bronx for this project. (Gonzalez)

Response: The proposed facility is expected to serve students who live in the surrounding residential area as well as the Borough of the Bronx. The proposed site is a large City-owned property on which appropriate modern school facilities (including outdoor athletic fields) serving intermediate and high school students can be developed without displacement of any existing residential or commercial uses. Restoration of the vacant former P.S. 31 building, which was designed as an elementary school, would require an inordinate expenditure of capital funds. Even if renovated, that building could not provide all of the modern amenities as would be provided in the proposed facility, and would not be appropriate for intermediate and high school students.

Comment 8: The environmental contamination on the site is an extremely serious issue. (Concepción) The community needs assurances that the construction of the proposed project will not create a health hazard for existing students and residents. A full investigation of all on-site and off-site contamination should be completed and a full environmental cleanup should be conducted as soon as possible. (Maisel, Salem, Robinson) All toxic materials should be cleaned up before the start of construction. (Garcia, Leonor, Oquendo, Lozada, Salem, Robinson, Rodriguez) The remediation should meet all applicable legal standards and the SCA should follow the law. (Maisel, James, Cruz, Valentine, Parker) Remediation measures aren't foolproof—how can the community be sure that no adverse health effects will result from the proposed project? (Crichlow, Salem, James) Why weren't the students' parents and nearby residents notified when the project site was found to be contaminated? (Maisel, Salem, Cintron) An independent analysis of the proposed remediation measures differs from the analysis provided in the EIS. (Valentine) Who is going to monitor the remediation plan? (Smith)

Response: A full and complete environmental site investigation has been conducted throughout the project site which included three geophysical surveys, collection

of 11 surface soil samples, advancement and sampling of 64 soil borings, installation and sampling of 20 monitoring wells and three temporary piezometers, excavation and sampling of 19 test pits, installation and sampling of 23 soil gas implants, seven single-well hydraulic tests, and laboratory analysis of soil, groundwater and soil gas samples. Evaluation of potential off-site contamination is being conducted by NYSDEC. The full nature and extent of contamination at the site was determined in 2004, at which time the SCA elected to enter into the Brownfield Cleanup Program (BCP) with the NYSDEC, which has included extensive public participation and involvement. The latter included an extended public comment period of six (6) months and at least nine (9) meetings with the public, teachers, and/or elected officials. The Remedial Investigation and Remedial Action Work Plan (which details the remediation program) were reviewed and approved by the NYSDEC in full compliance with the Brownfield Cleanup Program (BCP) as set forth in Title 14 of Article 27 of the New York State Environmental Conservation Law. To ensure that none of the constituents of concern would pose a hazard to workers, future school occupants, or the environment, numerous remediation measures are being implemented including a hydraulic barrier, contaminated soil removal, groundwater dewatering, a vapor barrier, and a sub-slab depressurization system. These remedies are fully protective of human health and the environment. Construction will not begin in the area where contamination was identified until the contaminants have been removed as detailed in the RAWP. The SCA is not aware of any “independent analysis” of the proposed remedial actions, and has received no report or analysis during the public comment period. The NYSDEC is monitoring the remediation program and receives daily site monitoring information.

Comment 9: Air quality during construction is a concern. (Olsen) The remediation plan must ensure that students of nearby schools are protected during construction; all dust must be contained on the site. (Olsen) There are currently workers on the site kicking up dust without any tents, which the SCA indicated would be on the site, being erected to prevent dust from traveling. (Salem, Olsen, Garcia, Cruz, Oquendo, Saunders)

Response: Dust suppression measures, including water spraying practices, are being implemented to prevent exposure of students, residents or workers to any fugitive dust during construction. In addition, a comprehensive Community Air Monitoring Program (CAMP) is being implemented to provide an added level of protection for occupants of adjacent schools and residences from potential airborne releases. Excavation of all contaminated soil will be conducted within temporary enclosures (tent structures) which will be maintained at a negative pressure to contain and treat any fugitive dust and vapors from discharging to the outside air.

Mott Haven School Facility

Comment 10: The asthma and cancer rates are high in this community, including the children at PS 156, and the construction of the proposed project may exacerbate these conditions. (Crichlow, Salem, Maisel, James, Garcia, Cruz, Oquendo, Parker) The public health effects of the project will not be known until years after the project is complete. (Valentine, Parker, Rodriquez) Are there plans if long term health complications arise?

Response: With the implementation of dust and vapor controls (e.g., water spraying, negative pressure enclosures of contaminated soil excavation areas) and a monitoring program (CAMP) to insure there is no off-site migration of dust/vapors. There are no anticipated exposure pathways to the surrounding community from these construction operations.

Comment 11: It is not clear which track under the New York State Department of Environmental Conservation's Brownfield Cleanup Program the remediation program is following. (Olsen)

Response: As explained in the RAWP, the Mott Haven BCP area remedy is following a Track 4 restricted use scenario.

Comment 12: In a previous meeting with Community Board 4, the SCA stated that certain measures would be taken that are not included in the EIS. For instance, the SCA stated that the trucks used during construction would be hosed down prior to leaving the site and that these trucks would be required to travel only on certain routes (e.g., Morris Avenue). Trucks leaving the site are not being hosed down and are spreading mud and dirt through the community on busy streets. (Saunders, Garcia, Cruz, Oquendo, Olsen, Smith, Salem) The SCA should schedule another meeting with Community Board 4. (Saunders)

Response: Currently, all vehicle tires are washed down to remove mud and soil to ensure that nothing is tracked off the site. Once excavation of contaminated soil begins, all trucks will be thoroughly decontaminated by driving through a wash pad with high pressure steam cleaning and visual inspection prior to exiting the site. The tent structure will be installed over the soil excavation areas prior to soil excavation being initiated. Finally, all trucks transporting soil off-site are required to travel on the NYSDEC-approved truck route (via Morris Avenue south to 138th Street to Interstate 87). The SCA made a presentation to Bronx Community Board No. 4 on September 19, 2006.

Comment 13: Why was Community Board 4 not consulted on the name of the proposed school? The project site is not in the Mott Haven neighborhood. (Saunders)

Response: The proposed site was formerly a portion of the Mott Haven rail yards, which provided the tentative name for the project. The official name for the campus

and individual schools shall be determined in accordance with Chancellor's Regulation A-860.

Comment 14: The remediation plan does not call for removal of all pollution from the soil and groundwater and the new soil will therefore be subject to recontamination. (James) What happens if the area becomes contaminated again and the new schools have to close? (Oquendo) Will the soil be safe even though we can not plant anything? (Valentine)

Response: The installation of hydraulic barriers along the northern and western boundaries of the site have been constructed for the purpose of preventing contaminated groundwater from entering the site. Therefore, no further contamination would be anticipated to migrate onto the site, and the clean backfill material will remain uncontaminated. In addition, two feet of clean fill material will be placed in all exposed soil areas to eliminate direct contact with the underlying soil. (See also Response to Comment 19.)

Comment 15: The remediation plan is substandard and is using outmoded technology. (James, Valentine) Why is this occurring in the Bronx and not in other (better) communities? (Salem, Conception, James, Garcia, Cruz, Oquendo, Valentine, Parker) This community should be treated the same as better neighborhoods would be. (Garcia, Cruz, Oquendo, Salem)

Response: The Remedial Action Work Plan proposes state-of-the-art remedial measures and technologies that will be fully protective of human health and the environment. The remedy utilizes source removal as the primary remedial measure, as well as institutional and engineering controls as added safeguards to ensure the site is suitable for its intended use as a public school. These types of remedial measures have been utilized throughout the State to protect residents and the environment from subsurface contaminants.

Comment 16: The SCA did not comply with the SEQRA process. The SCA did not issue a written declaration of significant adverse impacts on the environment and a positive declaration. The SCA should withdraw the DEIS and return to the beginning of the process by drafting an EAF. (Olsen)

Response: An Environmental Assessment Form (EAF) and positive declaration are not required before issuance of a DEIS.

Comment 17: The SCA did not fulfill the regulatory requirements for the DEIS. The DEIS as currently drafted does not go nearly far enough in considering the environmental impact of the actions at the site. (Olsen)

Response: The DEIS examined all of the major analysis areas typically considered for new school projects and considered all potential impacts for those areas. All

substantive comments on the DEIS have been addressed in the Response to Comments chapter within this Final Environmental Impact Statement (FEIS) as required by the applicable regulations of the State Environmental Quality Review Act and its implementing regulations.

Comment 18: The DEIS conflicts with community's current plans and goals as officially approved and adopted. The "Needs Statement" for Bronx Community Board 4 indicated a concern with siting schools over brownfield areas, specifically the proposed project. (Olsen)

Response: The proposed project does not conflict with officially adopted and approved community goals and plans. The proposed site is located within an R8 (residential) zoning district, which permits community facility uses such as schools at the bulk required for the proposed school facility. Bronx Community Board No. 4's "Needs Statement" identified health and environmental safety, traffic congestion, and transportation concerns associated with the proposed school facility. These concerns have been evaluated and addressed in the Draft and Final Environmental Impact Statements prepared for the proposed project.

Comment 19: The DEIS does not discuss the potential long-term impact of the proposed remediation and cleanup measures. Will the proposed hydraulic barrier at the site cause contaminants in water and soil to congregate at the site's perimeter? Will the intended plan of "redirection contaminated groundwater from the upgradient sources around the footprint of the school" negatively affect the area? Why will monitoring of the engineering controls cease after two years? Is installing artificial turf over part of the site a viable and proper alternative to cleanup of the soil underneath, particularly given recent studies showing FieldTurf contains hazardous materials? Would an alternate (and more thorough) cleanup avoid such issues? (Olsen)

Response: The hydraulic barrier will redirect groundwater around the footprint of the school, but it will not impede groundwater flow. As upgradient groundwater encounters the hydraulic barrier it will be redirected to the east and south along the northern and western hydraulic barrier walls, respectively. Groundwater will then assume a southeasterly flow component consistent with the regional groundwater flow. It is not anticipated that the area outside the boundaries of the site will be affected by the hydraulic barriers because of low groundwater flow velocities, lack of mobility of semi-volatile compounds (SVOCs) in groundwater, and the natural attenuation (reduction of contaminant concentrations by dispersion, retardation and biodegradation) of volatile compounds (VOCs). Additionally, the upgradient source of contamination is currently being investigated by the NYSDEC under a separate regulatory program and will be cleaned up pursuant to NYSDEC guidelines. Monitoring of the engineering controls will cease once the remedy has proven to be

effective, which is expected to be within two (2) years. The engineering controls (i.e., hydraulic barriers, subslab depressurization system, soil cap) will permanently remain in place. Soils in the area of the football field do not show evidence of contamination and only display the quality of typical urban fill material. The synthetic turf material (as well as the two-foot soil cap) will act as an effective physical barrier between the urban fill material and site occupants. The SCA only utilizes artificial turf products that are safe for their intended use. The NYSDEC and NYSDOH approved remedy has been shown to be fully protective of human health and the environment.

Comment 20: The SCA failed to consider alternative solutions to the environmental impact at the site or an alternative site. The SCA did not consider the high concentration of children at the site and did not consider the special needs and vulnerabilities as found by The American Academy of Pediatrics and the National Academy of Sciences. (Olsen)

Response: Both the NYSDEC and NYSDOH concur that the SCA's proposed remedy will be fully protective of human health and the environment, as well as make the site suitable for use as a public school. Where appropriate, mitigation measures are identified and proposed for other impacts resulting from the proposed project, as discussed in Chapter 15, "Mitigation." A discussion of alternatives, including construction of an as-of-right residential development on the site, is provided in Chapter 14.

Comment 21: The SCA has improperly commenced construction. The SCA has already cleared the site of vegetation and commenced construction, a violation of the SEQRA process. The current work is unauthorized and potentially harmful to the health of the schools and the neighborhood and should be immediately suspended pending completion of the SEQRA process. (Olsen) Since the start of construction employees at the two schools north of the project site have experienced irritated and watery eyes. (Rodriquez)

Response: Current activities on the site are limited to stabilization and repair of the existing retaining wall along Concourse Village West, and remediation of the identified site contamination. Construction of the proposed school facility will not commence until all required public and regulatory approvals have been received.

Comment 22: South Bronx Churches supports the project in its current form, however when they gave their support they did not know the remediation plan did not meet all regulatory requirements. The South Bronx Churches will want to support the project only if the site is thoroughly cleaned up first. (Lozada)

Response: Comment noted.