

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MAY 24, 2022

COMMITTEE OF ORIGIN: ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Request for Independent Community Environmental Monitor for Manhattan Detention Complex/Borough Based Jail Project

WHEREAS: Manhattan Community Board 1 (CB1) has a long record of strongly opposing the demolition of the existing Manhattan Detention Complex (MDC) and the construction of a new and larger jail at 124 -125 White Street (aka 100 Centre Street), part of the City's Borough Based Jail (BBJ) plan. In May 2019, during review of the BBJ ULURP application, CB1 and Manhattan Community Board 3 (CB3) adopted resolutions strongly opposing the demolition of the existing MDC and the construction of a new jail at the site. Since 2019, CB1 has adopted numerous resolutions about the jail. In January 2022, CB1 adopted a resolution urging Mayor Eric Adams to pause the BBJ plan, until all alternatives could be reviewed and understood. CB1 has also strongly opposed what they believe is the unnecessary demolition of the existing MDC, and the construction of a new interim sally port (resolutions attached); and

WHEREAS: The Neighborhood Advisory Council (NAC) for the Manhattan BBJ project has been raising concerns about the demolition since 2018. The immediate and consequential environmental risks associated with this project must be closely monitored and mitigated, particularly given the acute vulnerability of the aged and youth who live, work, recreate and are schooled at the adjacent home of the elderly, day care center and the two city parks, Columbus Park and Collect Pond; and

WHEREAS: Additionally, the current health concerns associated with the enormous impacts of COVID must be addressed; and

WHEREAS: The Final Environmental Impact Statement (FEIS) (CEQR # 18DOC001Y), published in August 2019, identifies numerous environmental hazards at the site including:

1) Asbestos (abatement and removal projects regulated by NYS Department of Labor; and asbestos transit and disposal regulated by NYSDEC Division of Materials Management)

2) A Petroleum Underground Storage Tank (UST) regulated by NYS Department of Environmental Conservation (NYSDEC) under their Petroleum Bulk Storage (PBS) program. The removal of the PBS system is regulated by NYSDEC as is any cleanup associated with a release. (UST removal contractors operating within NYC must be licensed by NYC Fire Department); and

WHEREAS: There have been several important reports which CB1 is submitting as part of this resolution concerning the deleterious effects of the environmental impacts of the construction on the health of the community including : “The Impact of Long-term Construction on the Health of Older Adults in New York City’s Chinatown” by the NYU Center for the Study of Asian American Health; “Analysis of Effects of Projected Demolition and Construction of New Jail Facility at 124-125 White Street” by the Walker St. Block Association; “Negative Impacts of Major Construction in Senior communities and Buildings of NY’s BBJs” by Chinatown Core Block Association; and

WHEREAS: CB1 has submitted Freedom of Information Law (FOIL) requests for, and not yet received, critical documents concerning the environmental hazards on the site, including the Health and Safety Plan (HASP) and Community Air Monitoring Program (CAMP), and the results of all the environmental probes conducted to date and requested documentation of asbestos and lead investigations; and

WHEREAS: CB1 has also asked for, and not received, documentation on the Life Cycle data on the demolition and construction of the proposed project with relation to how the project reflects the City’s commitment to its sustainability goals; and

WHEREAS: On May 5, 2022, Councilmember Marte, Assemblymember Niou, Manhattan Borough President Levine, Senator Kavanaugh and Congressman Nadler submitted a letter to NYSDEC Commissioner Basil Seggos urging for an Independent Community Monitor of the Manhattan BBJ project. The letter notes that among the many environmental impacts, there are particularly grave concerns with regard to air pollution, and the residual environmental damage of the World Trade Center destruction which was not accounted for in the BBJ FEIS; now

THEREFORE
BE IT
RESOLVED

THAT: Should the Manhattan Borough Based Jails project continue despite robust community opposition, it is critical the community be provided with an independent community environmental monitor to review the environmental impacts and oversee the remediation during all phases of the proposed work, both during the demolition of the existing MDC and the construction of a new jail; and

BE IT
FURTHER
RESOLVED
THAT:

CB1 commends our elected officials from the Federal, State, and Municipal delegations for putting pen to paper and calling for an independent community monitor for the dismantling and construction of the MDC. CB1 is in complete support of the May 2022 letter to NYSDEC from our elected officials which states:

In order to protect the health and safety of the immediate community surrounding the jail site, we demand the retention of an independent environmental monitor to oversee the environmental impacts of demolition and construction on the immediate community, including the following:

- 1. Air quality, noise, vibration, dust control, and required remediation are all regularly monitored with data directly reported to the independent monitor;*
- 2. Known asbestos in the existing structures is extracted from the site following the appropriate protocols;*
- 3. Analysis of completed boring tests of subsurface conditions is conducted by the independent monitor with findings reported to the community;*
- 4. Analysis of found gasoline contaminants is conducted by the independent monitor with findings reported to the community and necessary remedial actions put in place; and*
- 5. Monthly reports by the independent monitor are made public and delivered to the offices of Manhattan Community Board 1 and all local elected officials.*

BE IT
FURTHER
RESOLVED
THAT:

Given the environmental impacts on the site, CB1 urges the City of New York should provide a Remedial Action Work Plan (RAWP), overseen by NYSDEC and the NYS Department of Health (DOH), as to how the impacts will be remediated going forward during the proposed demolition and construction; and

BE IT
FURTHER
RESOLVED
THAT:

The community has asked that Community Air Monitoring Program (CAMP) monitors are placed 90' in each direction (north, south, east and west) from 124-125 White Street, including having monitors set up in both Columbus and Collect Pond Park; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges that the site environmental mitigation plan also include:

- 1) Real-time air quality monitoring made available with reports provided to the community monthly (not quarterly as has been noted by the NYC Department of Design and Construction).
- 2) Air handler and make up air with HEPA filtration protection sized appropriately for the adjacent buildings, including the Chung Pak Center
- 3). Noise mitigation plans are provided with decibel thresholds noted and phasing for work to limit high peak decibels during morning and evening hours; and

BE IT
FURTHER
RESOLVED

THAT: CB1 also calls for Councilmember Marte to fight for line item funding for an independent community monitor during the ongoing city budget process as Mayor Adams' support for the continuation of the BBJ plan requires his acknowledgement of the ambient dangers this will pose and the Mayor and Council's collective responsibility to raise the bar for city projects such as these; and

BE IT
FURTHER
RESOLVED

THAT: Finally, CB1 urges the formation of an environmental MDC Working Group to meet a minimum of monthly where all stakeholders involved in the project are to be present, including representatives from NYSDEC, NYCDEP, NYSDOH and the selected demolition and construction contractors, to review environmental monitoring data, the progress of remediation on the site, and to address the community's questions and concerns.