

## Where We Stand: The NYPD Impound Lot

The Eastern Queens Alliance is adamantly opposed to the siting of the NYPD Impound Lot on Rockaway Boulevard in Springfield Gardens, NY. For the past several years, the stretch of land along Rockaway Boulevard, just north of JFK Airport, has attracted projects that pollute the air we breathe, pollute our ground water, and only bring more smog, congestion and traffic into our area. None of them benefit the community. For example, the Economic Development Corporation pushed through the construction of the International Air Cargo Center which was constructed on 25 acres of alienated park land on Rockaway Boulevard. The siting of Logan Bus Depot and Quick Courier on the south side of Rockaway Boulevard was also approved. And now we face the siting of the NYPD impound lot which is proposed for a 13 acre open space area that contains 2.2 acres of wetlands. In addition, the MTA is planning to put a storage parking facility for out-of-service buses where the Nassau Expressway meets Rockaway Boulevard. This is very close to the two other EDC projects and the impound lot – and right across the street from the former Green Bus Garage, now operated by an MTA operating subsidiary. All of these projects are diesel-intensive, thus adding to the toxic mix of respirable particulates in the air we breathe here in the Brookville, Rosedale and Springfield Gardens Communities. They also all contribute to toxic runoff. We believe that this constant barrage of projects that negatively impact our community constitutes a violation of environmental justice policies.

Although the community has been calling for a cumulative risk assessment to take into account the many projects proposed and sited along this strip to evaluate the total cumulative impact, *none has been completed*. Our air and water quality are being negatively impacted despite “negative declarations” in the individual EIS’!

The site in question is valuable open space. It is not, as EDC claims, just empty space ripe for development. It along with the other green spaces that are being gobbled up along the northern edge of JFK airport have served as natural, green, environmental buffers between the airport, related services in the vicinity and the residential community. While communities all over the country are striving to preserve their open space for ecological, health, aesthetic, and economic reasons the city seems to have targeted this strip for projects that contribute to pollution rather than help prevent it. What is happening in our community is diametrically contrary to the Mayor’s PlanNYC that calls for greening of the city. The Mayor recognizes that trees and plants help to clean the air of pollutants, this being the motivation for the Million Tree initiative. We know that increasing, rather than decreasing the vegetation, the greenery in our community, is critical to the health of the residents in Southeast Queens who live in the JFK airshed. Yet what we are witnessing is a degreening of our community. While the city plants a million trees, thousands of trees and shrubs are being destroyed in this area.

Furthermore, the NYPD Impound project calls for filling 2.2 acres of freshwater wetlands. While these wetlands do not have a surface connection to other water bodies in the area, it is highly likely that they are connected to the system of ground water that is an integral part of the Jamaica Bay Watershed. We know that wetlands are natural sponges and filtering systems that aid in the prevention of flooding and poor water quality. Even small areas in our community should be preserved to help combat the flooding that plagues Southeast Queens. Yet the proposal for this project dismisses the importance of these wetlands by labeling them “non-jurisdictional”.

In fact, the letter it cites from the USACE states that the “site contains jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the

1987 *Corps of Engineers Wetlands Delineation Manual*.” It seems to note that the only reason that they are considered, for the time being (perhaps five years) “non-jurisdictional” is the result of a 2001 U.S. Supreme Court decision (*Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers*, No. 99-1178, Jan. 9 2001, which ruled that the designation of “jurisdictional” cannot be based solely upon their use by migratory birds.” The USACE also makes a point of saying, “It is strongly recommended that the development of the site...avoid ,,,the discharge of dredged or fill material into the delineated waters of the US....If not, authorization from their office may be necessary.” Clearly USACE doesn’t view these 2.2 acres as just a *mud puddle* as we were given to believe at the Public Hearing.

The EQA maintains that these wetlands should be preserved, not filled for an impound lot. A close reading of the EAS would seem to support this view when it maintains that the “center of the project site “is a wetland which appears to be supporting a diversity of wetland plant species; that a review of historical aerial photographs indicates that the project site “might have been retained to serve as a storm water detention area, receiving runoff from all of the surrounding paved services;” and that the project site contains 7 metal plate covers that are associated with “some type of storm water drainage system that discharges to the project site.” Yet this project would cover this site with an impervious surface, contrary even to recommendations and BMP’s in the Jamaica Bay Watershed Protection Plan. What’s to become of this critical flood control function of this site if the impound lot becomes a reality?

Per mitigation policy, at least acre for acre mitigation should be provided to account for any wetland loss. This policy is not being honored in the plan.

Finally, the proposed project runs contrary to several recommendations in the Jamaica Bay Watershed Protection Plan. The JBWPP plan notes that some of the key issues that affect the water quality and the ecology in the bay are:

- a. Surface runoff as a result of urban development and the spread of impervious surfaces
- b. Displacing freshwater wetlands in the upper watershed ... impeding the natural wetland filtration process.
- c. Displacement and fragmentation of habitat...by land filling of ecologically sensitive areas, especially tidal...and freshwater wetlands and riparian areas in the upper watershed.
- d. Covering of soils with impervious concrete and asphalt surfaces, thereby decreasing ground water infiltration, while increasing the volume and rate of storm water runoff.

The JBWPP cites as an objective— To preserve and enhance natural areas along the periphery of the bay and in the watershed. It advocates the promotion of the use of BMP’s in all new and existing development in the watershed, i.e.,

- a. onsite detention and infiltration of storm water runoff
- b. minimization of impervious surface
- c. creation of natural systems to control and minimize storm water runoff
- d. stabilizing and restoring salt marshes, wetlands, soils and other natural areas
- e. strengthening ecological buffers

This is also an objective of the Alliance and is in concert with our efforts in Idlewild Park Preserve and all of the adjacent wetlands and open space in the area, It is towards these ends that we created a master plan for the Idlewild Preserve and ecological system and have been constantly seeking funds for the restoration of wetlands and upland areas in Idlewild replete with trails, boardwalks and open classroom areas that would not only return ecological function, but provide for environmental education, recreation—including waterfront access, and simply the enjoyment of the natural environment. It is for this reason that for the last several years we have also been calling for 1) the turning over of the Thurstin Basin area to NYCDPR for the development of a waterfront park, 2) the turning over of all the DCAS properties immediately adjacent to Idlewild Park Preserve to NYC Parks as recommended by NYC Wetland Transfer Task Force, and 3) a moratorium on the further elimination of open space along Rockaway Blvd.

This project not only flies in the face of all that the Eastern Queens Alliance has been advocating for over the last six years, and discusses in its Whitepaper for Quality of Life in Southeast Queens, but it flies in the face of Environmental Justice Policies, the recommendations of the *Jamaica Bay Watershed Protection Plan*, the *Recommendations for the Transfer of City-Owned Properties Containing Wetlands* promulgated by the NYC Wetlands Transfer Task Force, the Mayor's *Plan NYC* initiative as well the recommendations adopted by the NY/NJ Harbor Estuary, and a Community Board 13 resolution. We, therefore, strongly object to the siting of the NYPD Impound Lot on Rockaway Boulevard in Springfield Gardens.

The Eastern Queens Alliance, Inc. is a federation of civic associations in Southeast Queens formed for the purposes of educating, raising awareness, mobilizing energies and generating community involvement in developing solutions to issues that cut across neighborhoods or community boundaries within Southeast Queens, including issues related to the environment, health, culture, public safety and other quality-of-life concerns. Go to the parent website for further information.

In a December 2007 policy report entitled *Grounded: The Impact of Mounting Flight Delays on New York City's Economy and Environment*, NYC Comptroller, William C. Thompson, cites two studies which concluded, "that is airports were classified as stationary source of emissions like a power plant, commercial incinerator or large industrial manufacturing site, they would rank among the dirtiest fixed sources for pollution in a given community." His report goes on to acknowledge that "The impact on air quality has been especially pronounced at Kennedy Airport...because of the far greater increase in flights at Kennedy and because the increase there is attributable to full size aircraft..." He also acknowledges that "with the FAA projecting a doubling of U.S. airline passengers between 2005 and 2025, pollutant emissions are destined to grow, even as new more fuel-efficient aircraft are added to airline fleets and older, dirtier planes are retired..." Significantly, Thompson states, "As the volume of air traffic has increased and taxi-out periods have lengthened, air pollution in the vicinity of the airports...has become a growing concern, especially for the residents of ...Springfield Gardens, and other neighborhoods adjacent to the airports." We applaud the fact that the Comptroller is recognizing airport related pollution as a critical issue in our communities.

Residents in Southeast Queens are not surprised by any of the findings of the report. We have been convinced that the communities of Southeast Queens located adjacent to the JFK airport are, and have been, the victims of air pollutants from the JFK Airport. We have been convinced that adding airport-related and non-airport related pollution emanating from the industrial sector surrounding the airport creates quite a toxic soup for those residing in the vicinity. The neighborhoods adjacent to JFK not only have a concentration of air transportation related industries, but a significant absence of green spaces that is fast dwindling as more and more industrial landlords press for space. Summer evenings are sometimes interrupted by the

permeating odors of jet fuel. Many who don't live in the area say they notice fumes when entering Southeast Queens.

We know that airplanes and other combustion source engines are recognized sources of particulates. Our questions:

- Are the particulates in the Southeast Queen's neighborhoods at a level that can impact the health of our residents?
- Are there chemicals associated with these particulates? What are they?
- Do these chemicals have a negative impact on the health of the residents in Southeast Queens and other areas in the immediate vicinity of the airport?

The residents of the Southeast Queens' neighborhood would appreciate answers to the above questions. The New York State Department of Environmental Conservation does monitor air pollutants in the New York City area. It is questionable, however, whether the monitoring provides an adequate picture of the situation in Southeast Queens. The monitoring stations located in Maspeth and Flushing are a considerable distance from the source of the pollutants. It is arguable that there is significant dilution and fallout occurring before reaching the measuring sites. The recorded information then does not reflect the immediate area. This lends support to the argument that the Eastern Queens Alliance has been making for monitoring in the areas immediate to all significant sources of the pollution in the vicinity.

The health effects caused by air pollutants can be minor to major respiratory problems. NYC has a higher rate of hospitalizations due to asthma (NYC Asthma Facts 2nd Edition 2003) than the rest of the US. The same document provides data indicating a fall off of asthma hospitalizations in the Southeast Queens area. Is this really the case, or are we seeing support for the no confidence in the health care systems stance in these areas? It is an accepted position among the residents that if you have private insurance, then you go to nearby hospitals in Long Island instead of those in the city. The Southeast Queens residents are more likely to utilize nearby Long Island hospitals such as Franklin General and Long Island Jewish instead of a city hospital. Does this mean then that there is not adequate capture in the statistics of those hospitalizations for Asthma or other illnesses related to air pollution?

Particulates originating from diesel or similar combustion are believed to be associated with a variety of mutagenic and carcinogenic chemicals including polyaromatic hydrocarbons and nitroarenes. Studies in rats have found that diesel exhaust can produce neoplastic and inflammatory responses. The particles from such emissions have been shown to be in the 2.5 micron to 5.0 micron range. A particle size that can easily penetrate the lower level of alveoli and does great damage to lung tissue.

The Eastern Queens Alliance has been calling for substantive answers to the above-raised questions. In the Eastern Queens Alliance White Paper: A Comprehensive Plan—Maximizing Quality of Life in Southeast Queens published in 2005, the Alliance called for high quality community health care facilities for community residents. It calls for mandated, regular, on-going monitoring of the hazardous air pollutants in Southeast Queens and reduction of the same. It is also calls for the establishment and strict enforcement of regulations aimed at encouraging efficient and less polluting vehicles in the area. The Alliance urges the city and transportation agencies to introduce natural gas and/or hybrid vehicles for passenger vehicles, buses and trucks throughout the commercial and industrial areas. It also takes the position that Federal laws must require less-polluting upgrades on aircraft frequently flying into non-attainment areas like Kennedy and LaGuardia, especially in close proximity to residential areas. In addition, the Alliance is calling for the Department of Health to focus on the causes and prevention of respiratory illnesses in areas in close proximity to major industrial pollution sources.

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