

**Comments on Draft Scope for the WTC Memorial and Redevelopment Plan  
Generic Environmental Impact Statement**

**August 4, 2003**

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**Comments on Draft Scope for the WTC Memorial and Redevelopment Plan  
Generic Environmental Impact Statement<sup>1</sup>**

**August 4, 2003**

We are pleased that the LMDC has released a draft scope of a Generic Environmental Impact Statement (GEIS) for the redevelopment of the 16-acre World Trade Center site and adjacent area. We had urged LMDC and the Port Authority to initiate a NEPA/SEQRA scoping process at the earliest possible opportunity so that the environmental review process could be used to shape public review of real alternatives for the rebuilding of the public spaces, the transportation systems and structures at and adjacent to the site.

**Proposed Action and Alternatives:**

Our first concern is that a range of substantive programmatic options be fully evaluated as part of the scope of the GEIS. As currently written, the Draft Scope only commits to evaluating a No-Action Alternative while providing a vague description of other alternatives that may be considered. Most of these alternatives rely on the same development program as the Proposed Action: up to 10 million square feet of office space, up to 1 million square feet of retail space, and up to 1 million square feet of conference and hotel facilities. Considering that the Draft Scope states that one of the leading comments of the public at “Listening to the City” was for reducing the required amount of commercial space at the WTC site, the lack of a clearly articulated alternative for reduced commercial space in the Draft Scope indicates that the GEIS is unlikely to evaluate all reasonable alternatives.

Therefore, we recommend the EIS evaluate the fiscal, socioeconomic and environmental impacts of a range of programmatic options for the WTC site, starting with the Proposed Action of up to 10 million square feet of office space and 1 million square feet of retail space but also including – on an equal footing - options for significant less amounts of office and retail, and greater amounts of cultural, civic and public open space, and an enhanced green alternative that includes a centralized system for goods delivery, waste removal and energy generation. Our specific requests for evaluation of programmatic alternatives are detailed in Task 20; however in the GEIS these alternatives should be brought to the front of the document to achieve greater prominence and to be evaluated equally with the Proposed Action.

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<sup>1</sup> Comments drafted by staff and volunteers of American Society for Public Administration--New York Metro Chapter, Environmental Defense, Fiscal Policy Institute, Municipal Art Society, New York League of Conservation Voters, New York Lawyers for the Public Interest, Pratt Institute Center for Community and Environmental Development, Regional Plan Association, Tri-State Transportation Campaign.

The alternatives described in the scoping document should be fully and rigorously analyzed in the GEIS. The National Environmental Policy Act, 40 CFR 1502.14, requires that an EIS include a rigorous analysis of the proposed project and its alternatives, including reasonable alternatives not necessarily within the jurisdiction of the lead agency. As written, the draft scope of work states that a quantified analysis will only be provided in cases where an impact is identified. This is inconsistent with NEPA. The alternatives described in the scope of work should be fully and rigorously analyzed alongside the proposed project and no action alternatives. Where the proposed project is quantitatively analyzed, so too should be the alternatives.

Moreover, we believe that the program for the World Trade Center should be driven by a broader vision for the economic future of Lower Manhattan and the City of New York, and a commitment to serve the public interest.

Accordingly, the program for office space and retail space should be developed in light of total needs for office space and retail for Lower Manhattan, not according to leaseholder obligations to rebuild an office complex that dates back to the 1960s and embodies assumptions about urban revitalization vintage to that era. We are also concerned that the program which underlies the Proposed Action, and has been defined as a leaseholder obligation, is specified in leases that have not been made available to the public. As part of the EIS process, we request full disclosure of all leaseholder documents, including all leases and leaseholder agreements in effect on September 11, 2001, and any subsequent agreements between the leaseholders and the Port Authority.

Our second concern is to ensure that the Proposed Action accurately describe the project, with full clarity about the degree to which it reflects the site redevelopment plans that have already been extensively reviewed by the public. According to recent news reports, it is not clear whether the City, State, or the private developers have accepted the Proposed Project as the primary proposal or the Task 20 list as the set of all of the reasonable alternatives to be the subject of a comparative impact analysis. If negotiations on basic questions of site uses, amounts of commercial space, types of other uses, etc. are still ongoing, the environmental review process will need to be adapted to new decisions as they are made.

The Proposed Action provides for construction of a Memorial and up to 10 million square feet of commercial office space, up to 1 million square feet of retail space, up to 1 million square feet of conference center and hotel facilities, open space areas, cultural facilities and infrastructure improvements. The Studio Daniel Libeskind design that the LMDC, Port Authority and City have endorsed is at the core of the Proposed Action. That design has been presented to the public. Task 20 further identifies eight alternatives in addition to the Proposed Action. In addition to rebuilding the site to pre-September 11 conditions, no action and reduced impact, enhanced green, redistributed retail and design alternatives, two major alternatives are described: iii) rebuilding alternatives that would draw on plans that LMDC previously considered, such as the “tower of culture”, and iv) distributed bulk.

We request that LMDC release full documentation of communications and decisions, including, for example, letters from Silverstein Properties, other leaseholders or their representatives to LMDC or the Port Authority and any agreement among any or all of these parties regarding the site design. We further request that LMDC release documentation of communication and decisions among public agencies, including LMDC, the Port Authority, the Battery Park City Authority, the New York City and New York State Departments of Transportation and other entities, which could materially affect the Proposed Action. Insofar as the agreed-upon design is different from the Studio Daniel Libeskind design that underlies the Proposed Action as described in the draft scope, it should be included as a specific alternative in the scope.

The final scope document should clarify the differences between the Libeskind design and this negotiated design, whether it is referred to as the Silverstein or the Port Authority preferred design or has some other designation. It would not be appropriate for the scoping document to be unclear about differences between the Libeskind design, which has been fully presented to the public, the Silverstein proposal and any agreed-upon changes.

In that we have been pressing to initiate scoping as early as possible in the planning process, we certainly envision that other alternatives not clearly encompassed within those described in i to viii would come to the fore. But we have little confidence that the Port Authority, not to mention the site's private developer, has bought into the Draft Scope's Task 20 description. We had been led to believe that initiation of scoping was delayed for several months because LMDC and the Port Authority were endeavoring to work out an MOU that described the appropriate scope. If that is not the case, we are entitled to know.

As the planning process continues, and the scoping process evolves, the Civic Alliance expects that consideration of additional alternatives by the Port Authority and/or the developers will be publicized as part of the scoping and environmental review processes. Open communication of the evolving scope is important to maintain credibility; so that the public is not misled and public resources devoted to commenting on the scope are not wasted.

**Methodology:**

The LMDC and the Port Authority have separated environmental review for the WTC Memorial and Redevelopment Plan on the 16-acre WTC site from other closely-linked rebuilding projects including:

- Permanent PATH Station and the transportation corridor (Port Authority)
- Fulton Street Transportation Center (MTA)
- South Ferry 1/9 Station Reconstruction (MTA)
- Reconstruction and Improvement of Route 9A (NYSDOT)
- New York City's Vision for Lower Manhattan (City of New York)

While we understand the necessity to move forward expeditiously and agree that the separate efforts may be necessary, we think it creates a special burden on the LMDC to fully define these other efforts in the Scope and to explicitly focus on the interrelationships of the individual efforts. We recommend the scope of the GEIS explicitly evaluate how these projects, major alternatives and impacts relate to the WTC redevelopment project, so as to ensure that the separate EISs being conducted for these studies are not viewed as a segmentation of an overall rebuilding program for Lower Manhattan.

In addition, the Civic Alliance recommends that the proposed action and alternatives be evaluated in light of their compatibility with other proposed projects, as well as the cumulative effect of the combined projects. These analyses are detailed in comments on the task areas below.

**Statement of Purpose:**

The scope does not contain a statement of purpose and need for the project that has sufficiently clear objectives to allow decision-makers and the public to judge alternatives against the proposed action and the baseline options.

Because the EIS itself will have to contain such a statement of purpose and need,<sup>2</sup> it is helpful for the public and decision-makers to be given the purpose and need for the project much earlier in the process, i.e. at scoping, rather than later, when the comments should be focused on the draft generic environmental impact statement itself. Common practice is to identify the objectives at the outset of the process and to include them in the purpose and need statement so that the public can comment during scoping. This methodology enables the sponsor to appropriately define the scope for the project.

Once the objectives are defined, the public and decision-makers can judge the proposed action and alternatives against the objectives and see how well they perform. That is not possible when the objectives of the proposed action are not identified early on in the process. If the objectives are synonymous with the proposed action, then the alternatives analysis becomes moot.

In addition, we recommend that objectives and statement of purpose for the project meet the standards set by the LMDC's "Principles and Revised Blueprint for the Future of Lower Manhattan." For example, the Principles include "promote sustainability and excellence in design, for environmentally sensitive development." We feel this is an appropriate objective for the WTC Memorial and Redevelopment Plan.

These objectives should include specific environmental, socioeconomic and design goals. Among these, we also recommend that the following environmental goals be expressed as part of the GEIS for the project:

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<sup>2</sup> See 40 C.F.R. 1502.13 "the statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."

Overall Goal: Set a new national and international standard for environmental excellence in design, construction and operation of all buildings and related infrastructure at the WTC site. Environmental excellence should be evaluated in terms of energy consumption, air emissions, water utilization, indoor air quality, waste reduction, separation and recycling, amenities such as parks and open space and use of recycled materials.

Specific Goals

1. Requiring all projects at the WTC site to follow performance-based green building guidelines (building on LEED, Battery Park City Guidelines and other appropriate guidelines);
2. Consider whether on-site energy production and cogeneration are feasible (can it provide real economic and environmental benefits compared to alternatives);
3. Minimize air emissions resulting from energy consumption at the WTC site and from transporting people to and from the site for all purposes (emissions at site and elsewhere need to be counted);
4. Minimize water usage from the City water supply system at the site and maximize capture and use of storm water;
5. Consider a plan to move goods and waste that minimizes the use of trucks (to lower emissions and congestion at the WTC site and surrounding neighborhoods);
6. Provide maximum amount of open and green space as well as access to waterfront (to create a neighborhood that is welcoming to residents, workers and tourists);
7. Minimize emissions (including noise) at the site during construction and emissions and congestion resulting from cars, buses and trucks; and
8. Develop a case study so others can learn from and replicate what will be done at the WTC site.

In addition to environmental goals, we recommend that the GEIS specify its commitment to universal access for people of all ages and physical abilities by committing to the following goal:

All projects at the WTC site should follow principals of universal design; meaning that accessibility features are designed in a manner that does not segregate people with disabilities, but rather facilitates functionality and the experience of the built indoor and outdoor spaces for users both with and without disabilities, that is "equal in all regards" (building on the consensus statement "Principals of Universal Design", latest edition, Ron Mace FAIA et al). Designers and project managers should consult with local

organizations of people with disabilities that have experience in gathering disabled community public input for large projects.

**Analysis Format:**

The Draft Scope describes two different baselines or “reference points of conditions without the Proposed Action” for measuring impacts in the “Analysis Format”, pp. 8-9. The first starts with the WTC site in its current condition; the second with conditions that existed prior to September 11, 2001. While both reference points are described, it would appear that the latter may be the primary basis for assessing impacts for NEPA/SEQRA mitigation purposes, although the statement is made (p. 9) that “Where appropriate and feasible, further mitigation measures may also be formulated to address additional adverse impacts identified by comparison with the Current Conditions Scenario...” Indeed, even for adverse impacts measured against pre-September 11, 2001 conditions, the draft Scope proposes mitigation only to “the extent practicable”. If LMDC intends to use “to the extent practicable” standard for undertaking mitigation of adverse impacts, in our view the Current Conditions Scenario should be used as a basis for delineation of adverse impacts as well. It would be useful to have a full analysis of impacts and proposed mitigation, therefore, for both of the reference points.

**Fiscal and cost analysis:**

We are cognizant of the fact that huge amounts of both public and private dollars will be required to construct the public spaces and the private structures that the Proposed Action or any of the alternatives identified in Task 20 envisions. For the Civic Alliance and other members of the public to comment on the reasonableness or viability of the Proposed Action, any Task 20 alternative, the Silverstein design or any other alternative that may be put forward, it is critical to have a comprehensive fiscal analysis and full disclosure of costs and sources and uses of both public and private dollars. This would include an examination of the fiscal and tax impact of each alternative, likely returns on investment and revenue implications for the Port Authority, New York City and New York State. Otherwise, alternatives may be put forward or rejected by the Port Authority, any developer or anyone else on fiscal grounds without our knowing the real bases for action.

The Civic Alliance understands that the developers and the Port Authority will undertake fiscal, cost and revenue analyses, and we would expect them to press for design changes, layout reconfigurations, more commercial and retail space and other features to reduce costs, expand revenues or otherwise improve over fiscal returns. These kinds of financial analyses may have implications for environmentally significant aspects of the design. We are entitled to know the bases for decisions that are made that affect the environmental impacts of site design and redevelopment.

The fiscal impact for the Port Authority may also be different than the impact for the city or state. For example, a development scenario that puts a high concentration of development on the WTC site but draws business away from other parts of Lower Manhattan or the city might be a positive fiscal impact on the Port Authority, but a net negative impact for the city and state.

### **Design Guidelines:**

The draft scope makes reference to Design Guidelines that are being drafted. These would presumably apply to any private commercial, residential, retail or cultural buildings and public structures that are constructed on the site. These guidelines, we assume, will deal with many environmental issues, such as energy efficiency, use of renewables, water efficiency and waste and goods handling. Some of these issues are described in Task 11 (infrastructure, solid waste and sanitation, and energy) and Task 13 (air quality). However, it will be difficult to comment on the draft GEIS without the Design Guidelines in draft form being included. Since the analysis of impacts from redevelopment of the site depends on energy, water, air quality, and waste and goods movement systems, we urge expeditious preparation of the draft Guidelines before release of and thus their incorporation in the draft GEIS.

### **Geographic Scope:**

The Civic Alliance has reviewed the methods of analysis in each of the tasks proposed by the Draft Scope and the adequacy of the geographic impact area for each task, and found the geographic area of impact in many of the tasks inadequate. Recommendations for changes are detailed below in the tasks section.

### **Specific Comments on Tasks**

**Task 1 – Project Description** – Project Description should include the LMDC's first cut at a project description and a statement of purpose and need. The detailed description can be included in the Draft EIS.

**Task 2: – Land Use and Public Policy** – The scope of work should include a map showing the primary and secondary study areas for the analysis of land use and public policy. It is reasonable to expect that the redevelopment of the World Trade Center site may affect land uses and public policy in all of Lower Manhattan, including Chinatown and the Lower East Side – if, for example, the site were not redeveloped, or were developed with residential uses, the future development of the entire district could be expected to be quite different. It is also reasonable to expect that secondary effects could be experienced in the metropolitan region's other business districts, including Midtown, Downtown Brooklyn, and Long Island City, Jersey City and Newark. Therefore, the primary study area should be expanded to include all of Lower Manhattan south of Houston Street, and the secondary study area should include targeted study areas in Midtown, Far West Midtown, Downtown Brooklyn, Long Island City, Jersey City and Newark.

**Task 3 – Socioeconomic Conditions** – The Draft Scope calls for study areas that correspond to submarkets below Canal Street that are commonly used by major real estate brokerage companies. However, it is not clear if the area as a whole is to be segmented into primary and secondary study areas, and what those boundaries would be. We recommend that the full area below Canal Street be defined as the primary study area for commercial office analysis, but that the primary study area for retail and residential analysis be extended to encompass everything south of Houston Street. As with land use

patterns, the Proposed Action and alternatives are likely to substantially affect these predominant activities in the neighborhoods north of Canal Street.

The impacts on commercial office and retail inventory in subtask “e” should be examined under different market assumptions. At least one scenario should test the impacts under weak market conditions with employment and income growth, and one should test the impacts under assumptions of robust growth. These alternative assumptions should be guided by official or frequently used forecasts, such as those developed by NYMTC or economy.com. The analysis should also examine influence of expected construction and market conditions in related markets, such as Midtown, Jersey City, and Downtown Brooklyn on Lower Manhattan, as well as the impacts of the proposed action on these markets.

Similarly, the impacts in subtask “f” should be examined for all of NYC and a sizable portion of northern New Jersey. How the site is developed could have a substantial impact on whether Lower Manhattan remains an economic engine for the region, how other parts of the city and region are likely to develop, and on the income polarization that characterizes both Lower Manhattan and the region as a whole. To evaluate all of these impacts, the analysis should be quantitative and include not only aggregate employment levels, but also impacts on the following:

- industrial and occupational distribution of employment,
- wage and income levels, and
- the geographic distribution of employment, and the residential locations of impacted workers.

The estimates of public costs described in subtask “i” should be expanded to encompass a full fiscal analysis and included as a separate task, as described above.

This analysis should be expanded to include the impact on the residential character and capacity of the area. The draft scope describes the objective to the socioeconomic analysis to include impact on residential resources, but the description of the analysis gives short shrift to the residential resources. For example, the impact of expanded residential use on retail sales is not described as a product of the evaluation.

Pressure on the housing market, especially housing affordable for people of low, moderate, middle-incomes, and existing live-work lofts in all of Lower Manhattan below Houston should be examined, including demands created by the Proposed Action and alternatives. This would include consideration of economic pressures on costs of existing housing, new housing planned, developer incentives or requirements for units affordable to people of low, moderate and middle income levels, and affordable housing being lost to the housing market (e.g., owners opting out of Mitchell Lama restrictions).

**Task 4 – Community Facilities** – The scope of work should state explicitly which types of community facilities will be analyzed.

We wish to stress the importance of evaluating the increased need for fire and police protection associated with the Proposed Action. The Proposed Action will require increased security to guard against risks of terrorist activity and dealing with a greater number of visitors at the World Trade Center site than before 9/11. The fiscal and logistical impact of greater security needs should be evaluated in light of existing City of New York Police Department resources and other available security forces.

Second, the Civic Alliance is concerned that the commercial development on the World Trade Center site is exempt from New York City fire and building codes because of the Port Authority's ownership of the land. If the commercial development is not built according to New York City fire codes, the EIS should thoroughly examine new or additional need for fire and rescue facilities under the Proposed Action and alternatives.

**Task 5 – Open Space and Recreational Facilities** – The primary study area, defined as ¼ mile is acceptable for this Task. The secondary study area should be the boundaries of Community Board One. We also recommend that distinction be made in the document between green space, open space, and public space.

**Task 6- Shadows** – The analysis for this task should use the CEQR guidelines for shadow impacts.

St. Paul's churchyard should be specified for consideration in the shadow impact assessment. It is both a "publicly accessible open space" and an extremely important "historic resource."

**Task 7 – Historic Resources** – Because of the project's effects on land use, public policy, and socioeconomic conditions, it could have significant adverse impacts on historic resources throughout Lower Manhattan, not just in the area immediately surrounding the site. Therefore, the study area for historic resources should be expanded to include all of Manhattan south of Canal Street.

**Task 8 – Urban Design / Visual Resources** – The primary study area defined in the scope of work is acceptable. A secondary study area should be added to address the urban design/visual resources of the proposed project as it is experienced on the skyline from other parts of the City. As expressed by the public through "Imagine New York" and "Listening to the City," the creation of an iconic skyline element is one of the public's key areas of focus in the redevelopment of the World Trade Center site. This discussion should include photographs and computer simulations to describe the proposed urban design as experienced from both near and afar.

**Task 9 – Neighborhood Character** – The study area is not currently defined in the Draft Scope. Because of the close link between neighborhood character, land use and socioeconomic conditions, the neighborhood character study area should be the same as the primary study area recommended in the Land Use and Socioeconomic tasks– that is, it should include all of Lower Manhattan south of Houston Street. And just as the office analysis defines commonly used submarkets with different characteristics, this

neighborhood analysis should recognize the multiple neighborhoods in the district, using commonly used names and boundaries, each with distinct characteristics and needs.

**Task 10 – Hazardous Materials** –We recommend that the scope explain how hazardous materials will be tested for at the WTC Site, and the scope and methods used for this testing.

**Task 11 – Infrastructure, Solid Waste and Sanitation, and Energy** -- Wastewater treatment and handling, solid waste generation and disposal, and energy production and transmission are networks that span industries, communities, and boroughs. For a project the size of the World Trade Center, any study of infrastructure must look at what happens beyond the boundary of the site, assess both direct and indirect impacts, and account for depletion or misdirection of City resources. In Task 11, the Draft Scope assumes that the infrastructure that once existed was sufficient to handle the demands of the businesses on the site. The scope states that the GEIS will identify steps needed to reconstruct this infrastructure and provide estimates of the amounts of water and energy to be consumed, and sewage and solid waste generated, but does not appear to require an impact assessment of these aspects of the project, as required in every other task. While it is stated that the GEIS will “consider” green building and sustainability principles developed by the lead agency in cooperation with the Port Authority, there needs to be an analysis of infrastructure-related alternatives in order to identify the best design with the least environmental impact.

The Draft Scope also ignores the impacts associated with solid waste management and energy production beyond the half-mile radius to be studied, which may have significant environmental justice implications. In the Environmental Justice analysis, the Draft Scope considers only those minority and low-income communities within a ½ mile radius of the site to be potentially affected by the Proposed Action. The GEIS should identify the communities housing the solid waste management and energy production facilities needed for the redevelopment and operation of the project, and assess the impacts of the project’s solid waste and energy practices on these communities. (See Figure 1.) Virtually all waste transfer stations and power plants are currently located in low-income communities of color. The GEIS should include the likelihood that the redevelopment may eventually require construction of new facilities and where these might be located.

Environmental Justice guidance under NEPA states that “agencies should consider...multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.”<sup>3</sup> EPA further states, “EISs and EAs must also address indirect impacts [40 CFR 1502.16(b), 1508.8(b), 1508.9] which are characterized as those that are caused by the action and are reasonably foreseeable, but that occur later in time and/or at a distance.”<sup>4</sup>

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<sup>3</sup> See Environmental Justice Guidance Under the National Environmental Policy Act, December 1997, at 9.

<sup>4</sup> Final Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Compliance Analyses, April 1998, at 2.2.2.

This language is particularly relevant to the discussion in Task 11 of energy needs, as it is likely that new power sources that may be needed by 2009 or 2015 would be targeted for neighborhoods similar in composition to those currently housing power sources. Identification of existing power sources should include a primary and cumulative health assessment of communities surrounding the power source, including an assessment of other major developments that have been proposed that would further tap the city's energy needs. Energy efficiency and distributed energy should be identified as alternatives to be studied.

The GEIS should similarly analyze potential community impacts related to the transfer of solid waste, including emissions from transporting vehicles during transport and unloading in the communities where the solid waste might be handled. Vehicle-miles-traveled for any collection and disposal trucks should be evaluated. Alternatives and mitigation measures should prioritize reduction of solid waste through recycling, re-use, and source reduction at all phases of construction and operation, as well as consider the handling of solid waste at or near the project site, avoiding the burdens placed on other communities in the City.

In light of Environmental Justice concerns and objectives to achieve environmental sustainability, we recommend that the LMDC should work with the Port Authority, MTA and the City of New York to evaluate the potential for a truckless system of goods movement under the proposed "Truckless Goods Delivery and Waste Removal Alternative" and "Enhanced Green Alternative" for the WTC Site Program (see Task 20). The options for dealing with goods delivery and waste removal in these alternatives are described below.

#### Alternatives for Goods Delivery and Waste Removal System

The redevelopment of 10-12 million square feet of office and commercial space at the WTC site will require an extensive goods delivery and waste removal system. The pre-September 11 system required approximately 2400 truck trips per day. (Most of the trips (99%) are for goods-delivery.) This truck traffic has important air emissions and congestion impacts locally and in many other neighborhoods in the region.

The plan for redevelopment should not automatically assume these needs would continue to be met by trucks. The EIS should consider a plan that is developed with the objective of minimizing the number of truck trips, the congestion and the emissions. The plan should consider a centralized system for goods delivery and waste removal at the site, and several alternatives ways to deliver goods to the site and to remove waste from the site, both with and without the use of trucks.

#### Goods Delivery and Waste Removal System

Consideration of a truckless goods delivery and waste removal system requires a centralized underground goods movement system at the WTC site that is built in parallel with the proposed people movement system. The system should be designed to serve the goods delivery and waste removal needs of buildings above and near the transportation concourse, and will require significant underground space at the WTC site for a Goods

Distribution Center. The EIS should also evaluate the use of a truckless goods delivery system for delivering some or all of the construction materials to the site.

Consideration of a system to bring goods to the site and to remove waste from the site should evaluate at least six alternatives (See Figure 2):

- By PATH Rail (Alternative 1)

This option would use PATH rail during off-hours to move goods to the WTC site from an Assembly Center near Exchange Place. The Assembly Center would assemble containers that would be moved by PATH rail to the WTC site Distribution Center. The evaluation should consider issues related to the use of the PATH System for transporting goods and waste out of the City, including: ability and cost of a western connection with freight rail, physical connections, regulatory issues, design and cost of freight car that could use the rail, operating problems, impact of customer service, and conflict with maintenance. Such an alternative offers the promise of increasing the percentage of freight which moves by rail (now only 3%) into the City by reducing the amount of trucks that use the Hudson River tunnels and Washington Bridge. A beneficial byproduct will be the reduction of motor carrier traffic on New Jersey's highways traveling to the trans-Hudson vehicular crossings.

- By MTA Rail and Barge at South Ferry (Alternative 2)

This option would require the construction of a new goods handling facility at South Ferry to transfer goods to rail and use of the MTA rail (1&9 Line, N &R Line, and the 4&5 Line) to move goods and waste between the South Ferry Station and the WTC Distribution Center. The evaluation of this alternative should consider issues related to the use of the MTA rail including: operation and impact on customer service and maintenance, connection at WTC site, ability to integrate design of a new Ferry landing system for goods with the rebuilding of the South Ferry Station

- By extending the people movement system to a Barge site on the Hudson River (Alternative 3)

This option would extend the Transportation Corridor to the Hudson River bring a people and/or goods movement system to the water's edge, and install a mechanized system to move goods from barge-to-rail and to move waste from rail-to-barge.

- By extending the people movement system to a Barge site on the East River (Alternative 4)

This option would extend the Transportation Corridor to the East River connecting with the Second Avenue Subway at Water Street and extending the people and/or goods movement system to the edge of the East River, and install a mechanized system to move goods from barge-to-rail and to move waste from rail-to-barge.

- By Truck with coordinated deliveries

This system would combine a centralized goods delivery system with a coordinated truck delivery system that would bring goods from one or more satellite locations, where goods would be assembled for delivery.

- By Truck without coordinated deliveries : Same as prior system

This option, the same as the previous system, uses a central dock to load and unload deliveries of goods and waste removal by trucks without coordination.

#### Waste Reduction and Recycling

Prior to September 11, we estimate that the waste removed from the WTC required approximately 25 trucks per day (an estimated 300 tons per day of waste and 700 cubic yards per day.)

The system for the collection of waste should be designed to achieve the maximum value from recycling that is possible, starting with separation at the source. The EIS should include an alternative that defines the maximum opportunity for recycling and consider the following possible opportunities:

- Paper: delivery and removal by barge to Visy.
- Pneumatic System for removing sanitary waste and food waste.
- Rail cars designed for specific waste.

The evaluation should consider the effectiveness of each alternative by measuring the:

- Cost/Benefit
- Reliability
- Security Requirements
- Emissions Impacts
- Congestion Impact
- Environmental Justice Impact

**Task 12 – Traffic and Parking/Transit and Pedestrians** – The primary study area defined in the scope of work is acceptable. A secondary study area should be added to assess the effects of the proposed project on traffic and transit in the metropolitan region.

In terms of air pollution and carbon emission impacts, as well as congestion, it makes a huge difference if people going to and from the site for work, official visits or tourism purposes use mass transit, buses, taxis or cars. Clearly the Port Authority's rebuilding of the PATH system, the ferry services and the MTA's downtown Manhattan projects are all designed to foster use of energy efficient and congestion-reducing mass transit for people moving to and from the site and adjacent areas. The design of underground concourses and connections that facilitate people moving east and west, as well as south and north, both underground and aboveground both encourages use of mass transit and may influence site space design. The degree to which tourists will move to and from the site

by bus also depends on site design, i.e., the amount of bus parking available underground at the site or at adjacent sites.

Since the WTC site will be a visitor destination for people from around the world, special care should be taken to ensure access to people of all ages and physical abilities. The GEIS should examine the use of Universal Design principles in the design of all buildings and public spaces at the World Trade Center site. The Civic Alliance recommends that the GEIS examine these tools for achieving the goal of universal design:

- **Public Safety:** Buildings should include elevators that provide access for people with mobility disabilities for use in emergencies and case of fire.
- **Street Planning:** Pedestrian ramps should be standardized in location on each corner throughout the WTC site.
- **Graphics and signage:** Signage should be standardized thorough out the WTC site, consistent with universal design standards for people with low vision. Also Braille signage should be available in standardized locations throughout the site.

More broadly, the scoping document should look at alternative ways to discourage use of private cars and non-commuter busses and attendant private parking spaces. Cars and non-commuter buses, like trucks, add to street congestion in lower Manhattan. Street congestion in turn leads to higher levels of air pollution and carbon emissions. We suggest that the scoping document and EIS review examine the following tools to reduce traffic congestion:

Use Incentives to Reduce Traffic, Encourage Walking and Clean the Air. Three important steps can cut downtown traffic jams, ease commutes, improve the pedestrian experience to encourage walking, and clean downtown air:

- 1) **Congestion Pricing.** A comprehensive system of congestion pricing for Lower Manhattan could significantly improve traffic congestion and air quality. The environmental review process should examine the environmental benefits associated with pairing the redevelopment with a congestion pricing system, using East River Bridge tolls and other methods such as those being used today to reduce congestion in central London. These methods can be practically used without toll booths and in ways that are equitable and flexible for all New Yorkers. The New York region already has experience with these kinds of steps. Congestion pricing on Hudson River crossings is reported to have cut peak traffic by about 7%, for example. Similarly, after 9/11 restrictions on single-occupant vehicles entering Lower Manhattan had tangible benefits for congestion.
- 2) **Commuter Choice.** Use of strong commuter choice incentives, such as TransitCheck programs, can help reduce the congestion impacts of adding new commercial office space to already-crowded Lower Manhattan. We encourage the redevelopment of the WTC site to call for maximum use of these incentives for all who will live and work in the affected area.
- 3) **Street Management Plan.** Carefully planned restrictions on designated Lower Manhattan street segments to create, for time periods that can vary by street

segment, pedestrian-friendly street-use patterns, including pedestrian streets or zones, reduced speed streets (e.g., aided by traffic calming devices, narrowed streets) for mixed pedestrian and vehicle use.

Evaluate alternatives for locating a bus garage or reducing bus traffic:

- Locations other than the WTC site should be evaluated for locating a bus garage including underground space at the Deutsche Bank site and the site along West Street between Vesey Street and Murray Street.
- A strict regulatory program that would prohibit tourists' busses within a prescribed area of Lower Manhattan should be analyzed. This would be coupled with an active campaign (e.g., in cooperation with hotels and their staff, airport and train terminals, other tourist sites and points of entry) to keep tourists informed of convenient "cleaner" transportation alternatives to reach Lower Manhattan and the World Trade Center site.

Finally, item "f" specifies that the volume of trips and vehicle trips generated by visits to the memorial and cultural facilities will be studied. We recommend that special attention be paid to this extremely important task.

Prior to September 11th, over five million people visited the Statue of Liberty every year – a destination that must be reached by boat. Some estimates for the World Trade Center site have projected that the annual visitor number may reach 10 and 12 million, if not more. If true, the space set aside for the memorial may be entirely inadequate to accommodate the influx of visitors.

Understanding how many visitors will come to the memorial and adequately accommodating them is critical to the success of the overall project. The quality of the experience of visiting the memorial should not be marred by excessive crowds or inadequate facilities for the number of visitors. Moreover, other tasks in the Draft Scope will be affected by the number of visitors to the memorial, including socioeconomic impacts to the primary and secondary study areas, and community facilities. We recommend that the study which projects numbers of visitors be thorough in scope and specific in methodology, in order to ensure that a reliable annual estimate can be achieved.

**Task 13 – Air Quality** – We recommend that the study area for air quality be expanded to encompass a greater number of receptor locations testing for carbon monoxide (CO) and particulate matter throughout the area below Houston Street from river to river.

Air quality testing which focuses on mobile sources should be expanded to include water-based mobile sources such as increased ferry traffic related to the Proposed Action and alternatives.

If a bus garage is planned, the GEIS should specify how air quality will be monitored and against what standards healthy indoor air conditions will be determined.

Under paragraphs “k” and “f” we request that the cumulative impact of air pollution sources on residents and people who inhabit the area on a close to 24/7 basis be evaluated in light of *de minimus* levels, concentration thresholds, and pollutant burdens. We recommend that these thresholds be more stringent in light of the sensitivity of populations already exposed to increased pollutants during the disaster and period of damaging air quality that followed.

**Task 14 – Noise** – The study for this task is acceptable.

The noise analysis should include an assessment of the anticipated noise levels at the memorial. Although NYC CEQR impact criteria could be used as a guideline, the actual impact criteria at the memorial should be determined based on the memorial design that is selected and the type of setting that is appropriate for that design.

“b” Moreover, the minimum number of receptor locations for measuring noise should be specified, not the maximum. We recommend a minimum of 20 receptors as opposed to a maximum of 20 receptors for testing noise levels.

“e” The “other noise-sensitive areas” for attenuation testing should be specified in the scope.

**Task 15 – Coastal Zone** – The study area for this task is acceptable.

**Task 16 – Flood Plain** – The study area for this task is acceptable.

**Task 17 – Construction Impacts** -- Construction machinery is recognized as a significant source of fine particulate matter and oxides of nitrogen, the precursor to urban smog. In September of 2002, the CEOs of each major agency involved in the redevelopment of Lower Manhattan, including the Port Authority and LMDC, committed to using ultra-low sulfur diesel fuel (15ppm) and best available retrofit technology in all reconstruction-related projects in Lower Manhattan. This would establish a powerful national precedent for cleaning up construction emissions.

This commitment needs to be fully reflected in the EIS. In addition, any remaining emissions from diesel machinery at the site should be offset by corresponding reductions in emissions from other sources in the affected community. This commitment will be critically important to maintaining quality of life in Lower Manhattan and protecting the health of its residents, including the more than 4000 children in nearby neighborhoods.

To the extent that ferries are part of a redevelopment and transportation plan for the site, they too should be made subject to the same commitment on clean fuels and retrofits. Environmental reviews must take full account of all increased diesel emissions associated with the reconstruction and the new project – and find ways to either cut or otherwise offset those emissions. Fortunately, technology and fuels are available in this market to cut those emissions by up to 90%. These include:

- 1) Use ultra-low Sulfur fuel. Low sulfur fuels should be used in place of regular non-road diesel fuel. Low Sulfur fuel (15ppm) lowers NOx and PM and makes it possible to maximize use of state-of-the-art emissions control technology, like particulate filters. The infrastructure for low sulfur fuel is in place at parts of the Port of New York. Private companies supply low sulfur fuel to some MTA buses, and suppliers are seeking to expand. The State should invest now in the infrastructure needed to make low sulfur fuel available to all construction vehicles and trucks working at the World Trade Center site.
- 2) Stop engine idling (and other behavioral changes). Users of heavy-duty diesel equipment (both on and off-road) often keep their engines idling when equipment is not in use. In many cases, rules that already exist to limit idling and compliance are simply lax. A code specific to this massive site and the non-road vehicles working on it could limit idling and keep the most polluting vehicles as far from sensitive populations (schools, playgrounds, etc.) as is practicable.
- 3) Use best available retrofit technology. For example:
  - a. Install oxidation catalysts. Oxidation catalysts can reduce PM by at least 25%, HC 90%, CO, other toxics, smoke and odors. These are proven technologies that can be installed at a cost between \$1,000-3,000 per vehicle.
  - b. Use particulate filters. On-road vehicles (primarily buses) that are retrofitted with particulate filters show reduction in PM of up to 90%, CO and HC up to 90%. The World Trade Center site could serve as a pilot project for using these filters on non-road vehicles and on the heavy trucks used to cart debris through local neighborhoods.
  - c. There are other technologies available for use on trucks that may not yet have been fully tested construction vehicles. These include, for example: selective catalytic reduction and engine gas recirculation. Emulsified fuel also provides substantial opportunity for reductions. Again, testing at WTC could be followed by more widespread implementation at construction sites throughout the city in the future.
- 4) Apply strict pollution restrictions to construction supply and debris removal vehicles. As many of the above restrictions as possible, or other strong pollution control restrictions more applicable to on-road vehicles, should be applied to trucks and other vehicles used to supply materials to the construction site and remove construction waste and debris. During the post September 11, 2001 World Trade Center demolition and cleanup activity, debris hauling trucks traveling to and from the site represented one of the biggest environmental disruptions to nearby neighborhoods. Restrictions should be applied to minimize this type of disruption from supply and removal vehicles in the rebuilding effort.

These measures can be incorporated directly into contract specifications for work on the site, and in the future, can be required for construction sites throughout the city. Environmental Defense has prepared a briefing paper on these measures, which is available at its web site: [www.environmentaldefense.org](http://www.environmentaldefense.org)

**Task 18– Environmental Justice** -- The Draft Scope states that it will include an assessment of environmental justice. However, the scope outlines a method for evaluating environmental justice that is vague, narrow, and seemingly illogical. First, the Draft Scope proposes to limit the environmental justice analysis to those communities “within approximately ½ mile of the project.” This arbitrary limitation conflicts with established environmental justice policy. The first step of a proper environmental justice analysis must be to identify all communities that could potentially be affected by the project. Setting a restriction on which areas will be considered that is not based on actual projections of impact is inappropriate. The ½ mile boundary is particularly troubling considering the fact that other tasks in the Draft Scope analyze potential impacts in neighborhoods beyond the ½ mile radius. See Tasks 2, 3, 7, 8, 12, and 13; in addition, many tasks should reconsider the analysis area based on a more comprehensive view of impacts, such as the areas potentially impacted by infrastructure development (discussed in comments under Task 11 above) or by air emissions (e.g. PM 2.5).

Furthermore, the process for evaluating potential disproportionality of impacts outlined in the Draft Scope is confusing. The Draft Scope indicates that “environmental impacts identified in other analysis areas” will be evaluated and compared to impacts in the areas identified with low-income and minority residents. This is extremely vague. How will those other analysis areas be selected? How will disproportionality be measured?

Indicating that the GEIS will rely on the guidance of the Council on Environmental Quality (CEQ), EPA and DEC does not further clarify the analysis. To date, DEC has not devised a method for evaluating whether significant adverse impacts may disproportionately affect low-income communities or communities of color.<sup>5</sup> The brief outline of the proposed environmental justice analysis in the Draft Scope does not accurately reflect the environmental justice policies and guidance documents from the CEQ or EPA. Also, CEQ and EPA guidance documents do not squarely address instances in which the project site is a foregone conclusion. Thus, if followed, these guidances must be adapted for the unique circumstances surrounding the project at hand. For instance, the basis for selecting the reference community against which the community of concern would be analyzed for disproportionality, must be tailored to the fact that the project area is finalized. Given the difficulties in selecting a reference community, in lieu of an analysis to determine disproportionality, perhaps the scope should proceed as follows:

(1) identify areas potentially affected by the project; (2) determine whether those areas are primarily low-income communities or communities of color; (3) review the existing levels of environmental burden on those environmental justice communities as well as their health profile; and (4) if there are high levels of environmental burdens and/or poor

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<sup>5</sup> See DEC EJ Policy, April 29, 2002.

health prevalent in those communities, then the agency should avoid or mitigate impacts associated with the project specifically in those neighborhoods.<sup>6</sup>

**Task 19 – Mitigation** - The draft scope proposes that the primary basis for assessing impacts for NEPA/SEQRA mitigation purposes be the conditions that existed prior to September 11, had the tragedy not occurred, rather than the current condition of the WTC site. We feel that it is more appropriate to use the current conditions scenario – the reality of the site today - as a basis for delineation of adverse impacts. Therefore, we recommend that the scope use both reference points as a baseline for measuring adverse impacts and the need for mitigation.

**Task 20 – Alternatives** – The scope of work describes a list of possible alternatives and suggests that alternatives chosen for analysis will be drawn from this list.

Many of the alternatives proposed are simply rearranging the density and bulk being proposed under the action, and as such, have limited value for a real testing of the impacts of the proposed action. The rebuilding alternatives, distributed bulk alternatives, redistributed retail alternatives, and design alternatives, while valuable exercises that can tweak the proposal’s design, do not represent programmatic alternatives.

We strongly urge that options for reduced density be rigorously analyzed. As page 6 of the Draft Scope indicates, one of the leading comments from the public at “Listening to the City” called for reducing the amount of commercial space on the WTC site in relation to the six concepts that were presented in July of 2002. The proposed action represents a reduction of only 1,000 square feet of commercial office space from the program presented in July 2002, and inexplicably, a doubling of commercial retail space. This lack of regard for public preference is troubling in light of the fact that economic analysis supporting the development program of the Proposed Action is conspicuously absent, and it seems the only motivation for the current development program are contractual obligations, whose details have also been hidden from the public.

We propose the following alternatives for analysis. They represent options that have been repeatedly described in formal and informal public venues and/or have been proposed by elected officials, including the Mayor of New York.

- Expanded Site Alternative: We understand that a new alternative has been added to the Draft Scope, one which explores the possibility for locating some amount of commercial space on adjacent parcels to the World Trade Center site, such as site of the Deutsche Bank. We support the analysis of this alternative and suggest that the below-grade areas of adjacent parcels also be evaluated for the location of

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<sup>6</sup> This suggestion comports with EPA’s guidance that advises, “An evaluation of potential environmental justice issues should be conducted for all reasonable alternatives. In addition, for each alternative that may result in potential environmental justice concerns, mitigation measures aimed specifically at those impacts should be identified and analyzed.” Final Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Guidance Analysis, April 1998, at 3.2.5.

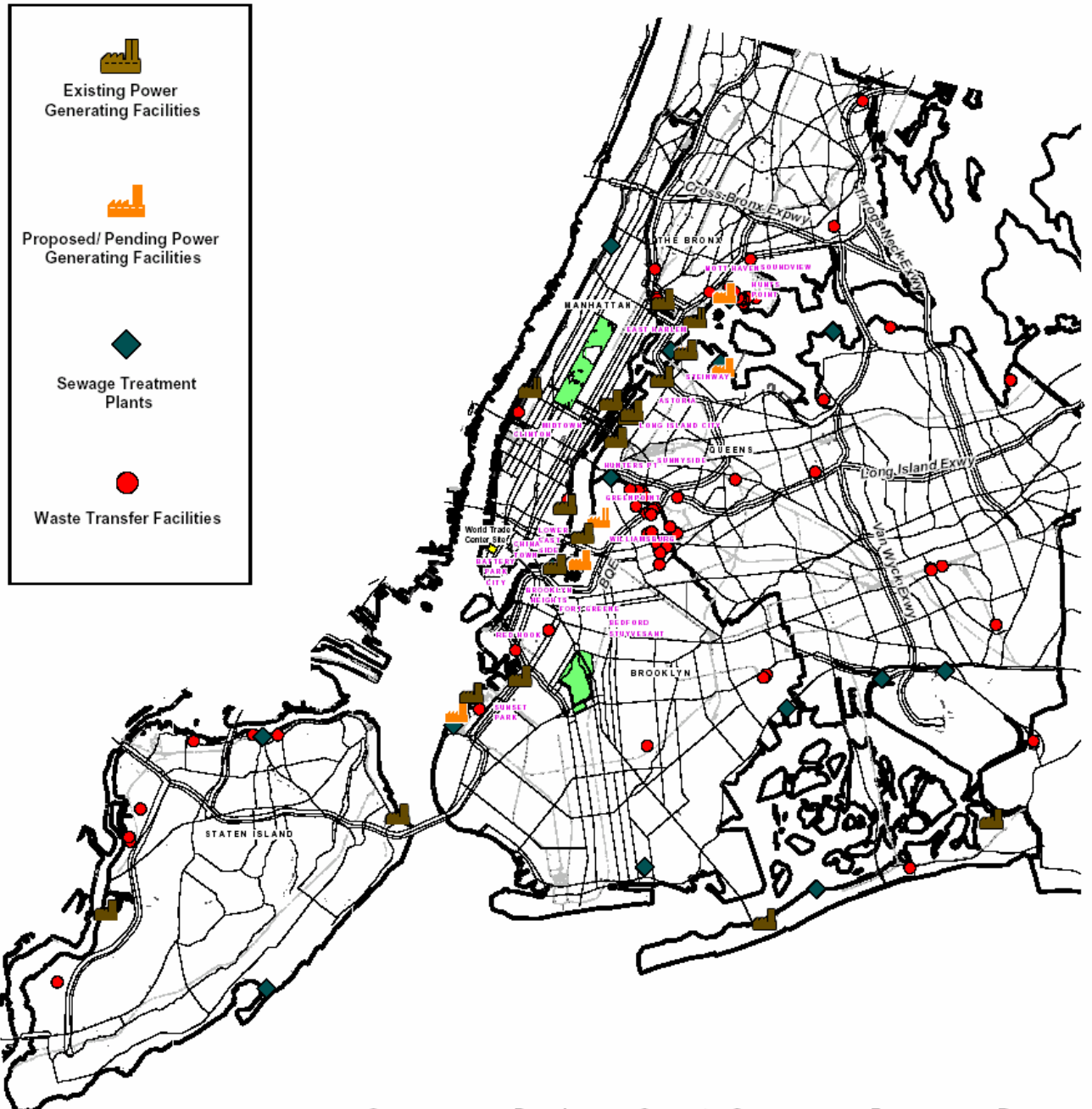
- some critical infrastructure elements, such as location of a bus garage, automobile parking, energy generation and security functions.
- Reduced Office Alternative: We recommend evaluation of an alternative that consists of half the amount of office space (5 million square feet) and half the amount of retail space (500,000 square feet) as the Proposed Action. Given the level of public funding being sought to subsidize the proposed development, we believe the impact of such a scenario must be analyzed, especially in light of the impacts to the overall City economy.
    - This alternative may also examine a greater mix of activities on the WTC site. This mix would include a greater amount of space for cultural and civic activities, housing, green space, open space, and public space.
    - Under this alternative, the difference in office space could be built at other locations throughout Lower Manhattan in a configuration similar to what was called for by the Mayor in New York City's Vision for Lower Manhattan, in which a total of 10 million square feet of new office space throughout the entire district of Lower Manhattan was proposed.
  - Truckless Goods Delivery and Waste Removal Alternative: An additional alternative should thoroughly analyze the different options for goods delivery and waste removal as described in detail in our comments under Task 11, and illustrated in Figure 2.
  - Enhanced Green Alternative: We recommend that the Enhanced Green Construction Alternative, currently included in Task 20 be adapted to encompass environmental enhancement for the lifecycle of the entire project, including on-site systems and practices, and practices (e.g., related to traffic) that may extend beyond the World Trade Center site. This should include different systems for energy reduction, goods delivery, waste removal, traffic, parking, transit use and pedestrian enhancements. This alternative should examine in detail systems for truckless goods movement and waste transfer, as described in detail in our comments under Task 11, the incentives, street management practices, and bus garage and traffic reduction alternatives described in detail in our comments under Task 12, and methods to reduce environmental impacts of the construction process, described under Task 17.

This alternative should also explore the possibility for requiring adherence to environmental standards for both construction and operation of the Proposed Action by adopting a performance-based zoning approach. Performance-based zoning allows for a mix of uses, as long as they adhere to certain standards for air quality, noise, odors and other environmental impacts.

**Figure 1**

**Environmental Justice Impacts of WTC Site Redevelopment**

Infrastructure that provides energy, sewage treatment and solid waste management for Lower Manhattan is remotely located, primarily in low-income communities of color. Therefore, rebuilding the WTC site to the maximum achievable levels of sustainability will minimize the negative impacts on those communities.



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Figure 2: Goods Delivery and Waste Removal System

