

FINAL SCOPING DOCUMENT
FOR THE
Draft Generic Environmental Impact Statement (DGEIS)
City of Syracuse Proposed Lead Ordinance

CITY OF SYRACUSE
Lead Agency, State Environmental Quality Review Act

DECEMBER 17, 2019

INTRODUCTION

The State Environmental Quality Review Act (SEQRA) process has recently been initiated for a proposed action: the City of Syracuse Proposed Lead Ordinance (hereafter, ‘Ordinance’). The City of Syracuse (hereafter, “City”) is proposing to amend its municipal property conservation code to provide the identification, reduction and control of hazards due to the presence of deteriorated lead-based paint in/on pre-1978 structures. The Ordinance will require the presence of deteriorated lead-based paint on the interior and exterior of pre-1978 residential structures and on the exterior of pre-1978 nonresidential structures to be identified and correctly addressed. Recent studies indicate that 10.7% (446) of tested children under age 6 in the City of Syracuse have an elevated blood lead level (EBLL) greater than or equal to 5 mcg/dL.¹ In addition, 87% of all children with EBLL in Onondaga County reside in the City², where nearly all single, two, and three-family structures were built before 1980. The need for a lead ordinance is based on the significant impact that lead exposure has on residents, especially children. The City of Syracuse Proposed Lead Ordinance's main objective is to reduce the rate of lead poisoning in the City.

¹ Onondaga County Health Department. 2018 Annual Report. Published April 8, 2019. 43 pages. Available at <http://www.ongov.net/health/documents/2018OCHDAnnualReport.pdf>

² Onondaga County Health Department. 2018 Annual Report. Published April 8, 2019. 43 pages. Available at <http://www.ongov.net/health/documents/2018OCHDAnnualReport.pdf>

The proposed City of Syracuse Lead Ordinance will have beneficial results concerning human health of City residents; however, the implementation of the Ordinance may also have unintended environmental, human and social impacts. For example, lead exposure due to remediation activities may influence health care costs or result in litigation. The cost of lead-hazard control implementation may be passed on to tenants negatively affecting housing costs. Lead mitigation measures may also affect historic resources. Given the potential significance of the action as it relates to human health, community character, historic resources, etc., the City, as Lead Agency under SEQRA, has determined that a Generic Environmental Impact Statement (GEIS) should be prepared. A GEIS is a type of EIS that is typically used to consider broad-based actions or related groups of actions that agencies may approve, fund, or directly undertake. GEIS documents are more general or conceptual in nature. These documents provide an overall assessment of the Ordinance to have an effect on the environment, and develop standards and mitigating measures to follow for subsequent actions. As such, a GEIS is the most appropriate SEQRA assessment given the scope and magnitude of the proposed action. The GEIS will include an alternatives analysis, which is an effective tool used to identify the preferred alternative for implementation of the proposed action. The alternatives analysis will include a no-build scenario where the Ordinance is not implemented; the benefits and limitations of reasonable alternatives will be compared to the no-build scenario.

PURPOSE OF THE SCOPING DOCUMENT IN SEQRA

The basic purpose of SEQRA is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional, and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare or request an EIS. A Full Environmental Assessment Form (FEAF) was prepared for the Ordinance and accepted by the City on July 29, 2019 (see Attachment 1). Based upon the information in the FEAF, the City (serving as SEQRA Lead Agency) determined that the Ordinance may result in significant adverse environmental impacts and called for the preparation of an EIS.

It was the intention of the State Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations, and that those factors be considered together in reaching decisions on proposed actions. It is not the intention of SEQRA that environmental factors be the sole consideration in decision-making.

The draft scoping document, which represented an initial step in the review of potential environmental impacts under SEQRA for the proposed Ordinance, was adopted by the City of Syracuse (as the SEQRA Lead Agency) and released for comment on October 29, 2019. The primary goals of scoping are to focus an EIS on potentially significant impacts and to eliminate consideration of those impacts that are not relevant or non-significant with respect to the proposed action. The purpose of the draft scoping document was to provide an opportunity for involved agencies, interested agencies, and the public to review and comment on the identification of significant environmental conditions and resources that may be affected by the proposed action, and the extent and quality of information necessary to address those issues during the SEQRA process. The document was made available on the internet at http://www.syr.gov.net/Neighborhood_and_Business_Development.aspx. The document was also made publically available at the Department of Neighborhood & Business Development Office, 201 E. Washington Street, Suite 600, Syracuse, New York 13202. Comments on the draft scoping document were accepted through November 15, 2019.

No comments were received on the draft scoping document.

Pursuant to New York State Environmental Conservation Law Article 8, SEQRA; and Part 617 of Chapter 6 of the New York Code of Rules and Regulations (NYCRR), and the adoption of a positive declaration by the Lead Agency, the City of Syracuse, intends to prepare a Draft Environmental Impact Statement (DEIS) for the proposed Ordinance. In accordance with SEQRA, the DEIS will address specific adverse environmental impacts which can reasonably be anticipated. This final scoping document identifies significant environmental conditions and resources that may be affected by the Project, and defines the extent and quality of information necessary to address those issues. The content of this scoping document is based on the requirements set forth in 6 NYCRR Part 617.8(f), and reflects the Lead Agency's analysis of potential impacts and incorporates the relevant public comments provided on the draft scoping document.

POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS

As set forth in the Positive Declaration approved by the City of Syracuse, the proposed action may have potentially significant environmental impacts on:

- Human health
- Community character
- Historic resources

The Ordinance will not result in significant adverse effects to the following impacts categories; and therefore, the GEIS will not review these items further:

- Geology, Soils, and Topography
- Water Resources
- Climate and Air Quality
- Biological, Terrestrial, and Aquatic Ecology
- Agricultural Resources
- Aesthetic/Visual Resources
- Open Space and Recreation
- Critical Environmental Areas
- Traffic and Transportation
- Energy
- Noise and Odor
- Documented Environmental Conditions
- Land Use and Zoning
- Community Facilities and Services

DGEIS CONTENT OVERVIEW

The DGEIS will include all elements required by 6 NYCRR 617.9, including:

- i. DGEIS Cover Sheet.** All draft and final EISs must be preceded by a cover sheet stating whether it is a draft or final EIS; the name or descriptive title of the action; the location (county and town, village or city) and street address, if applicable, of the action; the name and address of the Lead Agency and the name and telephone number of a person at the agency who can provide further information; the names of individuals or organizations that prepared the GEIS; the date of its acceptance by the Lead Agency; and in the case of a draft GEIS, the date by which comments must be submitted.
- ii. DGEIS Table of Contents.** The table of contents will include listings of DGEIS sections, tables, figures, maps, appendices, attachments and any items that may be submitted under separate cover (and identified as such).

In addition, the DGEIS shall include the following sections:

1.0 EXECUTIVE SUMMARY

The executive summary will include a brief description of the proposed action and a listing of potential environmental impacts and proposed mitigation measures. A summary will also be provided of the approvals and permits required, and the alternatives to the proposed action that are evaluated within the DGEIS.

2.0 DESCRIPTION OF THE PROPOSED ACTION

As described in more detail in the following sections, this chapter of the DGEIS will include a comprehensive description of the site and will provide a detailed discussion of the proposed action utilizing currently available information.

2.1 Site Description

This section of the DGEIS will characterize the size, geographic boundaries, and physiographic characteristics of the site/area. This section will also describe the anticipated limit of work and potential disturbances within the site/area. The relationship of the proposed site/area covered within the Ordinance to adjacent intrastate and interstate highways, and the nearby residential areas, as well as any recognized or protected natural or man-made features will be described. The dominant land use(s) within and adjacent to the site/area will also be discussed.

More detailed descriptions of these resources and any potential impacts will be analyzed in detail in dedicated sections of Chapter 3, as discussed in more detail below.

2.2 Detailed Description of the Proposed Action

The purpose of the proposed Ordinance will be described in this section of the DGEIS. The Ordinance is a City-wide proposal, and will focus on remediating interior and exterior of pre-1978 residential structures and on the exterior of pre-1978 nonresidential structures. The action will be the adoption of the Ordinance. The Ordinance will trigger remediation activities that will be described within the DGEIS.

2.3 Purpose, Need and Benefits

A statement describing the purpose and need for the Ordinance will be provided, along with background and history. This section will also include a brief overview of the environmental, social and/or economic benefits that are anticipated to result. A summary of local and regional economic outcomes which may result will be provided.

2.4 Reviews, Approvals and Other Compliance Determinations

Governmental agencies having approval over the Ordinance will be listed in this section, with explanation of the nature of their jurisdiction and the specific approvals required from each listed entity. In addition, the details associated with the SEQRA process for the proposed action will be included, along with a discussion of agency and public review and participation.

3.0 EXISTING CONDITIONS, POTENTIAL IMPACTS, AND MITIGATION MEASURES

With respect to each issue (or set of issues) described below in the various resource sections, the corresponding section of the DGEIS will identify in sequence: the existing environmental conditions; the potential impacts of the proposed Ordinance; and anticipated measures to avoid, minimize, and/or mitigate those impacts, as appropriate. The impacts and mitigation measures presented in these sections will include those related to the proposed Ordinance's operation as well as its construction.

The text of these sections will be supplemented with maps, graphics, agency correspondence and agency data/analyses, Geographic Information System (GIS) data and newly prepared support studies, as appropriate, to convey the required information.

3.1 Historic, Cultural, and Archaeological Resources

The City of Syracuse features hundreds of historic properties that are listed in the National Register of Historic Places either individually or as part of one of the City's 15 historic districts. In addition, there are hundreds more architectural and cultural resources that are eligible for listing in the National Register. Because lead mitigation activities may have an adverse impact on historic resources, the City of Syracuse has entered into consultation with the State Historic Preservation Office (SHPO) and the Syracuse Landmark Preservation Board (SLPB) in order to reduce or avoid significant adverse impacts to historic and cultural resources. Consultation and/or correspondence related to historic, cultural, and archaeological resources will be included in an Appendix to the DGEIS.

3.2 Public Health and Safety

This section will generally describe existing conditions at the site relative to public health and safety. Human health implications are at the forefront of this proposal; the Ordinance's main objective is to improve health within the City as it pertains to lead hazards. The finalization of the Ordinance must consider the following:

- Protect renters from lead hazards, including during remediation activities
- Create safe work practices for lead-based paint disturbance
- Identify clearance examination standards for determining success or failure of controls and/or remediation work

Health implications will be assessed in the DGEIS as this impact category may have significant adverse environmental impacts if the Ordinance is not implemented effectively.

3.3 Growth and Community Character

The Ordinance involves amending the municipal property conservation code to provide for the identification, reduction and control of hazards due to the presence of deteriorated lead-based paint in/on pre-1978 structures. As such, the proposed action will impact pre-1978 structures and associated land uses adjacent to such properties. There are potential economic implications associated with introduction of necessary maintenance and repair requirements that could result in adverse impacts. Items for consideration include, but are not limited to, the following:

- Property types effected
- Tenant protections, including how occupants will be protected against retaliatory eviction, and additional protections, rights, and causes of action exist
- Disclosure and other requirements upon property transfer
- The potential for housing abandonment associated with cost of remediation activities

Additional economic items to consider with regard to the no-build scenario include:

- Loss of future income of affected families and individuals
- Increased health care costs
- Need for special education
- Increase burden on the criminal justice system
- Cost to New York State for lead poisoning intervention efforts

- Increased need for/cost of litigation or legal counsel

The DGEIS will assess how the proposed action may impact the character of the community and mitigation measures will be identified, as needed.

4.0 UNAVOIDABLE ADVERSE IMPACTS

This section of the DGEIS will identify impacts that may occur despite mitigation measures, and will compare these unavoidable impacts to Ordinance-related benefits. This section will also identify general avoidance and mitigation measures (e.g., adherence to applicable regulatory requirements), and specific mitigation measures.

5.0 ALTERNATIVES ANALYSIS

The DGEIS will include a description and evaluation of the range of reasonable alternatives to the proposed action that are feasible, considering the objectives of the City. Alternatives to be considered will include the “No Action” alternative.

Preliminary alternatives identified by the City to be considered are provided below.

Alternative 1: Establish a lead ordinance that requires that the presence of deteriorated lead-based paint on the interior and exterior of pre-1978 residential structures and on the exterior of pre-1978 nonresidential structures be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to such hazards. The Ordinance will require inspections for lead paint hazards as part of the City’s current inspection processes associated with rental units. Included in this alternative are the following components:

- Inspections for lead paint hazards will occur during the time for a City housing inspection triggered by a new or renewal certificate of compliance pursuant to Section 27-15 of the Property Conservation Code of the City of Syracuse, an application for a rental registry certificate pursuant to Section 27-131 of the Property Conservation Code of the City of Syracuse, or based upon the filing of a complaint, shall include a visual assessment for deteriorated paint and bare soil violations.

- Housing units will be exempt if they are already required to be safe from lead paint hazards under Federal law, or an Environmental Protection Agency (EPA) certified risk assessor deems the unit has no lead-based paint.
- The lead ordinance will assume the presence of lead-based paint in all properties built before 1978.
- Property owners will be required to repair areas of documented deteriorated paint and then pass a clearance inspection.
- Authorization of City officials to identify a “high risk” area based on the Onondaga County Health Department inspections data in conjunction with elevated blood-level inspections. High-risk areas are subject to additional inspection and clearance requirements as compared to areas outside this designated area.
- Establish that all inspections, including those performed as part of an application for rental certificate or based on a complaint, should include a visual assessment for deteriorated paint and bare soil violations. If no interior deteriorated paint violations are identified during the visual assessment and the property is in the high-risk area, a dust-wipe sample must be taken to determine whether a lead-dust hazard exists.
- The Ordinance will detail procedures for how dust-wipe samples will be taken, establish standards for clearance examination by a third-party and report, and allow for city officials to undertake an audit of clearance examinations at the discretion of the Director of Code Enforcement.
- Establish violation standards and penalties.

Alternative 2: Establish a lead ordinance that requires that the presence of deteriorated lead-based paint on the interior and exterior of pre-1978 residential structures and on the exterior of pre-1978 nonresidential structures be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to such hazards. The Ordinance will require inspections for lead paint hazards as part of the City’s current inspection processes associated with rental units. As compared to Alternative #1, this alternative excludes designation of a ‘high risk’ area and subsequent dust-wipe sample clearance protocols. Included in this alternative are the following components:

- Inspections for lead paint hazards will occur during the time for a City housing inspection triggered by a new or renewal certificate of compliance pursuant to Section 27-15 of the Property Conservation Code of the City of Syracuse, an application for a rental registry certificate pursuant to Section 27-131 of the Property Conservation Code of the City of Syracuse, or based upon the filing of a complaint, shall include a visual assessment for deteriorated paint and bare soil violations.
- Housing units will be exempt if they are already required to be safe from lead paint hazards under Federal law, or an Environmental Protection Agency (EPA) certified risk assessor deems the unit has no lead-based paint.
- The lead ordinance will assume the presence of lead-based paint in all properties built before 1978.
- Property owners will be required to repair areas of documented deteriorated paint and then pass a clearance inspection.
- Establish that all inspections, including those performed as part of an application for rental certificate or based on a complaint, should include a visual assessment for deteriorated paint and bare soil violations.
- The Ordinance will establish standards for clearance examination by a third-party and report, and allow for city officials to undertake an audit of clearance examinations at discretion of the Director of Code Enforcement.
- Establish violation standards and penalties.

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section of the DGEIS will identify those natural and man-made resources consumed, converted, or otherwise made unavailable for future use as a consequence of the proposed Ordinance.

7.0 CUMULATIVE IMPACTS

The DGEIS will evaluate the potential cumulative impacts of the proposed action along with other relevant regulations/changes in policy.

8.0 GROWTH INDUCING ASPECTS

This section of the DGEIS will describe potential growth-inducing aspects the proposed Ordinance may have in the City.

9.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

This section of the DGEIS will describe the effect of the proposed Ordinance on the use and conservation of energy.

10.0 REFERENCES

This section of the DGEIS will list any sources of information cited directly within the narrative text unless otherwise recognized or footnoted within the text.

APPENDICES TO ACCOMPANY DGEIS

At a minimum, and as described in more detail in the previous sections, the following materials will be included in an Appendix to supplement the information presented within the narrative:

- Relevant maps and figures
- Relevant agency correspondence