18 PUBLIC HEALTH

18.1 Introduction

Per the 2021 *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The *CEQR Technical Manual* states that the goal of a public health assessment is "to determine whether adverse impacts on public health may occur as a result of a proposed project and, if so, to identify measures to mitigate such effects."

18.2 Principal Conclusions

The Proposed Actions would not result in a significant adverse public health impact. Per the *CEQR Technical Manual*, if there are no unmitigated significant adverse impacts identified in CEQR analysis areas such as hazardous materials, water quality, air quality, noise, or construction, a public health analysis is not warranted. The Proposed Actions would not result in unmitigated significant adverse impacts in the CEQR technical areas of hazardous materials, water quality, or air quality during the operational or construction phases.

Hazardous Materials

Construction of the Proposed Development would be required to follow the New York State Department of Environmental Conservation (NYSDEC)-approved Change of Use Work Plan that outlines protocols for the management and disposal of solid waste, hazardous materials, and any other toxic pollutants, if identified. The Change of Use Work Plan will also require environmental oversight and monitoring conducted under the supervision of a NY State licensed engineer to reduce potential exposure to hazardous materials. Following completion of the subsurface work, Bally's would be responsible for

the continued inspection, monitoring and reporting requirements to NYSDEC, which would reduce the burden on the City to monitor the Development Site. Bally's requirements for monitoring and maintaining the environmental protection systems on the Development Site would be outlined in a new Post Construction Custodial Care Plan (PCCCP).

With regards to Ring Road, the uninterrupted circular roadway within Ferry Point Park (the Park) that connects the southbound and northbound Hutchinson River Expressway service roads, a Phase II Environmental Site Investigation (ESI) work plan, which includes a health and safety plan, was prepared and submitted to the New York City Department of Environmental Protection (NYCDEP) for review and approval. NYCDEP approved the Phase II ESI work plan in a letter dated 30 September 2024. Based on the findings of the Phase II ESI, a remedial action plan (RAP) and construction health and safety plan (CHASP) may be required. If required, the RAP and CHASP would be completed prior to the Final EIS and would be reviewed and approved by NYCDEP prior to the start of development. If required by NYCDEP, institutional controls may also be necessary to ensure the maintenance and oversight of any required engineering controls.

If encountered during the reconstruction of Ring Road, hazardous materials or municipal solid waste would be handled per local, state, and federal regulations. NYCDEP oversight and compliance with local, state, and federal regulations would preclude the potential for unmitigated significant adverse hazardous materials impacts.

Water Quality

The Proposed Development has the potential to improve the East River and Westchester Creek's water quality over existing conditions. Currently, stormwater is discharged from the Development Site into stormwater sewers in Ferry Point Park. The stormwater that enters this system in Ferry Point Park ultimately discharges into the East River to the east of the Whitestone Bridge. With the Proposed Actions, new development would be required to follow the Uniform Stormwater Rule, which requires stormwater to be treated prior to being discharged. Thus, the Proposed Development would improve the quality of water discharged from the Development Site to the existing stormwater sewer system and the East River.

Air Quality

The Proposed Actions would not have the potential to result in significant adverse air quality impacts during the operational and construction phases. The Proposed Facility would use electric- or steam-powered heat and hot water systems, and is not proximate to a large/major industrial air emissions source. Project-generated traffic during the operational and construction phases would not have the potential to result in a significant adverse air quality impact.

Noise

The Proposed Actions would not result in a significant adverse noise impact during the construction phase; however, during the operational phase, the Proposed Actions may have the potential to result in a significant adverse noise impact to Ferry Point Park in the area that is west of the Hutchinson River Expressway and immediate to Ring Road. This potential for a significant adverse noise impact during the operational phase would be

from increased traffic along Ring Road. Potential measures to mitigate this significant adverse impact have been identified in Chapter 22 of the EIS "Mitigation" and will be explored between Draft and Final EIS.

While the Proposed Actions would increase noise in the area of Ferry Point Park west of the Hutchinson River Expressway and adjacent to Ring Road, it would not result in a significant adverse public health impact. The experienced noise levels would not exceed 72.5 A-weighted decibels (dB[A]) and would not result in exposures that exceed CEQR "nuisance" levels. The nearby areas do not contain residential uses and are predominately used by transient park users (i.e., daytime users) for recreational uses. These users are currently exposed to noise generated by nearby roadways as well as other recreational users (including for organized sports, public gatherings, recreational events, barbecues, and picnics) and this area is not an area used for serenity and quiet.

Gambling Addiction

A qualitative analysis on gambling addiction was also included to analyze the potential public health effects of the Proposed Actions. Gambling addiction only affects a small portion of the United States population, with approximately one percent of adults experiencing pathological gambling and an additional four to six million classified as problem gamblers. Vulnerable groups, including those with other addictions and mental health conditions, are particularly at risk. Because of the data on problem gambling, Bally's has implemented a variety of strategies aimed at supporting local communities and reducing the prevalence of gambling addiction, including collaboration with mental health and addiction services, community outreach, and education initiatives to promote healthy gambling behaviors. Bally's serves on numerous responsible gaming boards at both a national and local level for gaming industry groups and other non-profit and advocacy organizations to address problem gambling and is actively enhancing their existing enterprise-wide policies supporting self-exclusion.[1] Bally's also received a three-year Responsible Gaming Check accreditation for Ballycasino.com and Virgincasino.com This accreditation is a thorough assessment conducted by independent organizations to evaluate a gaming operator's adherence to responsible gambling practices and standards. This process ensures that operators, such as casinos or online gaming platforms, implement effective policies and measures to promote safe and responsible gambling among their patrons. Bally's receipt of this accreditation demonstrates Bally's commitment to achieving the highest responsible gaming standards available in the industry today.

18.3 Methodology and Preliminary Screening

The *CEQR Technical Manual* states that a public health assessment is not necessary for most actions. Generally, a public health assessment is required when a proposed action has the potential to result in significant unmitigated adverse impacts to hazardous materials, water quality, air quality, or noise during construction or operations. While unlikely, a proposed action could have the potential to result in significant public health impacts unrelated to other technical areas. A public health assessment considers the extent of the potential environmental exposure, the potential health impacts, and their

[1] Self-exclusion allows individuals to ban themselves from gambling establishments.

significance, and, if warranted, recommends measures to reduce and prevent exposures. The assessment first identifies the extent of potential environmental exposures to the public as the result of a project. Secondly, the assessment next identifies the potential health impacts associated with the identified exposure pathway related to that technical area.

If a public health assessment is warranted, the proposed actions should be evaluated to determine whether and how exposure to environmental contaminants may occur and the extent of that exposure. The relationship between exposure and health risks should be characterized, and that relationship should be applied to the population exposed. As noted above, the public health assessment is a stepwise process:

- Step 1: Identify the extent of potential environmental exposures to the public as a result of a proposed project. The levels or concentrations of hazardous substances and contaminants should be analyzed, and whether people would be exposed and how they might be exposed (the "exposure pathways" – breathing air, drinking or contacting water, etc.). If the exposure assessment does not find potential environmental hazard exposures to the public as a result of a proposed project, then no further analysis is necessary.
- Step 2: Identify potential health impacts as a result of identified exposure pathways, if necessary. The analysis must determine whether hazardous substances might harm people, whether working or living nearby might affect their health, or whether the proposed project may result in other dangers such as physical hazards. If potential health exposures are identified for a particular environmental media, that specific area should be further examined.
- Step 3: In consultation with the Lead Agency, determine the potential significance of the impact, if necessary. Baseline conditions about neighborhoods, populations, and health status and disease burdens are important to considered when determining the significance of a public health impact. Impacts may be either adverse (increasing the frequency or severity of illness) or positive (decreasing its incidence).
- Step 4: Recommend steps to reduce and prevent exposures.

Impact Criteria

In coordination with the Lead Agency, the data that describes baseline conditions are used to consider whether a project would result in a significant adverse public health impact.

18.4 Existing Conditions

The Development Site is an approximately 18-acre parcel located entirely within Bally's Golf Links at Ferry Point (the "Golf Course"), a 222-acre public golf course in the Bronx. The Golf Course is a part of Ferry Point Park and under the jurisdiction of NYC Parks. Bally's is the licensee and operator of the Golf Course. The "Affected Area" includes the Development Site and the improved Ring Road.

Hazardous Materials

The NYC Department of Sanitation (DSNY) operated a municipal solid waste landfill on a portion of the Park to the east of the Whitestone Bridge from 1952 to 1970. The

Development Site is within the footprint of the former landfill. In 2000, the New York Department of Environmental Conservation (NYSDEC) issued Part 360 Permit No. 2-6006-00014 (the "Part 360 Permit") to allow the import and placement of nonhazardous, regulated fill that was necessary for NYC Parks and Ferry Point Partners, LLC (FPP) to construct the Golf Course. In 2007, NYC Parks terminated the license agreement with FPP and took over site development responsibilities. In 2013, NYC Parks prepared a PCCCP to comply with the requirements of the Part 360 Permit and to define the post-construction criteria applicable to operate, monitor, and maintain the environmental protection systems installed at the former landfill. In addition, a Declaration of Covenants and Restrictions was recorded against the former landfill property that requires written authorization be obtained from NYSDEC for a change of use other than for the project described in the Part 360 Permit. Monitoring of the cover system, groundwater, landfill gas, and sub-slab depressurization system is ongoing within the footprint of the Development Site.

Based on the as-built drawings of the Golf Course (Appendix G of this EIS) and the 2023 Semi-Annual Post Closure Certification Report (Appendix F), the following environmental systems and/or monitoring are ongoing within the Development Site:

- Quarterly monitoring of the final cover system and biannual infrastructure inspections;
- Semi-annual inspections of the asphalt pavement of the golf clubhouse parking lot;
- Monthly piezometer monitoring;
- The sub-slab depressurization system beneath the current Golf Course clubhouse is being monitored on a quarterly basis;
- Groundwater monitoring wells are currently being sampled on a biennial basis; and
- Landfill gas (LFG) monitoring wells and passive vents are being monitored on a quarterly basis.

A Phase I Environmental Site Assessment (ESA) was conducted for Ring Road and found two recognized environmental concerns (RECs) – current and historical use of the adjoining and surrounding properties, and non-native fill. Based on the Phase I ESA findings, a Phase II Environmental Site Investigation (ESI) work plan and construction health and safety plan (HASP) were developed to investigate the RECs. NYCDEP approved the Phase II ESI work plan in a letter dated 30 September 2024. The Phase II ESI will be conducted between Draft and Final EIS. Based on the findings of the Phase II ESI, a Remedial Action Plan (RAP) and CHASP may be required, which would be completed for the Final EIS and reviewed and approved by NYCDEP prior to the start of development. If required by NYCDEP, institutional controls may also be necessary to ensure the maintenance and oversight of any required engineering controls.

Water Quality

The Development Site's existing sanitary system discharges to a combined sewer system in Emerson Avenue (east of the Development Site) and is conveyed to the Hunts Point Wastewater Resource Recovery Facility (WRRF) for treatment and discharge to the East River. The Hunts Point WRRF has operated since 1952 and has a design capacity to treat 200 million gallons per day (mgd) of wastewater. As discussed in Chapter 11 of this Environmental Impact Statement (EIS), "Water and Sewer Infrastructure," in 2023-2024

the Hunts Point WRRF has an excess capacity of 66.64 mgd – approximately 33 percent of its total capacity.

The Development Site currently retains on-site stormwater runoff using detention ponds. These detention ponds connect to a separate stormwater sewer system that runs south along a park roadway parallel to the Whitestone Bridge on the east side of the Park. This stormwater sewer connects to an outfall in the East River, where stormwater is discharged to the East River. Stormwater on Ring Road either sheet flows across the roadway to other portions of Ferry Point Park or gets collected in existing stormwater drains. Stormwater is then conveyed to existing outfalls that discharge to either Westchester Creek or the East River.

Air Quality

There are no registered industrial sources within 400 feet (except for a generator registered to the Development Site), or large/major sources within 1,000 feet, of the Development Site. Existing concentrations of $PM_{2.5}$, PM_{10}, carbon monoxide, and nitrogen dioxide from vehicular emissions do not exceed the National Ambient Air Quality Standards (NAAQS) or de minimis thresholds within the Mobile Air Quality Study Area.

Noise

The dominant ambient noise sources in the area are generated by vehicular traffic on the Hutchinson River Expressway. Ambient noise sources noise in the area of Ferry Point Park that is west of the Hutchinson River Expressway and immediate to Ring Road also include noise generated by daily park users engaging in recreational and leisure activities. The ambient noise conditions were measured to be less than 85 dB(A), the *CEQR* noise level above which prolonged exposure will eventually harm hearing and affect public health.

18.5 No-Action Condition

In the No-Action Condition, existing conditions on the Development Site would remain. The one-story, 25,265-gsf golf clubhouse, accessory surface parking lot, a portion of the practice area, and other landscaped area would remain as existing conditions.

In the No-Action Condition, existing operations on the Development Site would continue. The existing uses on the Development Site are allowable uses on parkland pursuant to a license agreement between Bally's and NYC Parks and the Declaration of Covenants and Restrictions. NYC Parks' operation, monitoring, and maintenance of the former landfill would continue per the PCCCP. The quality of stormwater being discharged into the East River would not be improved and would not meet the requirements of the Uniform Stormwater Rule.

Absent the Proposed Actions, no ground disturbance would occur on Ring Road, and it would remain as a one-lane, one-way park roadway. The roadway would not be widened, and no additional improvements would be made to the roadway or existing roadway infrastructure. Traffic controls to enhance pedestrian safety would not be implemented, and walking and biking paths for cyclists and pedestrians would not be developed. Flooding along the roadway would continue, and drainage improvements would be incorporated into the roadway.

As described in Chapter 19 of this EIS, "Noise," the projected noise level at location 4 – which is representative of conditions in the area of Ferry Point Park that is west of the Hutchinson River Expressway and immediate to Ring Road – would range between 60.6 dB(A) and 66.8 dB(A). As described in Table 19-1 of the *CEQR Technical Manual*, a noise environment of 60-70 dB(A) is typical of an urban area.

18.6 With-Action Condition

In the With-Action Condition, Bally's would construct the Proposed Facility and replacement standalone golf clubhouse on the Development Site. The Proposed Facility would contain approximately 561,320 gsf of gaming and food and beverage space, an approximately 500-key hotel with a spa and meeting space, a 2,000-person event center, approximately 6,100 gsf of sundry retail, and a new police substation. The replacement golf clubhouse would be approximately 40,160 gsf.

The cumulative construction period would be approximately 30 months during which the Proposed Facility and replacement golf clubhouse would be constructed concurrently, and Ring Road would be improved to meet City street standards.

Operational

Hazardous Materials

Development Site

After construction, a new PCCCP will be completed and which would define the future operation, maintenance, and monitoring requirements for the operator of the Development Site. The new PCCCP will identify ongoing monitoring and maintenance requirements, and engineering and institutional controls applicable to the Proposed Development post construction to ensure that there are no impacts to public health, or the environment associated with the former landfill use. The existing PCCCP will be updated to exclude the Development Site and associated infrastructure. Both PCCCPs will identify use restrictions and provisions to ensure that the engineering and institutional controls remain in place and are effective at the former landfill. Future monitoring within the Development Site would be the responsibility of Bally's rather than NYC Parks, thereby reducing the obligation of the City of New York to dedicate resources to monitor the Development Site.

The existing Declaration of Covenants and Restrictions would be amended to remove the Development Site from the covered area and replaced with a new Declaration of Covenants and Restrictions created specifically for the Development Site. With oversight provided by NYSDEC through the change of use work plan, PCCCP, and Declaration of Covenants and Restrictions, the potential for significant adverse public health impacts in the area of hazardous materials would be precluded.

Ring Road

Once constructed, ownership of Ring Road would be transferred to the New York City Department of Transportation (NYCDOT). Operation and maintenance would be at the discretion of the City. Remedial actions, if identified in the NYCDEP-approved remedial action plan (RAP), would be implemented by Bally's. With oversight from NYCDEP and

NYCDOT, improvements to Ring Road would not result in a significant adverse public health impact in the area of hazardous materials, and no further analysis is warranted.

Water Quality

The Proposed Actions do not have the potential to result in significant adverse public health impacts in the area of water quality. Per CEQR methodologies, the Proposed Development would result in an increase of approximately 0.38 mgd of wastewater generated over the No-Action Condition, which would represent 0.19 percent of Hunts Point WRRF's total capacity and 0.57 percent of the excess capacity. Project-generated wastewater would not cause the Hunts Point WRRF to operate over its permitted capacity.

Project-generated stormwater would be conveyed to existing stormwater outfalls through connection to existing infrastructure. The stormwater permitting for the Proposed Development would be under NYCDEP's jurisdiction, who would ensure compliance with the Unified Stormwater Rule and the applicable agencies would review and approve the connection process to the existing outfalls. As a part of the stormwater permitting process, existing stormwater drains and proposed stormwater connections and detention structures would be provided to NYCDEP for review and approval to ensure the Proposed Development complies with the stormwater release rate. Additionally, the Proposed Development would be required to follow the Uniform Stormwater Rule, and stormwater discharge would be detained and treated prior to being discharged into the surrounding waterbodies. Thus, compared to the No-Action Condition, the With-Action Condition would improve the East River and Westchester Creek's water quality.

With the Proposed Actions, Ring Road would be mapped as a City street and transferred to NYCDOT. Ring Road would be improved with stormwater infrastructure in accordance with NYCDEP regulations. With NYCDEP and NYCDOT oversight, improvements to Ring Road would not result in significant adverse public health impacts in the area of water quality, and no further analysis is warranted.

Air Quality

The Proposed Actions would not result in a significant adverse air quality impact. As described in Chapter 15 of this EIS, "Air Quality," the Proposed Facility would use electric- or steam-powered heat and hot water systems and is not proximate to a large/major industrial air emissions source. The Proposed Actions would not introduce a new industrial air emissions source or generate significant adverse air quality impacts from mobile air quality sources. Accordingly, the Proposed Actions would not result in significant adverse public health impacts in the area of air quality, and no further analysis is warranted.

Noise

The Proposed Actions would not introduce a noise source that is atypical of new commercial development in an urban setting. New noise sources would include mechanical equipment at both the Proposed Facility and the replacement golf clubhouse. The new mechanical equipment would comply with the New York City Noise Code. However, the Proposed Actions would likely increase existing peak-hour traffic volumes in the Study Area, and the Development Site is proximate to the Hutchinson River Expressway.

Ferry Point Park

As outlined in Chapter 17 of this EIS, "Noise," Location 4 is representative of the worst-case noise condition within Ferry Point Park in the area that is west of the Hutchinson River Expressway and immediate to the exterior of Ring Road. At this location, the projected With-Action Condition L_{eq} noise levels would be 68.6 to 72.5 dB(A) depending on the peak hour. This range would not exceed outdoor CEQR "nuisance levels" – defined as more than 70 dB(A) and up to 75 dB(A). Per Table 19-1 of the *CEQR Technical Manual*, a noise level of 70 dB(A) is the typical noise level experienced by a pedestrian on a sidewalk with passing automobiles with mufflers. The With-Action noise levels are also not projected to exceed 85 dB(A), the noise level above which will eventually harm hearing with prolonged exposure.

The *CEQR Technical Manual* states that a change of 3 dB(A) is just noticeable, a change of 5 dB(A) is clearly noticeable, and a change of 10 dB(A) is perceived as a doubling or halving of sound level. Compared to No-Action noise levels, peak-hour noise would increase at the immediate exterior of Ring Road between 3.9 dB(A) and 9.6 dB(A). Per the *CEQR Technical Manual,* when noise levels increase by more than 3 dB(A) above a No-Action noise level of 62 dB(A), this may be considered a significant adverse noise impact. Accordingly, the worst-case peak-hour increase of up to 9.6 dB(A) would be up to 6.6 dB(A) above CEQR impact criteria for noise.

This significant adverse mobile source noise impact could potentially be mitigated by one or more of the following potential mitigations:

- Incorporate a noise-attenuating barrier in Ring Road or near the boundary between Ring Road and the Park that would provide at least 6.6 dB(A) of noise attenuation.
- Implement travel-demand management measures to minimize project-generated vehicle trips, which would reduce noise levels generated by project-generated traffic on this portion of Ring Road.
- Implement traffic mitigations that reduce traffic-generated noise west of the Hutchinson River Expressway and immediate to the exterior of Ring Road.

Additional noise modeling may be conducted between the Draft and Final EIS and will be further explored by Bally's in consultation with the relevant agencies. Such modeling may eliminate or reduce the extent of the significant adverse noise impact.

If mitigation is deemed infeasible and no alternative mitigation measures can be identified, then this significant adverse noise impact would remain unmitigated.

As set forth in the *CEQR Technical Manual*, unmitigated significant adverse noise impacts may warrant a public health assessment. This assessment will evaluate whether and how exposure to elevated noise levels affect health outcomes.

As noted above, Step 1 of a public health assessment pursuant to the *CEQR Technical Manual* identifies the population that could potentially be exposed. In the area immediate to the exterior of Ring Road, park users primarily use this area for picnics, barbeques, and other active and passive recreational uses. The area immediate to Ring Road is also used for active recreation by park users who prefer to use non-paved surfaces (i.e., joggers). The park users that use areas near the exterior of Ring Road would be exposed to elevated noise levels from project-generated traffic, although, as noted above, the projected With-Action L_{eq} noise levels would not exceed the CEQR nuisance levels.

Chapter 19 of the *CEQR Technical Manual*, "Noise," further notes that "outdoor areas can be a receptor type where they are "tracts of land where serenity and quiet are extraordinarily important and serve as important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes."

The area of Ferry Point Park that could potentially experience an unmitigated significant adverse noise impact is currently subjected to noise generated from recreational activities in the Park, as well as vehicular traffic along both Ring Road and the Hutchinson River Expressway. Passive recreational uses such as picnics and barbeques also contribute to the area's noise conditions, and active recreational uses such as sports or other games also contribute noise to the area. Thus, the area of Ferry Point Park that is west of the Hutchinson River Expressway and immediate to Ring Road is not used for serenity and quiet.

The recreational activities that occur immediate to Ring Road are transient, and park users are currently exposed to vehicular-generated noise. Thus, the potential unmitigated significant adverse noise impact would only affect park users when they are temporarily exposed to project-generated vehicular noise.

In sum, the potential unmitigated significant adverse noise impact would not result in a significant adverse public health impact because the public's exposure to the project-generated unmitigated significant adverse noise impact would be minimal, transient, of a short duration, and in an area where existing noise levels fall in the decibel range that the *CEQR Technical Manual* indicates is typical of an urban area.

Accordingly, significant adverse public health impacts from noise can be ruled out and Step 2 is not warranted for project-generated noise on Ferry Point Park.

Development Site

Given the proximity of the Hutchinson River Expressway to the west façade, the Proposed Development would incorporate a minimum of 35 dB(A) window/wall requirement for facades that have line-of-sight and are within 150 feet of the Hutchinson River Expressway. For remaining facades that have line-of-sight and are beyond 150 feet from the Hutchinson River Expressway, the requirements will drop one tier down to 33 dB(A). This requirement would be memorialized through an E-Designation, E-824, placed on the Development Site. An alternate means of ventilation (i.e., air conditioning) that does not degrade the acoustical performance of the proposed buildings' façades would also be provided. With attenuation requirements in place, the Proposed Actions do not have the potential to result in a significant adverse noise impact to the Proposed Development.

Construction

Hazardous Materials

Development Site

Project-generated construction does not have the potential to result in significant adverse public health impacts in the area of hazardous materials. As discussed in Chapter 20 of this EIS, "Construction," ground-intrusive activities necessary to develop the Proposed Facility and golf clubhouse would be conducted pursuant to a Change of Use Work Plan approved by NYSDEC, and environmental oversight and monitoring would be conducted under the supervision of a licensed engineer. Per the NYSDEC-approved Change of Use Work Plan, the licensed engineer would oversee the screening of excavated material, observe imported materials, and oversee implementation of both a community air monitoring plan (CAMP) and a Storm Water Pollution Prevention Plan (SWPPP). Both the SWPPP and CAMP would be detailed within the Change of Use Work Plan, which would be reviewed and approved by NYSDEC prior to construction.

With construction activities occurring pursuant to a NYSDEC-approved change of use work plan, project-generated construction would not result in significant adverse impacts related to public health in the area of hazardous materials for the Development Site.

Ring Road

Based on the Phase I ESA findings performed for Ring Road, a Phase II ESI Work Plan and CHASP were developed to investigate the RECs. NYCDEP approved the Phase II ESI work plan in a letter dated 30 September 2024. The Phase II ESI will be conducted between Draft and Final EIS. Based on the findings of the Phase II ESI, a RAP and CHASP may be required, which would be completed for the Final EIS and reviewed and approved by NYCDEP prior to the start of development. If required by NYCDEP, institutional controls may also be necessary to ensure the maintenance and oversight of any required engineering controls. With oversight from NYCDEP, improvements to Ring Road would not result in a significant adverse public health impact in the area of hazardous materials, and no further analysis is warranted.

Water Quality

The Proposed Actions do not have the potential to result in significant adverse public health impacts in the area of water quality relating to construction. A State Pollutant Discharge Elimination System (SPDES) general permit would be required for construction. As required by this permit, Bally's would develop a SWPPP to address construction-related stormwater management measures. The SWPPP would define the required temporary and permanent erosion control measures to minimize erosion and stabilize surfaces (i.e., vegetative covers, pavement, gravel, etc.). The SWPPP would also require a monitoring program during construction to document the construction's consistency with the NYSDEC-approved SWPPP. Additionally, measures to protect the freshwater wetland south of the Ring Road would include the placement of a silt fence around the limit of disturbance, and inlet protection for both soil erosion and sediment control measures.

As discussed previously, NYSDEC would maintain oversight of construction through a Change of Use Work Plan, and construction would comply with all applicable NYSDEC regulations to minimize temporary effects to water quality. Accordingly, with this oversight from NYSDEC, project-generated construction would not result in significant

adverse public health impacts in the area of water quality, and no further analysis is warranted.

Air Quality

As described in Chapter 20 of this EIS, "Construction," Bally's has committed to the use of Best Available Technology (BAT) or Tier 4 non-road construction equipment such as the use of low-diesel fuel equipment. With this commitment, construction of the Proposed Development would not result in significant adverse air quality impacts from construction equipment. Dispersion modeling of construction-related air emissions for mobile construction sources determined that pollutant emissions would be below the NAAQS and CEQR *de minimis* thresholds. Accordingly, construction of the Proposed Development would not result in significant adverse public health impacts in the area of air quality, and no further analysis is warranted.

Noise

Project-generated construction would not result in significant adverse public health impacts in the area noise. During construction of the Proposed Development, the increases in noise levels at nearby receptors would primarily be caused by the noise emitted from construction equipment and from vehicles traveling to and from the construction site. Construction-generated noise levels at sensitive receptors vary widely and depend on the stage of construction and the location of the construction activities relative to noise-sensitive receptor locations.

The detailed noise analysis found that project-generated construction may increase noise levels by more than the CEQR screening threshold of 3 dB(A), thus the analysis assumed a uniform worst-case condition. The maximum quarterly noise increase at the sensitive receptor sites, as detailed in Chapter 20 of this EIS, "Construction," would be experienced at the existing Golf Course, where the increase in noise is projected to increase to 78.2 dB(A), an increment of up to 16.9 dBA during a single quarter (Q8). Noise increases would not exceed the NYC Noise code limit of 85 dBA at any receptor. Accordingly, construction of the Proposed Actions would not result in a significant adverse public health impact in the area of noise, and no further analysis is warranted.

Gambling Addiction

Gambling addiction, or "problem gambling," affects a small portion of the United States population, with approximately one percent of adults experiencing pathological gambling and an additional four to six million classified as problem gamblers. Vulnerable groups, including those with other addictions and mental health conditions, are particularly at risk. In New York, while a majority of the population engages in non-problematic gambling behaviors, a notable minority is at risk of developing gambling-related issues. Problem gambling encompasses a range of behaviors that may not meet the full criteria for pathological gambling but still lead to financial, relational, and mental health problems.

The introduction of gambling facilities such as casinos has mixed effects on local communities. While these establishments create jobs and generate significant positive economic impact, they can cause financial strain associated with gambling losses which can lead to severe personal and familial consequences, including in extreme cases bankruptcy and homelessness, disproportionately affecting disadvantaged and minority communities. Proximity to casinos has been linked to higher rates of gambling disorders,

suggesting that increased accessibility can exacerbate gambling problems within the community.

Addressing gambling addiction requires a public health approach that includes harm reduction, prevention, and treatment services. New Zealand's model of integrating public health strategies for problem gambling could serve as a guide. In New Zealand, problem gaming is addressed through a comprehensive public health approach; key initiatives include education campaigns, culturally tailored programs for Māori and Pacific peoples, free counseling services, early intervention efforts, and collaboration with communities, healthcare providers, and a regulated gambling industry that helps to provide financial resources to promote responsible gaming. Altogether this integrated model aims to reduce the incidence and impact of problem gambling, promote safer gambling environments, and enhance overall community well-being, making it an excellent standard for New York.

The approach to responsible gaming throughout New York City should also consider the high comorbidity of gambling disorders with other mental health and substance use disorders. By adopting a comprehensive public health framework, communities can better manage the social and economic impacts of gambling facilities, ensuring that the benefits of such establishments do not come at the expense of community well-being.

To mitigate these risks, Bally's has implemented a variety of strategies aimed at supporting local communities and reducing the prevalence of gambling addiction. These strategies include responsible gambling programs, which offer self-exclusion options and provide resources for individuals seeking help. Bally's associates collaborate with local mental health and addiction services to ensure that comprehensive support is available to those in need. Bally's would look to continue to commit resources to support responsible gaming activities and resources. Additionally, Bally's operations regularly engage in community outreach and education initiatives to raise awareness about the risks of problem gambling and promote healthy gambling behaviors. By investing in these proactive measures at the local level, Bally's demonstrates its commitment to minimizing the negative impacts of gambling and fostering a safe and supportive environment for all members of the community.

Bally's is also leading the charge in responsible gambling efforts globally. Bally's regularly partners with problem gambling councils, and other local resources throughout the United States and the United Kingdom to raise awareness on problem and responsible gambling. Bally's has launched various programs and partnerships aimed at supporting responsible gambling research and promoting responsible gambling best practices. Bally's has become the eighth founding member of the Responsible Online Gambling Association (ROGA), is a member of the Board of Directors and Leadership Circle for the National Council on Problem Gambling, serves as an advisory committee member of the Massachusetts Attorney General Office's Youth Sports Betting Safety Coalition, serves on the Board of the Massachusetts Council on Gaming and Health, and is actively enhancing their existing enterprise-wide policies supporting self-exclusion. Bally's also received a three-year Responsible Gaming Check accreditation for Ballycasino.com and Virgincasino.com brands and has launched a new Responsible Gaming Check accreditation process for Bally's United Kingdom brands. Bally's online gaming platforms in North America and the United Kingdom have reached the highest responsible gaming standards available in the industry. Finally, to support responsible gambling research, Bally's committed $1.1 million to the International Center for Responsible Gaming to conduct multi-year scientific research focusing on the health risks of gambling among

young adults and the effectiveness of responsible gambling tools and Bally's would look to commit to providing resources to responsible gaming organizations throughout the Bronx and New York City broadly.