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PUBLIC HEARING ON
THE COMPREHENSIVE COMMERCIAL WASTE
MANAGEMENT STUDY

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163 West 125th Street
New York, New York

November 25, 2002
7:15 P.M.

MINUTES of PUBLIC HEARING, held at
the above-mentioned time and place before
Stefanie Gerber, a Notary Public of the State
of New York.

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A P P E A R A N C E S:

PANEL MEMBERS:

- Harry Szarpanski, Assistant Commissioner,
Department of Sanitation
- Steven Lawitts, Deputy Commissioner,
Department of Sanitation
- Sarah Dolinar, Department of Sanitation
- Daniel Harkins, HDR

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2 MR. SZARPANSKI: We're going to
3 get started. Good evening. My name is
4 Harry Szarpanski. I am the Assistant
5 Commissioner for the Bureau of Long-term
6 Export with the New York City Department
7 of Sanitation.

8 I welcome the opportunity to appear
9 before you tonight to let you know about
10 the comprehensive study on commercial
11 waste management in the City of New
12 York. The study will be undertaken by
13 the Department with the assistance of our
14 solid waste management plan consultant,
15 Henningson, Durham & Richardson, also
16 known as HDR.

17 I am joined by a representative of
18 HDR, Dan Harkins on my left, as well as
19 Steven Lawitts, Deputy Commissioner for
20 Administration, and Sarah Dolinar from my
21 staff at the Bureau of Long-term
22 Exports.

23 My comments tonight will be brief.
24 The real focus of this public meeting is
25 your comments on commercial waste

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2 management issues that affect your
3 communities.

4

5 In a nutshell, the commercial waste
6 study will move forward in the following
7 way. The Department, through HDR, will
8 develop a scope and conduct a study. The
9 broad outlines of the study are set forth
10 in the Administrative Code as it was
11 amended by Local Law 74 of 2000. If you
12 are not familiar with it, a copy of Local
13 Law 74 is available as a handout
14 tonight.

15

16 Also available tonight are copies
17 of a preliminary report, issued by the
18 Department in June of this year, which
19 contains the data necessary to perform
20 the analyses required in the commercial
21 waste study.

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23 The commercial waste study will
24 perform the tasks outlined in Local Law
25 74, including analysis of the
effectiveness of procedures and criteria
for the issuance and/or renewal of
operating permits for putrescible and

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2 non-putrescible solid waste transfer
3 stations in minimizing potential adverse
4 environmental, economic and public health
5 impacts on the communities in which they
6 are located; the manner in which
7 regulations relating to transfer station
8 operations, private carter and long-haul
9 transport vehicles are enforced; the
10 means and potential effects of limiting
11 the number and capacity of transfer
12 stations in the city; the size and type
13 of vehicles that should be authorized to
14 transport solid waste to or from transfer
15 stations and fuel-type requirements for
16 such vehicles; whether transfer stations
17 and city-owned marine transfer stations
18 should receive and process both
19 residential and commercial solid waste
20 and the options for transporting such
21 solid waste to and from such transfer
22 stations, including an analysis of
23 potential adverse impacts; and potential
24 adverse impacts on communities in which
25 large numbers of transfer stations are

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2 located.

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4 As part of the study, the
5 Department and the HDR team are required
6 to and will solicit and consider the
7 views of the elected officials, the
8 city-wide recycling advisory and borough
9 solid waste advisory boards and the
10 public, including residents of the
11 affected communities, environmental
12 advocacy organizations, transfer station
13 operators, private carters, business
14 entities and academicians, and respond to
15 substantive issues raised.

16 To obtain these views, we have
17 scheduled a public meeting in each
18 borough as well as a meeting with the
19 Citywide Recycling Advisory Board and the
20 five borough Solid Waste Advisory
21 Boards. We will also reach out to the
22 other groups listed above.

23 We will conduct these outreach
24 efforts between now and December 16. For
25 this reason, we ask that we receive all
written comments that you would like to

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2 be considered as part of the scoping
3 process on or before 5:00 p.m. on Monday,
4 December 16.

5 All written comments should be
6 mailed or faxed to me at 44 Beaver
7 Street, 12th floor, New York, New York
8 10004, and the fax number is
9 212-269-0788. This contact information
10 has been printed on the comment and
11 question cards that are available here
12 tonight.

13 Based on all the comments received,
14 HDR is expected to complete the draft
15 scope for the study by the end of
16 December. The draft scope will appear on
17 Sanitation's web-site and a comment
18 period will be established to obtain
19 comments on the draft scope that will be
20 considered before a final scope is posted
21 on the web-site.

22 The study itself and an
23 accompanying report are expected to be
24 completed in March of 2004 and issued to
25 the Mayor and City Council. It's

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2 important to note that the commercial
3 waste study will be designed to meet a
4 number of planning goals.

5 The study will enable the city to
6 assess and plan for management of both
7 the residential and commercial waste
8 streams and will assist the Department in
9 developing a new solid waste management
10 plan. Equally important will be the
11 recommendations developed in the report
12 on ways to minimize the potential adverse
13 impacts on the city's residential and
14 business communities and the
15 environment.

16 So that we can hear everyone who
17 wants to speak tonight, we ask that you
18 keep your statements to three minutes.

19 If you do not wish to speak but
20 would like to provide us with written
21 comments, please complete one of the
22 comment cards we have provided for your
23 use.

24 We have a stenographer keeping the
25 record of the testimony, so please state

1

2 your name clearly. Elected officials
3 will have an opportunity to speak first.

4 Thank you for coming out tonight,
5 and I will now call on the first
6 speaker. First speaker is Paul Weiss.

7 SPEAKER: I'm only first by
8 virtue of getting here early, not by the
9 gravity of what I have to say. I'm
10 representing Asphalt Green. We're a 5.5
11 acre sports education, recreation and
12 complex in the upper east side.

13 And the reason I'm here is our
14 campus is dissected by the marine
15 transfer station on 90th Street, and we
16 are concerned about the impact on our
17 programing and on all of the users of our
18 facility of having marine transfer
19 stations used, specifically for
20 commercial use, and then generally being
21 opened up and used again.

22 We have a number of our programs,
23 both public and private that occur on
24 land. It's called public and private
25 land and our fields are adjacent to the

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2 driveway, and we have programs that
3 are -- we have program that have huge
4 groups of children in public schools and
5 private schools and part of our own
6 proprietary programs that are going in
7 and out of the facility constantly.

8 We're worried about traffic issues,
9 we're worried about the odor issues and
10 basically the quality of our facility and
11 the programs being diminished by the
12 marine transfer station. I just wanted
13 to get that on the record. Thank you for
14 the opportunity to speak.

15 MR. SZARPANSKI: Our next speaker
16 is Juanita Nightengale.

17 SPEAKER: I'm Juanita
18 Nightengale. I'm from the Faith
19 Coalition for Political Action located at
20 (inaudible) Avenue Baptist Church and my
21 main concern is for the marine transfer
22 station that's proposed for the 133,
23 135th Street area, my concerns about it
24 being a marine transfer station in that
25 area being that we already have the waste

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2 disposal area at 145th Street, and we
3 already have a bus depot at 132nd Street,
4 right by the Intermediate School, and I
5 estimate a lot of diesel fuel from what I
6 see and from what I understand, my
7 concerns are the garbage being brought up
8 and it being disposed of quickly.

9 Because my concern is what degree
10 would be left in the air, what kind of
11 environmental problems would we
12 encounter, what kind of rodent
13 infestation, that kind of stuff, things
14 that would be encountered that we already
15 have enough problems with there.

16 And my concern is that I can't see
17 any -- I can't really see anything
18 positive coming out of it as opposed to
19 the things that seem to be so bad about
20 it, and I need more information.

21 MR. SZARPANSKI: Thank you. Our
22 next speaker is Rick Muller.

23 SPEAKER: Good evening. My name
24 is Rick Muller. I host the Manhattan
25 Solid Waste Advisory Board for the

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2 Manhattan Borough President. As a
3 courtesy, Thomas Outerbridge, who wanted
4 to deliver testimony on the part of the
5 Manhattan Solid Waste Advisory Board,
6 wasn't able to be here, and this
7 testimony reflects his views and the
8 Manhattan Solid Waste Advisory Board but
9 not the Borough President's views. I'm
10 doing this as a favor.

11 Thomas Outerbridge is a member of
12 the Manhattan SWAB, and he says "I have
13 four main points to make regarding the
14 DSNY commercial waste study. One, the
15 study should examine the potential for
16 exporting some or all of the commercial
17 waste generated in Manhattan through
18 marine export facilities located in the
19 borough. This should include the amounts
20 of waste that might flow through the
21 various facilities, the origin of that
22 waste, and the potential impact on local
23 communities of additional truck traffic
24 as well as the impact on truck miles
25 traveled within the borough and

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city-wide.

Two, the study should examine other possible marine export locations, slash, facilities in Manhattan in addition to the marine transfer stations at 135th Street, 59th Street and 91st Street. The study should evaluate possibilities for additional marine export capacity in lower Manhattan, such as the old MTS at Gansevoort. The study should examine the potential impact of such facilities locally, and how additional capacity would affect truck traffic and waste transfer equity across the borough and city.

Three, the study should not assume that the MTSs, marine transfer stations, will be modified to containerize waste. It should evaluate both containerization and non-containerization scenarios, including the impact on throughput capacity, the local community and truck traffic borough and city-wide.

Four, the study should not assume

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2 borough self-sufficiency as a
3 prerequisite. While the SWAB supports an
4 examination of the potential capacity of
5 marine export facilities in Manhattan to
6 handle commercial waste, we do not
7 believe such facilities must necessarily
8 handle all commercial waste generated in
9 the borough.

10 By the same token, if operating the
11 MTSs in their current configuration
12 rather than converting them into
13 containerization facilities would reduce
14 local impacts, improve throughput
15 capacity and reduce trucking at the
16 borough or city level, the study should
17 consider one or more enclosed barge
18 unloading facilities (EBUFs) located in
19 another borough, operated in conjunction
20 with the MTSs in their configuration.

21 In addition, I would point out that
22 the June 2002 preliminary report that the
23 Department of Sanitation intends to
24 utilize as the basis for subsequent
25 phases of the commercial waste study has

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2 significant gaps in critical
3 information. In particular, the report
4 does not identify the borough of origin
5 of approximately one-half of the
6 commercial putrescible waste stream.

7 As a result, it is impossible to
8 anticipate what throughput capacity might
9 be required by Manhattan's marine export
10 facilities and what volume of truck
11 traffic might be generated were these
12 facilities to handle some or all of the
13 commercial waste stream. This gap in the
14 data must be filled as part of the next
15 phase of the study." That concludes
16 Mr. Outerbridge's testimony.

17 MR. SZARPANSKI: Thank you.

18 SPEAKER: Thank you.

19 MR. SZARPANSKI: Our next speaker
20 is Christina Lee.

21 SPEAKER: My name is Christina
22 Lee. I sit on but do not tonight speak
23 for Community Board nine and the
24 Manhattan Solid Waste Advisory Board, of
25 which I am also a member. I am a past

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2 block president of my block and have
3 followed this issue for some sometime.

4 One thing my neighbors have
5 expressed serious concern about with
6 adding commercial waste to the city's
7 solid waste treatment is the degree to
8 which the additional volume of the city
9 we'll be responsible or will be passing
10 through our 135th Street marine transfer
11 station, since historically it has had
12 trouble managing the residential waste it
13 already has, and one expects that that
14 volume would double or perhaps more
15 depending on how much commercial waste in
16 Manhattan would be sent through it.

17 My neighbors are also seriously
18 concerned of the content of that
19 additional commercial waste, whether it
20 would contain construction materials,
21 such as asbestos, lead paint and other
22 things that residential waste does not
23 now contain, and it would provide
24 additional hazards to the 135th Street
25 residents and those downwind of it that

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2 are not presently provided with the
3 regular domestic garbage that was
4 processed in the past.

5 In view of the additional volume,
6 we are concerned about the mechanical
7 soundness of whatever processing that
8 will be done to that garbage because the
9 volume -- the minute you have a
10 mechanical breakdown, you have a much
11 greater un-loadable capacity that has to
12 sit somewhere.

13 And historically when it sits
14 somewhere, it sits in our neighborhood.
15 Since we have the sewage treatment plant
16 to our detriment, that reliance upon
17 technology to take care of odors, this
18 modern technology, literally has not
19 worked, as anyone who drives by the sewer
20 treatment plant on a Saturday afternoon
21 knows.

22 Our traffic problems are also
23 severe because your trucks are generally
24 diesel trucks, as are the private
25 carters, and we have some polluted diesel

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2 sites in Manhattan located in our
3 borough, and the access to our marine
4 transfer station runs directly by a
5 school, runs directly by our brand new
6 proposed Harlem Piers Park facility,
7 which is going into construction next
8 year, will run straight across the bike
9 path of that facility and it runs next to
10 food stores and railroad stations.

11 The aggregate pollution that
12 affects our community from these things
13 coming together is already severe. If
14 you start adding the additional trucks,
15 the additional damage to us that our
16 neighbors fear is quite substantial.

17 Most of us who I have discussed it
18 with strongly believes that you need to
19 consider additional separate sites away
20 from the current ones for additional
21 volume that you plan to take into the
22 system because every part of Manhattan
23 produces garbage and every part of
24 Manhattan has some responsibility for
25 dealing with the unpleasant side effects

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2 of having to dispose of it responsibly
3 rather than simply loading up on the
4 existing three stations because they're
5 already there and we're already sort of
6 tolerating them a bit.

7 We are at the head of asthma alley,
8 and we think, particularly in view of the
9 sewage treatment plant, which we have the
10 only one of, it's a matter that you have
11 to give much more care to air pollution,
12 water pollution, the affects on the
13 neighborhood and the traffic patterns
14 they bring.

15 We hope you will consider these
16 things in the study, and I hope we will
17 see something that demonstrates a greater
18 equity in the distribution of the
19 facilities which everyone acknowledges
20 are required to get garbage out of
21 Manhattan so the neighborhoods who have
22 had it for 50 years don't have it by
23 themselves for the next 50.

24 MR. SZARPANSKI: Thank you. Our
25 next speaker is Anthony Ard.

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2 SPEAKER: My name is Tony Ard. I
3 live at 89th and York, which my comments
4 are addressed specifically to the 91st
5 Street waste transfer station.

6 The area around the waste transfer
7 station has a large concentration of
8 residential housing, and recently there
9 is a report that the upper east side has
10 experienced a 20 percent increase in the
11 number of children under the age of five
12 over the last five years, and this
13 coupled with a significant senior
14 population constitutes a group which I
15 think have particular vulnerability to
16 the solid waste, particularly the
17 commercial solid waste that is being
18 considered to be joined with the waste
19 treatment.

20 Secondly, I think it's important
21 that the consultant consider the
22 complicated traffic pattern at the 91st
23 Street station. That particular
24 intersection is in the flow of traffic
25 off the FDR from the 96th Street exit,

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2 and there are also two bus lines which
3 turn left at the precise intersection
4 with the waste transfer station if you
5 turn right.

6 Then that is complicated by heavy
7 amounts of pedestrian traffic, part of
8 which is involved with Asphalt Green and
9 the other retail institutions there.

10 I think finally, I think it's
11 certainly not a ridiculous speculation to
12 say that the diminishment of the quality
13 of life in that neighborhood is an issue
14 that I think needs to be considered.
15 When you consider that, if you add the
16 commercial waste stream to the
17 residential waste stream, you will create
18 both day and night traffic on the
19 transfer waste station and a significant
20 accumulation of air pollution from
21 trucks, not to mention the waste, which
22 will have to be dealt with by the people
23 who live there. Thank you very much.

24 MR. SZARPANSKI: Thank you. Our
25 next speaker is Barbara Brown.

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2 SPEAKER: My name is Miss Barbara
3 Brown, and I would like to challenge each
4 one of you not to wait until Saturday to
5 go by what you call a waste, a water
6 processing plant, 145th Street and
7 Riverside to 135th Street. I call it a
8 cess pool.

9 Saturday night was a cool evening,
10 and I walked out of an apartment building
11 and I couldn't believe the stench. I
12 thought I had stepped in something.
13 That's how bad it is.

14 I would like for each of you -- I'm
15 sure you don't live two blocks from that
16 cess pool. That's what I call it, that's
17 what it is, and they had the gall to put
18 a park on top of it. I don't
19 understand. And I can't get any truth
20 about it. Nobody tells you anything.

21 And if you going to put another
22 station in our neighborhood, is it going
23 to be worse than what I'm smelling now?
24 Is it going to be worse? I'm smelling
25 something. I have to buy Clorox by the

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2 case. It affects people's bathrooms.

3

4 I have senior citizens in my block
5 have bad hearts and asthma. They're
6 old. They're 80 and 79 and 84. They
7 keep asking me, what is this I smell? I
8 says -- what I says, you go to that
9 park. I have a private protest. The
10 last time I went to that park I got a
11 very bad cold. I haven't been back there
12 since. I won't go in that park.

12

13 Because they lied to us, they put
14 it in our neighborhood, and nobody will
15 tell us the truth. And I'm not blaming
16 you four specifically. I'm going way
17 back.

17

18 It is absolutely outrageous that
19 you do things to us and expect us to go
20 to sleep at night and think we can
21 sleep. It's not right. I'm not talking
22 about fairness here. It is not right.
23 And I wish that you would take it back to
24 Mayor Bloomberg, whoever you talk to, and
25 tell him how we feel about these things.

25

It's not right. None of you live

1
2 on a cess pool, none of you. I betcha.
3 I guarantee it. And I would like for all
4 of you to pass it by it and see what the
5 smell is. All you have to do is look at
6 those stacks coming up at night. And I
7 have been in that plant up, down, around
8 it with the Commissioner 10 years ago, 20
9 years ago, and I saw the red pipe. I saw
10 the red pipe, and that's where the
11 problem is. I saw it with my own eyes,
12 and I swore I would never set foot in
13 that park again.

14 And the last time I did, I got a
15 cold and I won't go back. So I would ask
16 you to consider not putting more waste in
17 our neighborhood, consider it. Thank
18 you.

19 MR. SZARPANSKI: Thank you. Our
20 next speaker is Frieda Bradlow.

21 SPEAKER: Hi. My name is Frieda
22 Bradlow. I am a charter member of the
23 Manhattan Solid Waste Advisory Board, the
24 Citywide Recycling Advisory Board, the
25 New York City Waste Prevention Coalition,

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2 and I have been for all of those years
3 and more on the environment committee of
4 Community Board two. I had a
5 subcommittee on noise.

6 I'm not going to talk about the
7 things that have been talked about before
8 because there are plenty of people here
9 who can adequately represent the
10 problems. I want to talk about noise.

11 MR. SZARPANSKI: Frieda, can you
12 step up a little closer? Our
13 stenographer is having a problem hearing
14 you.

15 SPEAKER: Really? I don't
16 believe it. I will project.

17 Problems relate to the noise, which
18 is not referred to in that preliminary
19 commercial waste study and needs to be
20 addressed.

21 For example, I live about five
22 blocks north of the Holland Tunnel, which
23 ain't the greatest place in terms of
24 noise, but the noise of the commercial
25 carters who are picking up from the huge

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2 buildings on Varick Street, in Hudson
3 Square and all over the city from 11:30
4 at night until 2:30 in the morning is a
5 lot worse than anybody is looking at.

6 So I'm here to talk about the fact
7 that we have to look at the noise, the
8 scheduling of the pickups, the size of
9 the trucks, the number of companies.

10 Some of them, by the way, are not covered
11 in the study because they're not city
12 companies.

13 There's a huge company that picks
14 up in a loading bay right next to my
15 triple landmarked house, and that company
16 is from New Jersey, and it's called
17 Action. And it's got trucks the size
18 that do not fit into the loading bays of
19 buildings that were built in the 1920s,
20 and they jut out three-quarters of the
21 way across the street and sit there for
22 hours.

23 Another situation, I get calls from
24 the community, there's a company on
25 Morton Street which is a residential

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2 block in the middle of the village, it's
3 called Duffy Brothers. It has all kinds
4 of waste. It stinks. It does not have a
5 putrescible waste permit. It is noisy
6 all night, etcetera.

7 We've been working for two years on
8 that problem. There's a problem.
9 They're on the Board of the New York City
10 Trade Waste Commission. So this is
11 another situation that needs to be
12 addressed.

13 But I'm here to point out the fact
14 that the noise that the commercial
15 carters make in the middle of the night,
16 disrupting sleep in residential areas all
17 over the city, needs to be fully
18 addressed. I thank you.

19 MR. SZARPANSKI: Thank you for
20 your comments. Our next speaker is John
21 Culpepper.

22 SPEAKER: Yes, I'm here.

23 MR. SZARPANSKI: Could you come
24 up please?

25 SPEAKER: I'm from Washington

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2 Heights, and I would like to elaborate a
3 little bit on what this lady said. She's
4 right. We can smell this garbage all the
5 way up to Washington Heights, especially
6 in the summer months, especially.

7 We can smell it all the way up
8 there. And you can understand why we are
9 against this facility being used. Also,
10 I would like to say your outreach to the
11 public and to the community about this
12 meeting was very bad because we didn't
13 know about this meeting until Friday.
14 Had we known about it, we would have had
15 more people here.

16 MS. DOLINAR: How did you find
17 out?

18 SPEAKER: Assemblyman Keith
19 Wright's office called. That's the only
20 way that we knew about it. So we would
21 like to work along with you on these
22 problems, and whatever plans that you
23 come up with, we would like to be kept
24 informed and know what you are doing, how
25 you are doing it and to know how we can

1
2 work on it with you because the community
3 I think have a right to know what is
4 being put in their community. So please
5 would you get back to us?

6 MR. SZARPANSKI: Yes.

7 SPEAKER: Thank you.

8 MR. SZARPANSKI: Our next speaker
9 is Leslie Lowe.

10 SPEAKER: My name is Leslie
11 Lowe. I am a consultant to Consumers
12 Union, Consumer Policy Institute on New
13 York City solid waste management, and
14 Consumers Union is a technical advisor to
15 the organization of Waterfront
16 Neighborhoods.

17 OWN and CU published in May of 2000
18 "Taking Out the Trash," and in the
19 interest of saving time I will not read
20 what is already in the report, but I will
21 refer you, it is on the web site. You
22 will find it at the WWW dot NYCEJ dot
23 org, or at the Consumer union at WWW dot
24 consumers dot org site, and I refer you
25 to pages 33 et sec of the report for the

1

2 specific recommendations on the solid
3 waste plan.

4 But I would like to briefly
5 highlight some points. I have read your
6 preliminary study on the commercial
7 waste. I was appalled by the lack of
8 solid facts in that study. It is clear
9 that, and I know this from having sat in
10 sessions with the Sanitation Department
11 and the prior Mayor's staff, that
12 Sanitation has not been collecting the
13 data not only required by state, city
14 regulations as to the volume, the origin
15 of the waste in New York City processed
16 in New York City. And therefore we get
17 nebulous categories where 17,000 tons of
18 garbage is identified as just floating
19 somewhere within New York City.

20 You cannot base planning on that
21 kind of soft data. So we urge DOS to
22 enforce the existing regulations
23 requiring transfer stations to supply you
24 with this information.

25 We also endorse the creation of new

1
2 commercial marine transfer stations or
3 residential commercial, if you will, but
4 it is clear that Manhattan is the source
5 of an enormous burden for the rest of the
6 city. Most of the commercial waste in
7 New York City originates in Manhattan,
8 and this kind of fudge factor within New
9 York City, if we really looked at the
10 census of businesses and all the people
11 who eat lunch, and the waste coming from
12 within New York City is -- Manhattan's
13 waste is the lion's share of it;.

14 So therefore, in order to alleviate
15 the burden that Manhattan is another
16 borough, you can site other transfer
17 facilities in Manhattan. You can site
18 them in other manufacturing zones, to the
19 extent that that is possible.

20 In addition to the Gansevoort
21 option, which should be studied, and in
22 order to preserve that option, the
23 administration needs to speak with the
24 Board of Standard and Appeals and halt
25 the conversion in the meat market, which

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2 is where Gansevoort is, to residential
3 uses.

4

5 We are fast changing a
6 manufacturing area to a residential area
7 and it will be off the books. There are
8 other problems with Gansevoort, and
9 therefore I think you need to look at
10 other sites as well. For example, the
11 East River, the Wall Street area just
12 south of the Heliport, there is a pier
13 that was used for off-loading debris from
14 the World Trade Center recovery. That
15 should be looked at as a new transfer
16 station for commercial waste because
17 let's face it, lower Manhattan, south of
18 96th Street is where most of the
19 commercial waste is generated.

19

20 There is absolutely no reason why
21 trucks should be traveling from lower
22 Manhattan all the way up to 135th Street
23 to off-load either residential or
24 commercial waste. It's ridiculous, it's
25 air polluting, and we should stop it.

25

DOS regulates the private carters

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2 in conjunction with the Trade Waste
3 Commission to use that permitting
4 authority to require that the carters
5 convert their polluting diesel trucks to
6 less polluting technology. It exists.
7 Other cities do it. We can do it too.

8 And in addition, we need to explore
9 other options for possibly depending on
10 flow control in New York City. We have
11 to look seriously at where the waste
12 goes, where it is generated and where it
13 goes and avoid these lengthy truck
14 routes.

15 Finally, the solution to the
16 commercial waste and residential waste
17 nightmare that we face is to reduce the
18 waste treatment and recycle more of our
19 waste. Enforcement of commercial
20 recycling is a fiction.

21 I was executive director of an
22 environmental organization. We recycled
23 religiously, yet when we took our waste
24 to dispose of it, there was one bin for
25 everything, and the carters did not

1

2 separate it. And the Attorney General
3 has done studies showing that bags of
4 recycled waste end up in landfills just
5 being buried.

6 There is an increasing resistance
7 in New York City's profligate waste and
8 it will grow unless we get our waste
9 stream under control. Waste reduction
10 and recycling are the only ways to go.
11 Thank you very much.

12 MR. SZARPANSKI: Thank you. Our
13 next speaker is George Goodwill.

14 SPEAKER: I have a big mouth, but
15 I will come a little closer. I'm getting
16 tired. I just want to say that I'm glad
17 I'm here, but I'm even a lot more happier
18 to see someone like Miss Lee who is the
19 representatives from Board nine, to the
20 SWAB and Carmen Perez, my health
21 committee chair, and my other board
22 members. I really am glad to see all of
23 you. You know, we're here, and this is
24 such a problem for us.

25 I've only been the chair two years

1

2 and some months, but it was a problem
3 when I got there when I sat as a member.
4 And, you know, we really feel put upon.

5 We feel put upon because here we
6 are just barely scratching the surface
7 and trying to deal with that sewage
8 plant. This lady Miss Brown, it's
9 horrendous. And it may not be horrendous
10 all the time, but it is subject in our
11 community residents, the whole spectrum
12 of health problems.

13 And before my chair is done, made
14 the attempt to quantify it with the help
15 of the local institution, the hospitals
16 south, St. Luke's being one and other
17 entities. We were never able to get
18 there, but we know we suffered more
19 people having cancer, more people
20 suffering with asthma because with that,
21 here comes the overlay of all these bus
22 terminals and their emissions, and
23 there's one right over there, not far
24 from the sewage plant. There's one at
25 Amsterdam. Hopefully they said they're

1

2 going to close it, we don't know when.

3

4 And it's just, all of these issues
5 being put onto a community that is
6 already suffering from a sewage plant.

6

7 The other day the main sewage pipe that
8 takes the sewage burst. Over 14 people's
9 houses on Riverside got flooded with all
10 kinds of feces and all kinds of waste
11 material.

11

12 Now, there must be some other way
13 that we can work this out. There must be
14 a way to take that burden off of one
15 particular community. Okay? It's just
16 too much.

16

17 They have monitors, people who have
18 volunteered in the various buildings to
19 monitor the smells and make a call and
20 all of that stuff. All that we're doing
21 to help ourself, but nobody seems to be
22 listening about the illnesses that has
23 been brought onto that community. When
24 is somebody going to listen to that?

24

25 You yourself sitting here, if you
don't have your health, you have

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2 nothing. And as this lady says, you are
3 not anywhere near these plants. You are
4 probably in the suburbs with wonderful
5 trees and everything.

6 So I am just saying, Assistant
7 Commissioner, everybody here, yes, you do
8 have a job. But part of your job has got
9 to be the sensitivity that you bring to
10 it and the care that you have for your
11 fellow human beings. And thank you.

12 MR. SZARPANSKI: Thank you. Our
13 next speaker is Juanita Davison.

14 SPEAKER: My name is Juanita
15 Davison, and I live right across the
16 street from the sewage disposal plant.
17 And now you people are talking about
18 bringing garbage. We are taking care of
19 all the sewage, most of the sewage from
20 New York City, and now you going to make
21 us take care of most of the garbage of
22 New York City? I think not.

23 This is a disgrace, that you put
24 everything off on one community. Why
25 must we take all of the hazardous waste

1

2 industries of New York City into our
3 community? You know, this is not right.
4 This is racial, environmental racism.
5 Any other name you call it, you can call
6 it any other name but it's environmental
7 racism, and it should not be.

8

9 We should not have to take care of
10 all of the things that nobody else
11 wants. And I think we need to see the
12 Mayor and talk to him or somebody because
13 we cannot let this happen. We cannot let
14 this happen.

15

16 We've had our share of everything,
17 everything. We got the buses, we got the
18 metal facilities. We got everything that
19 nobody else wants in their communities.
20 Now you are going to give us garbage, all
21 the garbage of New York City?

22

23 You are talking about enlarging,
24 expanding the this MTS at 135th Street.
25 You are not talking about doing it in any
26 other area. We got the park, the park.
27 Don't you think anything of the park?

28

29 We got the smell of the sewage.

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2 Now you're going to give us the aroma of
3 garbage at the park? Thank you.

4 MR. SZARPANSKI: Thank you for
5 your comments. Our next speaker is Cecil
6 Corbin-Mark.

7 SPEAKER: For the record, it's
8 Cecil.

9 MR. SZARPANSKI: Cecil, I'm
10 sorry.

11 SPEAKER: I just had a couple of
12 points. A couple of the things that I
13 wanted to say have already been spoken
14 to. The context in which the 135th
15 Street marine transfer station sits I
16 think is something that when HDR is
17 looking for parameters for a new siting
18 criteria, a new permitting criteria, a
19 renewal permitting criteria, I think it
20 requires you all looking at community
21 context. Much of the way it's required
22 under environmental impact statements, I
23 think community context in this
24 particular instance is very important.

25 You have heard people talk about

1
2 the North River treatment plant. It is a
3 waste facility. It processes 180 million
4 gallons of raw sewage on a daily basis.
5 What some people also did not mention is
6 that there are 16 huge engines underneath
7 that plant that burn diesel fuel and spew
8 that out into the environment. So that's
9 part of the community context that I
10 think as people, as HDR -- not people but
11 as HDR is looking at defining criteria
12 for permit renewal of facilities or
13 whether or not commercial waste should be
14 going through MTSs, that's something to
15 be taken into consideration.

16 The other thing that I want to
17 mention that should be taken into
18 consideration in factoring in criteria
19 for establishing permits and whether or
20 not transfer stations should be limited
21 is the fact that just, as you have heard
22 other people mention, this is not the
23 only facility that we have, the sewage
24 treatment plant, but there are several
25 diesel bus depots that are right there.

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One of them is literally four blocks away at 133rd and Broadway, if you count four blocks, a block walking from the marine transfer station down and then over, so four blocks away from this facility. And it is part of the community context.

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Within that community context you also have the fact that on a daily basis there is the Amtrak line that takes the North-East traffic up to Boston, up to Canada. That line, last I checked with Amtrak, I think they operate something on the order of about 20 diesel locomotives on a daily basis up and down that line. It's one of the most profitable and hence one of the busiest lines for Amtrak. It is part of the community context that needs to be factored in.

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In addition to that, we in this community brooked the fact that in years gone by we have seen how this marine transfer station operated. On any given day, at the end of a payload for the

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2 sanitation trucks, it was nothing to see
3 something on the order of 50, sometimes
4 70 diesel garbage trucks lined up with
5 their loads, waiting to go up onto the
6 ramp to unload the refuse.

7 And that was so obviously because
8 the design of the ramp could not maintain
9 the weight of several trucks, but what
10 that prompted, that design feature
11 prompted in our community is the exposure
12 to the community of additional diesel
13 pollution and diesel loading. Clearly
14 this is a factor.

15 Someone mentioned that we only have
16 one sewage treatment plant, but when you
17 look in total the context of northern
18 Manhattan, we also deal with Wards
19 Island, the sewage treatment plant on the
20 east side. And last I checked in the
21 Borough President's office, and correct
22 me, Wards Island is the borough of
23 Manhattan, right?

24 SPEAKER: Right.

25 SPEAKER: Just checking my

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2 geography. So I want you all to get that
3 down, that full context. The other thing
4 I wanted to talk about is the issue -- I
5 wrote a couple of points down here -- is
6 the issue, which I want to thank Frieda
7 for raising this issue of noise, because
8 it is something we have gotten
9 significant complaints about.

10 As I understood it, the Department
11 of Sanitation regs or I guess now DSNY
12 regs required that each borough had one
13 marine transfer station that would
14 operate for 24 hours a day. We have the
15 dubious distinction of having the 24-hour
16 marine transfer station in Manhattan, and
17 I know that people who live in 3333
18 Broadway at different times would often
19 complain about the fact that it never
20 seemed to stop at some point.

21 Clearly there is, I observed
22 myself, a lesser load of traffic where
23 there was a lesser load of traffic going
24 in, but that was, when you compare it to
25 the fact, and with all due respect to the

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2 gentleman from Asphalt Green, when you
3 compare it to the fact that a rule came
4 into existence that the 91st marine
5 transfer station could be closed down at
6 2 o'clock, no more trucks after 2:00 p.m.
7 in the day, that is the type of unfair
8 burden this community has had to brook
9 historically.

10 And I think that people have to
11 understand that the frustrations, whether
12 they're expressed eloquently or not, are
13 based on a historical record of viewing
14 this community as a dumping ground. It
15 is an unacceptable thing and it's got to
16 really cease.

17 Finally, I also wanted to interject
18 for this group's consideration and for
19 HDR, we have a problem all over the city,
20 which is that we plan or we do what we
21 call planning, and it manifests itself in
22 particular problems for many, many
23 communities. You have heard me sort of
24 run off the litany of some of the things
25 that this community has had to brook as a

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2 result of our quote/unquote planning.

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I think one of the fundamental disconnects is that we have considered planning something in the province of the planners or the experts, and I urge you to understand that what you hear from community residents is expertise. It's expertise borne out of living in particular communities and dealing with situations on a daily basis, and that expertise needs to be valued not just in these kinds of forums where you take information, but it needs to be valued in a way that allows itself to have weight on the bearing of decisions that come out.

We engaged many of our fellow residents in the community planning process that we call "Harlem on the River," and that process in essence brought together a series of landscape architects, planners and others to work with residents in this community, to assist residents in this community, to

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2 serve residents in this community in
3 realizing visions that they had for the
4 waterfront area where that marine
5 transfer station at 135th Street sits
6 right now.

7

8 And that plan produced a result
9 that we call the "Harlem on the River
10 Community Vision," and we did that in
11 collaboration with Manhattan Community
12 Board nine. That plan, although
13 initially rebuffed by the city and RFPs
14 to develop the area, subsequently was
15 accepted by the city, and I think it
16 represented a real victory for this
17 community in the notion that we too have
18 a role in the planning process.

19

20 And that -- I hope to send some of
21 those things to you, Mr. Harkins, at HDR
22 so that you will see what this community
23 envisions for that waterfront. I assure
24 you that demolishing a marine transfer
25 station at 135th Street, erecting a new,
26 larger compactor containerization type
27 facility is really not consistent with

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2 that. So I wanted to share that with
3 you.

4 I know that I said final comments,
5 but these are the final comments. The
6 idea of commercial waste coming through
7 this community in any significant
8 proportion is a scary one for many of
9 us. It means that probably the 70 trucks
10 that we were experiencing or 50 at
11 different times idling, usually at around
12 11 o'clock in the morning when the shifts
13 would end -- that's when they generally
14 ended, right? At least some of them. It
15 means for us or we believe what it means
16 is that that volume of trucks will
17 increase significantly.

18 That means for us that more trucks
19 will be idling, that some of the children
20 that go to Roberto Clemente, which is the
21 school IS 95 that's right there, will be
22 subjected to a greater risk of public
23 safety hazards, pedestrian safety
24 hazards. These are the concerns that
25 many residents have.

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In addition to sort of the basic concept of fairness as to whether or not this is fair, we have forever heard that below 59th Street is where most of the commercial waste is generated, not just for Manhattan but for the city.

8

9

We are very strongly calling upon you all, however you figure it out, however you make it work, to come up with a plan or in your study that realizes we need capacity downtown, downtown below 59th Street to deal with commercial waste.

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And, you know, I think it's high time for this community to get a break and, you know, the Wall Street rubber bands, the wonderful advocates of Hudson River Park and all of those people notwithstanding, they have to take that stuff. That's not to come up here because it's just not fair. Thank you.

23

24

MR. SZARPANSKI: Thank you, Cecil. Robert Johnson.

25

SPEAKER: My name is Robert

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2 Johnson. I live at 144th and Riverside,
3 right across from the infamous River Bank
4 Park, and I just want to add my
5 experience as a resident to what's been
6 eloquently stated by several people from
7 that area, is -- I'm also on the North
8 River Community Environmental Review
9 Board.

10 Last summer -- well, I've been
11 there for about 13 years. Since I've
12 been there, the Riverside Drive has been
13 widened to allow more truck traffic.
14 River bank was installed, which was a
15 Trojan horse really.

16 The community was promised a 28
17 acre state park as a payoff, as a
18 trade-off, for getting the sewage
19 disposal plant there, and it's been a
20 problem ever since. The odor has been a
21 problem.

22 Last summer I had to keep all my
23 windows shut in 90 degree weather because
24 the smell was sickening. I was nauseated
25 for at least a week. That's just daily

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2 life in that area.

3

4 This is a residential, family
5 community, so it makes no sense. You
6 have kids playing on the park every day,
7 playing the basketball courts and
8 handball courts are on the side where the
9 garbage is supposed to come in. And so
10 what you are talking about is adding the
11 smell of garbage where kids are playing
12 basketball, whatever.

13 I also understand there's plans for
14 development of 12th Avenue as a
15 commercial zone. I think those people,
16 that the businesses that would be
17 interested in that commercial zone might
18 also be interested to find out their
19 plans for extra garbage in that area to
20 see how good of a commercial zone that
21 might be for them.

22 There's been development. Cherry
23 Lane, there's been a nice walkway with
24 joggers and cyclists coming all the way
25 to 125th Street along the river. That's
a project. So the two things conflict.

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2 On one hand the city is talking
3 about developing an area for commercial
4 area to put in Cherry Lane. On the other
5 hand they're talking about dumping
6 garbage on it, and I think that's a big
7 conflict. Thank you.

8 MR. SZARPANSKI: Thank you.
9 Carmen Perez.

10 SPEAKER: Good evening. I wanted
11 to say thank you for coming. It's just
12 that I'm sorry it takes a Local Law to
13 get you up here. However, as a chair of
14 Community Board nine's health community
15 services and environmental committee, I
16 just wanted to bring up a few things that
17 perhaps were not mentioned as yet.

18 I'm just coming back from City Hall
19 where they just voted on this new
20 proposed budget starting for next year,
21 and this takes care of '03. However,
22 next year they're going to discuss 2004
23 through six, and it doesn't look very
24 good.

25 And I have already found out that

1

2 there's been cuts to the Department of
3 Sanitation with more to come. They've
4 just made a very hard choice for voting
5 for an 18 percent hike on property
6 taxes.

7 So with this coming on, I do hope
8 that that is taken into consideration
9 when you do your study as to the funding
10 that's coming in or that may not come in
11 to do this proposed retrofitting of the
12 MTSs. I know that I'm certainly keeping
13 a watch on it. I'm down at City Hall
14 keeping a watch on it. I just want to
15 make sure you all keep that into
16 account.

17 But this 30 percent, now less,
18 that's been cut in all agencies, and I
19 know that all the council members have
20 made an issue about putting on their top
21 list the cuts about not closing down fire
22 houses, not diminishing the Police
23 Department and also not diminishing the
24 Department of Sanitation because garbage
25 was a major issue, and people were

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2 constantly saying what happened back in
3 1975 when the garbage was strewn all over
4 the city and people had to form their own
5 clean-up committees in order to clean the
6 parks and the like.

7 So we're all keeping that in mind.
8 We're not trying to repeat history here.
9 But at the same time these grandiose
10 projects, we have to find out where the
11 money is coming from.

12 And in discussing the health
13 effects, I was just talking to the
14 program director of the Beacon program at
15 IS 195, and she was telling me for years
16 how the students have been suffering.
17 The school is right across the street
18 from the bus depot.

19 And then just to picture this,
20 recess, the bell rings. The kids cannot
21 even go outside because of the traffic.
22 You have, as Cecil stated earlier, 50
23 buses lined up. The cars cannot get
24 egress into the northbound Henry Hudson
25 Highway, so you have the cars honking on

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2 the one end, the trucks lined up along
3 12th Avenue, and the M 104, four and all
4 the other buses in that depot trying to
5 get out to their routes.

6 So this area in terms of traffic is
7 heavy. And there were studies done in
8 that school too, and the children were
9 found to have diesel particulates in
10 their lungs. What is happening to our
11 children? And I was there not too long
12 ago where -- it was a month ago in fact I
13 went in there, and even though the smell
14 was odorless, something was happening
15 because those kids were dizzy. And they
16 had to shut down the Beacon that evening
17 because the kids were dizzy. Their eyes
18 was running.

19 So these are the things that this
20 particular school has to deal with, and
21 we have another junior high school across
22 from another bus depot only three blocks
23 away from where this one is.

24 So this is the effects. You talk
25 about our aging population. The young

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2 people who don't have the voices to be
3 here tonight, I'm expressing to you what
4 they go through on a daily basis. They
5 can't have recess.

6 And in looking at this whole issue
7 of retrofitting the MTSs, I mean, I'm
8 glad that you brought the map because you
9 can see very clearly that in the area
10 that I'm speaking of, we have at least
11 five or four major pollutants all within
12 one small stretch, one small stretch.

13 And just the traffic between 125th
14 Street and 145th Street is horrendous,
15 from Riverside or the Highway straight
16 across. This is what our community has
17 to live through. Rush hour is a pain,
18 the morning rush as well as the afternoon
19 rush.

20 And as much as the Community Board
21 does work closely with the Department of
22 Sanitation, there is just so much that we
23 get as a response. We have been
24 discussions for years on the traffic
25 mitigation alone on 125th Street. We

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2 have been talking for years about the
3 garbage pickup.

4

5 Because here we were with a marine
6 transfer station and having the North
7 River plant, and we still have a problems
8 with garbage pickup in our area, which
9 I'm sure doesn't happen within other
neighborhoods in Manhattan.

10

11 So what's the point of having an
12 MTS when we don't even have timely
13 pickup? I hope that's another thing that
14 goes into your report as well when you
15 just look at the small area I'm speaking
16 of right here on the north side of
northern Manhattan.

17

18 We have been disproportionately
19 affected, infected and re-affected
20 constantly because of the MTS. And we
21 are the only ones in Manhattan that was
22 operating at the time for 24 hours, so we
23 had the noise level, the smell level,
24 everything you could possibly think of 24
hours a day.

25

So that when you look at other

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2 areas of Manhattan, and this is something
3 that came out of our own resolution back
4 in spring, what we said was that if at
5 all possible we don't want it. However,
6 we understand that this is moving
7 forward, so here we are.

8

9 What we are looking for is equity,
10 equity throughout Manhattan so that
11 whatever is good for us is good for
12 everybody else, and whatever hurts us
13 hurts everybody else just the same.

14

15 If we're open 24 hours, everybody
16 else is open 24 hours. And if we're open
17 until 2:00 or 3:00, whatever, a four hour
18 period, then everybody else gets same
19 thing. It is unfair to have us share the
20 burden. We also work, we also pay taxes
21 and we also participate. Thank you very
22 much.

23

24 MR. SZARPANSKI: Thank you. Our
25 next speaker is Daryl Bloodsaw.

26

27 SPEAKER: Good evening. I am
28 here representing several community
29 organizations, none of which is less

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2 important than the Hamilton Heights
3 Homeowners Association. I will run down
4 a list because several people have really
5 enunciated, everybody has really put it
6 out there that within throwing rocks
7 distance we have a marine transfer
8 station, a sewage treatment plant and a
9 bus depot. And these are not places
10 where residents don't also eat their
11 dinners, where their children don't also
12 play outside.

13 There are a lot of things that are
14 not lost on us, and what you see here and
15 what you are hearing here is an
16 exasperated community but not a community
17 that is unwilling to continue to fight.
18 It's not lost on us that 57th, 59th
19 Street that Donald Trump is developing
20 and developing and developing, and he is
21 never going to want that marine transfer
22 station to stay there.

23 SPEAKER: There you go.

24 SPEAKER: We cannot take another
25 facility in this community. If you fly

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2 into -- the next time you are flying in
3 in the day, in the daytime, take a look
4 down over our community and you will see
5 an impenetrable cloud that hovers above
6 our community. And as she said, there
7 are children in our community that are
8 breathing these particles every day, but
9 what hasn't also been said is that our
10 community also represents one of the
11 fastest growing adult populations
12 developing asthma.

13 SPEAKER: Yes.

14 SPEAKER: Those are all issues
15 that have to be looked at, have to be
16 dissected before you can look at our
17 community and say this is a place where
18 we need to retrofit in order to send
19 commercial garbage. I am not going to be
20 as polite as the other people. They have
21 been asking for equity. I don't want
22 equity. What I want is nothing more.

23 We are already so far above and
24 beyond any other community in Manhattan
25 that it's time for everybody else to

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2 catch up with us. So I will take my seat
3 now, but I want it on the record that we
4 don't want it retrofitted, we don't want
5 the hours increased, we don't want
6 anything. If possible, we want it closed
7 for good. Thank you.

8 MR. SZARPANSKI: Thank you. Our
9 next speaker is Steve Simon.

10 SPEAKER: My name is Steve
11 Simon. I am the chair of Community Board
12 12 health and environmental committee.
13 Community Board 12 is directly to the
14 north of Community Board nine. Many of
15 you also know me. I was the chief of
16 staff to New York City City Council
17 Member Stanley Michaels. I was a former
18 chair on environmental protection in the
19 City Council and a lead sponsor of Local
20 Law 74, which is basically the subject of
21 tonight's meeting requiring you to
22 undertake the study of the commercial
23 waste system.

24 And I don't recall whether you were
25 all present at the meetings we had with

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2 your predecessor Martha Hirst, but the
3 tasks that you enumerated that are to be
4 undertaken and as part of the study are
5 tasks that we carefully worked over,
6 language that is spelled out in the law
7 because we wanted to make sure that this
8 was a fairly inclusive study of the
9 commercial waste stream.

10 I agree with almost all the points
11 raised by previous speakers, and I
12 thought Leslie and Cecil and Tom
13 Outerbridge's testimony have some very
14 important points. And I want to expand
15 on the particular point in Tom
16 Outerbridge's testimony on his concept of
17 borough self-sufficiency and why it is
18 not valid when we talk about this side of
19 the commercial waste stream. And I
20 certainly hope, although it's being
21 applied on the residential side, it is
22 not used when we deal with commercial
23 waste.

24 It is -- you know, 60 percent of
25 the city's commercial waste we are told

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2 is generated in Manhattan, but to a great
3 extent that waste is generated by
4 visitors and workers who come into
5 Manhattan from all over the Metropolitan
6 region, indeed from all over the world,
7 and the residential community of West
8 Harlem, as you heard, should not be
9 negatively impacted by having to shoulder
10 an unfair burden for the entire city if
11 and when the 135th Street MTS is
12 reactivated.

13 And what I wanted to point out to
14 you is that when we negotiated the solid
15 waste management plan and looked at the
16 environmental impact statement, you'll
17 recall that Council Member Michaels
18 insisted that language be added to that
19 EIS specifying that should the 135th
20 Street MTS be reopened that it would not
21 receive household garbage beyond
22 Community Boards nine, 10 and 12 as it
23 had in the past.

24 And that was the limit because
25 issues were raised by this community back

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2 then, two years ago, and what we said and
3 what the Department of Sanitation agreed
4 to was that it would not have, it would
5 not service anything beyond what it did
6 in the past. And I believe that would
7 then preclude accepting commercial
8 waste. So the commercial waste stream
9 must be managed better, there's no
10 question about that. That's why we
11 passed Local Law 74, so you would do the
12 study, so the next solid waste management
13 plan would come up with a better concept
14 on how commercial waste could be handled.

15 There is no question that the
16 communities in the South Bronx and
17 Brooklyn that suffer from the existing
18 land based transfer stations must be
19 greatly relieved from the noise and air
20 pollution produced by the trucks dumping
21 commercial waste in their communities.
22 The answer, however, must not be to shift
23 that problem to our communities in
24 northern Manhattan.

25 Finally, I really want to support

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2 Leslie Lowe's point, I think her
3 concluding point, that the enforcement of
4 the commercial recycling regulations,
5 which I think we also passed in the City
6 Council, must be improved and waste
7 prevention must be encouraged in the
8 commercial sector. Thank you.

9 MR. SZARPANSKI: Thank you. Is
10 there anyone else who signed up to
11 speak? If not, thank you very much. The
12 meeting is adjourned. And I urge you to
13 write to us, write to your elected
14 officials, and send anything you want in
15 writing to us by December 16th.

16 (TIME NOTED: 8:23 P.M.)

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CERTIFICATION

I, STEFANIE GERBER, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true
and accurate transcript of my
stenographic notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 11th day
of December 2002.

STEFANIE GERBER