



# sanitation

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October 2, 2007

Via Overnight Mail

Mr. John Cryan, Regional Permit Administrator  
New York State Department of Environmental Conservation, Region 2  
Division of Regulatory Services  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101

**RE: Report on Public Participation Plan for the East 91<sup>st</sup> Street Converted Marine Transfer Station Permitting Process**

Dear Mr. Cryan:

The New York City (City) Department of Sanitation (DSNY) is pleased to submit to the New York State Department of Environmental Conservation (NYSDEC) the enclosed original and three copies of the Report on Public Participation Plan Completion for the proposed East 91<sup>st</sup> Street Converted Marine Transfer Station (E. 91<sup>st</sup> Street PPP Report). The original contains the original Affidavit of Publication for the Notice of Complete Application.

The E. 91<sup>st</sup> Street PPP Report, prepared in accordance with the Public Participation Plan approved for the project on March 8, 2007, supports the NYSDEC permit process in connection with final permit applications submitted by DSNY for the E. 91<sup>st</sup> Street Converted Marine Transfer Station, an element of the City's approved Comprehensive Solid Waste Management Plan.

Please contact me or Sarah Dolinar of my staff if you should have any questions or comments on this E. 91<sup>st</sup> Street PPP Report. Thank you for your time and attention.

Sincerely,

Harry Szarpanski

Enclosures: (original and 3 copies)

- c: L. Oliva, NYSDEC, Region 2, Regional Attorney (w/o encl.)
- M. Moore, NYSDEC, Region 2, Regulatory Services (w/o encl.)
- M. Kreshik, NYSDEC, Albany, Office of General Counsel (w/o encl.)
- R. Orlin, DSNY (w/o encl.)
- S. Dolinar, DSNY (w/o encl.)
- S. Kath, NYC Law Department (w/o encl.)

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# Report on Public Participation Plan Completion



## City of New York Department of Sanitation Proposed East 91<sup>st</sup> Street Converted Marine Transfer Station

October 2007

**PURPOSE:** The New York City Department of Sanitation (DSNY) has prepared this Report on Public Participation Plan (PPP) Completion for the proposed East 91<sup>st</sup> Street Converted Marine Transfer Station (Converted MTS) to document and verify its compliance with the PPP, including its efforts to answer questions and address concerns raised and to identify any outstanding issues. DSNY's written certification in the Report attests to the fact that the PPP has been successfully completed for the Converted MTS. The PPP was designed to achieve the goals of the NYSDEC Environmental Justice Policy, an element of the New York State Department of Environmental Conservation permit process for environmental permits (Part 360 (Solid Waste Management Facility); Part 201-5 (State Facility Air); Part 661/608 (Marine Resources)) sought by DSNY for the development of the Converted MTS. The PPP was approved by the New York State Department of Environmental Conservation on March 8, 2007. The NYSDEC PPP approval letter is provided as **Attachment 1**.

As a general matter, through the implementation of the PPP, DSNY reached out to the MTS EJ community with information about the MTS project proposed for the upper east side of Manhattan and about the NYSDEC permit process. In addition, DSNY advertised and held an EJ informational meeting in the EJ project area for the Converted MTS, engaged in a dialogue with community stakeholders on the issues of concern, provided information on the Converted MTS, responded to questions and informed the attendees about the NYSDEC permit process.

**Identification of Environmental Justice Areas:** With guidance from NYSDEC staff and consistent with the EJ Policy guidance on the use of census and other criteria to identify potential environmental justice areas, in May 2004, DSNY published the SWMP DEIS Draft Scoping Document and included a map of environmental justice areas that would potentially be affected by the proposed actions. These environmental justice areas, among them a portion of the upper east side of Manhattan that includes the site of the proposed E. 91<sup>st</sup> Street Converted MTS, were and continue to be the focus of DSNY's PPP activities.

**BACKGROUND:** The PPP and this Report are a continuation of the enhanced public participation process undertaken by DSNY during the period of May 2004 through January 2005 to keep all of the communities being considered for SWMP facilities involved in the City's decision making and environmental review process. This outreach process contributed to the approval of a Uniform Land Use Review Procedure siting action for the Converted MTS by the City Planning Commission in April 2005, and SWMP adoption by the City Council in July 2006.

The development of this Converted MTS is a component of the SWMP long-term export plan. Among other approvals, NYSDEC environmental permits are required to operate and construct the Converted MTS. The Converted MTS final permit applications can be found in two public repositories described below.

# Report on Public Participation Plan Completion

## REPORT ON PPP COMPLETION:

### Identifying Community Stakeholders

In the initial stages of the public participation process for the Converted MTSs, outreach efforts were designed to identify and inform affected community leaders and local organizations, as well as individuals (stakeholders). Beginning in May 2004, DSNY developed initial contact lists of individuals and local organizations through the affected Community Boards. Thereafter, lists were updated on an ongoing basis through attendance sheets completed at the meetings and hearings described below and through public comments. A Spanish/English hotline (1-888-NYC-SWMP or 1-888-692-7967) has been in place since May 2004 to develop further entries to the Converted MTS stakeholders list and to respond to inquiries. It continues to be an active resource for the MTS EJ community.

The stakeholders list for the Converted MTS was updated as of March 2007 to include new entries in Community Board lists, additional community-based organizations, civic groups, religious groups, neighborhood housing agencies, and schools, among others and updated lists of elected officials. These lists have since been revised to include new stakeholders that participated in the public process described herein. The stakeholders list for the Converted MTS which contained 1174 entries as of June 2007 is provided as **Attachment 2**.

### Meaningful Opportunities to Comment:

DSNY held an EJ informational meeting in the Converted MTS community. The meeting was held on the date/time and location recommended by the District Manager of Manhattan Community Board 8, the community board in which the Converted MTS is proposed to be located:

- East 91<sup>st</sup> Street Converted MTS EJ Informational Meeting: Thursday, April 19, 2007 from 6:30 PM until 9:00 PM at the New York Blood Center (Auditorium), 310 East 67th Street, New York, NY.

The EJ informational meeting for the Converted MTS was held in a venue that was familiar (the Community Board meets there regularly), accessible, proximate to the proposed site, and available on the recommended date/time on a weekday non-holiday evening. Stakeholders were notified of the meeting through a trifold mailer sent three weeks in advance of the meeting (mailed at the beginning of the third week of March 2007). Newspaper display ads were published to notice the EJ informational meeting (Notices) in two community newspapers that serve the Converted MTS EJ community: Our Town, a community newspaper that serves the Upper East Side with a circulation of approximately 25,000 and NY Resident, 4 community papers that serve Manhattan with a combined circulation of approximately 250,000. A copy of the trifold mailer is provided as **Attachment 3**. Copies of the Notices published in the community newspapers and an affidavit of publication are provided as **Attachment 4**.

At the EJ informational meeting, DSNY representatives talked with attendees and provided information on the Converted MTS project, permit applications and NYSDEC permit process. The trifold mailer stated that translation services, including translated materials, would be provided on request by calling the indicated toll free hotline number; no translation requests were made through the hotline or to the designated contact person. To accompany the handout provided to each meeting attendee at the start of the meeting, a short PowerPoint presentation was made that was followed by a discussion with attendees. The presentation provided an overview of the project including slides on the proposed layout of the building and waste processing diagrams, as well as detailed information on the permit limits for both commercial and DSNY-managed waste and the time of day proposed for waste deliveries, a summary of

# Report on Public Participation Plan Completion

the permits sought and a discussion of the permit process. A copy of the 28-page color PowerPoint presentation for the Converted MTS is provided as **Attachment 5**. DSNY provided a stenographer at the EJ Information Meeting for the Converted MTS. The transcript of the Meeting is provided as **Attachment 6**.

At the Informational Meeting, the attendees raised a number of questions and the DSNY representatives and consultants responded. A summary of the issues raised and responses thereto are set forth in an index and provided in **Attachment 7**. Issues flagged for follow-up are summarized and responded to in **Attachment 8**.

Stakeholders were also notified of the May 30, 2007 NYSDEC issuance of a Notice of Complete Application for the MTS (NOCA) and draft permits through a postcard send to all MTS stakeholders on June 1, 2007, including the delegation of elected officials for the community: Manhattan CB 8 District Manager Elizabeth McKee and Chair David Liston, Borough President Stringer, Council Members Lappin, Garodnick, Mayor Bloomberg, District Attorney Morgenthau, Assembly Members Kellner and Bing, State Senators Krueger and Serrano and Congresswoman Carolyn Maloney. The NOCA and draft permits issuance notification postcard is attached as **Attachment 9**.

A legal notice was also published in the New York Post, as required on June 1, 2007. The Affidavit of Publication for the NOCA notice is attached as **Attachment 10**. The NOCA and draft permit were placed in the public document repositories and on DSNY's website under the heading "NYSDEC Notice of Complete Application and Draft Permit for the Proposed E. 91<sup>st</sup> Street MTS" at <http://www.nyc.gov/html/dsny/html/reports/guides.shtml>.

## Written and Graphic Information

Written information included a copy of the PowerPoint presentation made at the EJ informational meeting detailing the Converted MTS construction and facility operations overview, the NYSDEC permits and permit process, a trifold mailer and newspaper advertisements/notices and web site announcements. This information was concise, but informative and included contact information for obtaining documents. The trifold mailer and written information (but not the NOCA postcard) also referenced the English/Spanish hotline established to receive comments and respond to questions on the Converted MTSs and permit process (1-888-NYC-SWMP or 1-888-692-7967). All relevant written documents and information were submitted to the NYSDEC for review. Display boards containing graphic and written information were used at the EJ informational meetings to depict the site plan and a rendering of each of the Converted MTSs. Written information was posted in the following locations:

1. Posters were placed in key public areas: the Community Board Office and local public libraries in the Converted MTS EJ project area (a reduced size copy of the poster is provided as **Attachment 11**);
2. The Notice of EJ Informational Meetings was placed in the public repositories, publicized in Community Board mailings, local newspapers, such as Our Town and NY Resident (see **Attachment 4**); and
3. Notices and Posters were also placed in additional public locations, where available, and requests were be made for the placement of EJ informational meeting information in stakeholder organization newsletters/mailings and for postings at stakeholder organization sites in the Converted MTS project areas. **Attachment 12** provides a list of poster placements.

# Report on Public Participation Plan Completion

## Public Information Materials

This Report contains the public information materials prepared for the Converted MTS EJ informational meeting and include:

- 2 newspaper ads placed specifically for the EJ informational meeting (**Attachment 4**),
- A PowerPoint presentation/meeting handout that provided details on the MTS project, NYSDEC permit applications and NYSDEC permit process (**Attachment 5**),
- A trifold mailer that was sent to all project stakeholders at least three weeks prior to the EJ informational meeting (**Attachment 3**),
- A poster for public bulletin boards that advertised the EJ informational meeting and was placed in neighborhood businesses, libraries and other public places (**Attachment 11**); and
- The updated (July 2007) stakeholders list for the Converted MTS (**Attachment 2**).

## Document Repositories

Two public document repositories (see Report, p. 5) were established in May 2004 to provide information and documents related to the Converted MTS permit process and continue to be maintained by DSNY and the repository location staff. The repositories, located in a public library and the Manhattan Community Board 8 Office in the EJ project area for the Converted MTS, offer a place for community residents to review documents during the day and evening hours on both weekdays and weekends. The PPP, the EJ informational meeting PowerPoint presentation, the trifold mailer sent and the poster placed to notify stakeholders of the EJ Informational Meeting, the NYSDEC final permit applications, the draft permit and the Notice of Complete Application (NOCA) for the Converted MTS, as well as DSNY's comment letter to NYSDEC regarding the NOCA and draft permits, are available at the two repositories for the Converted MTS. The public document repositories also contain the approved SWMP, the Draft and Final EIS, FEIS Findings Statement and related documents.

Once approved, this Report of Completion with Attachments will also be placed in the repositories to document and demonstrate DSNY's compliance with the approved PPP. The locations, contact information and hours of each of the eight document repositories for the Converted MTSS are provided below.

The public document repositories will be maintained by DSNY for a minimum of four months after a final decision on each of the Converted MTS permit applications has been made by NYSDEC. DSNY staff and consultants have visited and will continue to visit the repositories periodically to confirm that the above-listed document copies continue to be available and in good condition.

Other document sources listed on DSNY Notices, trifold mailers, posters and postcards are DSNY's website at <http://www.nyc.gov/html/dsny/html/reports/guides.shtml>, the hotline (1-888-NYC-SWMP or 1-888-692-7967) or the DSNY contact person designated below:

**Asst. Commissioner Harry Szarpanski**  
NYC Dept. of Sanitation  
44 Beaver Street  
NY, NY 10004  
Telephone: 917/ 237-5520; Fax: 212/ 269-0788

# Report on Public Participation Plan Completion

## Project Follow Up

Pursuant to the SWMP, DSNY is required to establish a Community Advisory Group (“CAG”) for each of the Converted MTSs. The CAG is required to have at least 10 members - 4 appointed by the Mayor, 3 by the Borough President and 3 by the Council Member from the project area - and will advise the Mayor and other elected officials on the development, construction and operation of the respective Converted MTS. Council Member Lappin and Borough President Stringer have appointed three members each; and the Mayor has made his four appointments. The kickoff meeting for all four of the Converted MTS CAGs, including the CAG for the E. 91<sup>st</sup> Street Converted MTS, was held on September 25, 2007.

Once the Converted MTS is operational, DSNY will ensure that the facility will be accessible to residents and government officials upon prior written request.

## Public Document Repositories for the Converted MTS

Converted MTS Project Area	Contact Info.	Days/Hours of Operation	Location Name/Street Address
East 91 <sup>st</sup> Street	Elizabeth McKee (212) 758-4340	M-F; 9 to 5	Manhattan Community Board 8 505 Park Ave., Suite 620, NY, NY
East 91 <sup>st</sup> Street	Bill Seufert (212)289-0908	M/Th 12-8; Tu/F 1-6; W 10-4; Sa 10-5	96 <sup>th</sup> Street Library 112 E. 96 <sup>th</sup> St., NY, NY

# **ATTACHMENT 1**

**New York State Department of Environmental Conservation  
Division of Environmental Permits**

47-40 21<sup>ST</sup> Street, Long Island City, NY 11101-5407

Phone: (718) 482-4997 • FAX: (718) 482-4975

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



March 8, 2007

Harry Szarpanski  
Assistant Commissioner  
New York City Department of Sanitation  
Bureau of Long Term Export  
44 Beaver Street, 12<sup>th</sup> Floor  
New York, NY 10004


Re: Environmental Justice Public Participation Outreach Plan  
Marine Transfer Station (MTS) Waste Containerization Facilities Conversion  
DEC Application Nos: 2-6204-00007/13 (East 91<sup>st</sup> Street); 2-6102-00010/13 (Hamilton Avenue); 2-6302-00007/19 (North Shore); 2-6106-00002/22 (Southwest Bklyn)

Dear Mr. Szarpanski:

The Public Participation Plan for February/ March 2007, submitted in support of the above referenced applications and in fulfillment of the requirements in CP-29 Environmental Justice and Permitting, is approved. Please provide proof of publication of the meeting notice(s), a summary of the meeting proceedings and certification of compliance upon completion of the plan.

Should you have questions or concerns, please contact me at the number listed above.

Very truly yours,

  
Michelle M. Moore  
Environmental Analyst