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WALTER MANKOFF
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ANTHONY M. BORELLI
District Manager

January 24, 2005

Harry Szarpinski
Assistant Commissioner
Department of Sanitation
Bureau of Long Term Export
44 Beaver Street, 12th Floor
New York, NY 10004

Re: Draft Environmental Impact Statement for New Comprehensive Solid Waste Management Plan

Dear Mr. Szarpinski,

Manhattan Community Board No. 4 dutifully participated in the hearings and comment period for the Scoping Document for the Draft Environmental Impact Statement (DEIS) for the New Comprehensive Solid Waste Management Plan. But as you are aware, the new DEIS released in October 2004 has mapped out an entirely new plan for Pier 99, one that has much greater and different impacts on our district.

We understand that a supplemental environmental impact statement will be required for Pier 99 once the actual plans for the pier are determined. When that environmental review is done, we ask that the relevant problems from the current review be corrected (see below). Because any plan for disposal of only commercial waste will be very different from either of the studied uses, and because the neighboring area is changing rapidly, the environmental review should be largely *de novo*, rather than a simple rehashing of that which has already been done. That EIS must of course consider alternative locations for a commercial waste transfer facility, so that such use of West 59th Street is not a foregone conclusion.

In addition, we must register our dismay with the current DEIS, its inaccuracies and its faulty conclusions. In fact, despite our comments in the scoping, the current DEIS shows no regard or knowledge of the current conditions at the Pier 99 site, and it makes us question either the capability or the intentions of the EIS team. We say this with the utmost seriousness and sincerity, and we expect to see much greater attention to detail and accuracy in the final EIS. We would also like to point out that the proposed use of the Gansevoort Peninsula, and the expansion of the West 59th Street facility, would require amendments to the Hudson River Park Act. Therefore, studying alternatives for these sites is particularly important.

To follow are our general comments regarding the methodology used to prepare the DEIS. Following that are more specific comments on the sections of the DEIS. Please note that this letter contains comments on Community District 4 only, although this board acknowledges that many of the same issues apply within the boundaries of Community District 7, and in fact, that

district is experiencing much of the same commercial and residential growth that is bringing a drastic transformation to this neighborhood

METHODOLOGY

General Comments

Because the build year for many of these facilities is 2006, the DEIS does not consider any developments that will occur after that point. It considers only future park projects that are currently funded and only future developments that have environmental and regulatory approvals in place. This is unacceptable for two reasons. First, since the West 59th Street and Gansevoort facilities are not yet planned, they will likely be built at a later date than other facilities anticipated in the DEIS. Analysis of these facilities should therefore incorporate a later build year. Second, given the long life of these facilities, it is inexcusable that they would be studied without reference to the anticipated additions to parkland and the expected residential growth of the surrounding areas, particularly given the anticipated series of rezonings of the far west side that will encourage development at densities greater than what is now allowed. Much of the change in our neighborhood in the next few years is being actively planned for and can be anticipated. As we will have to live with these waste management facilities for decades, their planning should reflect this knowledge.

We are also concerned about the standard used to trigger a detailed analysis of noise impacts. Routing garbage to the Gansevoort and West 59th Street facilities will require sending many large trucks down residential streets at night. However, the DEIS only considers this to be an "impact" if the existing volume of "passenger car equivalents" (PCEs) would be at least doubled. Residents are likely to experience an "impact" at a lower threshold, especially considering that one heavy noisy truck bouncing over uneven streets or potholes at 3:00am is far more of a nuisance than even 47 light cars humming by (the PCE of one heavy truck is 47 cars). A detailed noise analysis of off-site noise impacts is required even without the PCE doubling trigger being met.

GANSEVOORT MARINE TRANSFER STATION

General comments

The insertion of the inactive Gansevoort Peninsula Marine Transfer Station (MTS) as part of the plan was a surprise to this board, which was presented with a rough draft of a plan for Gansevoort earlier this fall as a distant possibility. The current DEIS shows little flexibility in its proposal for a Manhattan acceptance facility for recyclables, despite regularly referring to Gansevoort as an "option."

We ask this simple question: What are the other options for recyclables?

And that leads us to this statement: The DEIS must study other locations in Manhattan as an acceptance facility for recyclables.

Community Board No. 4 has a vested interest in the Gansevoort Peninsula, and considers it the anchor of the Hudson River Park for the southern part of our district. For that reason, we can in no way support the use of Gansevoort as an active facility for the Department of Sanitation. When the Hudson River Park Act was signed into law in 1998 it reflected City and State negotiations which determined the location of several municipal and commercial uses within Hudson River Park. The City cannot now change the Act to accommodate more municipal uses

What would stop a future amendment to the Act at other locations if this were to establish a precedent?

The Solid Waste Management Plan to date accommodates the Hudson River Park Plan as drawn preliminarily by the Park's Segment 5 architects, but adds a large facility in the water at the end of the Gansevoort Peninsula. But NYC's Economic Development Corporation (EDC) has not presented any concrete proposal for financially supporting the park development, so it is still unclear what benefit the Solid Waste Management Plan has to the park or the community. In addition, representatives of DOS have stated that accommodating the recycling facility would not accelerate the removal of DOS uses on the pier and therefore accelerate park construction. Again, this does not provide any benefit to the community in return for accepting this facility and compromising the Hudson River Park Act.

To restate, the Board insists that the DEIS study other locations for a Manhattan Marine Transfer Station (MTS) for recyclables, including Pier 76, which is already designated for commercial use.

Specific comments

2.1.1: Overview

We are very concerned about Footnote 3 on page 2-2 which states that a full environmental review will not be conducted for a recycling facility on the Gansevoort Peninsula. First of all, the text throughout refers to a future environmental review of this facility, and it is completely inappropriate to bury the fact that one will not be conducted in a footnote. Secondly, any waste management facility operating in the middle of parkland is likely to have serious on-site environmental, odor, noise, and traffic impacts, and not studying them is unacceptable.

18.1: Introduction

Although the Gansevoort recycling facility has not yet been designed and will not be built for at least seven years, this section of the DEIS considers the off-site traffic, air, and noise impacts of rerouting trucks to this facility. This is completely premature. Without specific knowledge of the facility's design and operation, assumptions about its related truck traffic are likely to be wildly inaccurate. Anticipated truck routes and volume could be different when we know more. If, where, and when trucks will idle depends on the design of the facility. Furthermore, as stated before, it is utterly ridiculous to use 2006 figures for measuring the effects of traffic that won't even exist before 2012.

18.14.3: Traffic; Future no-build conditions

The Gansevoort Peninsula will be developed entirely as parkland with no industrial uses on it at all. The DEIS must acknowledge that this site will be parkland and not, as stated in 18.15.3, a "commercial/ industrial" area. In addition, a traffic analysis at the site **MUST** be conducted with a focus on the effect of trucks on the users of the park and especially the bikeway/walkway, regardless of the CEQR thresholds.

18.17: Noise

Although the DEIS predicts that trucks will be routed down residential sections of West 14th and West 15th Streets, noise analysis is only done on Route 9A and on West 14th Street between Washington Street and Route 9A. Noise analysis must be done farther east, on the residential streets that are most likely to be negatively affected by this additional truck traffic.

PIER 99 MARINE TRANSFER STATION

General comments

The current proposal for Pier 99 is to handle about half of Manhattan's commercial waste. This Board at no time opposed the reuse of the Pier 99 MTS for DOS-controlled residential waste. However, the use of the site for commercial rather than residential waste must be studied *de novo*, not considered an adaptation of the original proposal.

The analysis that was prepared would allow for the construction and operation of a Converted MTS for residential and commercial waste. In case the plan to create a commercial-waste-only facility fall through, we are providing the following comments on the studied facility. We expect that all errors would also be corrected in the eventual EIS for the planned commercial facility.

We are particularly concerned by the mischaracterization of the area surrounding Pier 99 as an area "with active industrial uses and municipal operations." The DEIS lists the most significant use in the area as the Con Edison plant, and identifies the site as part of an M2-3 manufacturing zone. However, the Con Ed facility far from characterizes the area on whole and in addition to M2-3, several R districts exist in the area.

This site is surrounded by mapped parkland. And the most significant uses both to the south, north, east, and yes - west - are parks. The DEIS must come to terms with this. Specifically, any text referring to Clinton Cove Park must include Pier 97 not as an aside, but as part of the park which WILL be built once the DOS removes its uses on both the pier and the upland area. In addition, your own document, flawed and incomplete as it is, notes a dozen new residential and commercial developments, which, when added up, paint this area as a strongly residential area, hardly "industrial" at all. The EIS must at every point note that this is a neighborhood in transition, and, in fact, transformation.

When describing existing and future land use conditions, the socioeconomic conditions, the neighborhood character, urban design, and waterfront revitalization, the DEIS must reference both the Hudson River Park and Riverside South Park first and foremost. It must also acknowledge that the area to the east of the park is going through major change and becoming predominantly residential. These sections and analyses should be revised to properly take into account the uses immediately surrounding the pier as parkland and to reflect the major residential transformation of the neighborhood.

Specific Comments

22.2.1: Land Use: Existing Conditions

The DEIS fails to accurately characterize many of the neighboring sites and leaves out much significant residential development in the area:

The Arkraft Strauss sign factory referred to in the DEIS is in fact vacant and soon to be redeveloped. Most of the block between 57th and 58th Streets, between 12th and 11th Avenues is being developed by the Durst Organization. The Helena apartment building near completion on the eastern edge of the site will have 600 units. The western end of the block is planned to have a commercial tower rising 300 feet (30 stories). The middle of the block is zoned for commercial development.

This section fails to mention two significant neighborhood developments: the Amsterdam Houses, a NYCHA facility between 61st and 65th Streets, from Amsterdam to West End Avenue;

and the planned expansion of John Jay College to 12th Avenue. Future development will soon take place on sites currently being acquired on the western half of the blocks between 59th and 60th Streets, between 11th and 12th Avenue; and between 60th and 61st Streets, between 11th and 12th Avenue.

Furthermore, the Foundry, a residential building at 505 West 54th Street which contains 222 units, is not listed. The Nicole, at 400 West 55th Street, contains 149 residential units, and while it is just outside the half mile radius study area, it is across the street from Alvin Ailey, which is included.

Finally, calling the blocks between 10th and 11th Avenue "largely industrial and institutional in nature" is false and it seems, deliberately misleading. Your own document belies this statement, and adding accuracy to your document clearly demonstrates that residential areas of this neighborhood are being strengthened and formerly industrial areas of are quickly converting to residential and commercial uses.

22.2.1.4: Land Use: Existing Conditions: Zoning Plans and Policies

The document erroneously states that a 197-a Plan is in development for South Hell's Kitchen; no such plan is being developed. But, there are massive rezonings currently in the ULURP process which must be included in this study. The Hudson Yards Redevelopment Plan which includes extension of the Number 7 subway line, expansion of the Javits Convention Center, massive upzoning, and a stadium, along with the City's West Chelsea Rezoning Plan, will further encourage high density residential and commercial development of the west side. A number of other rezoning proposals also indicate transformation from low-scale industrial areas to higher density and increasingly residential and mixed-use development.

Immediately north of the site is mapped parkland, not as the study states, an R10 district.

22.2.2 Land Use: Future No-build Conditions

Clinton Cove Park is actually between Piers 94 and 97, and includes development of Pier 97. This must be corrected.

RiverCenter is listed here as being the future development of the block between 58th and 59th, west to 12th Avenue. In fact, this site is being developed as a 600,000+ square foot expansion of John Jay College.

In addition, the future no-build conditions must include:

- Encore Senior Residence - 755-765 10th Avenue - 85 units for low-income elderly
- Clinton Green - CURA sites 8 and 9C - (west of 10th, 51st - 53rd Sts) - 627 units
- Flats/Old School - 552 & 554 W. 53rd St. - 86 low, moderate and middle income units

These are marked on Figure 22.2-4 Planned Development Sites, enclosed.

22.3: Socioeconomic Conditions

The socioeconomic data in section 22.3 confirms that this is an area of rapid market-rate residential development. The study must reflect this obvious conclusion. One explanation for the growth rates shown between 1990 and 2000 are the Brodsky (and other) towers along 9th Avenue, 58th to 60th streets.

The study used regional projections to say that the populations of Community Districts 4 and 7 will remain about the same. However, the description in the EIS of the area's development, the census data and the City's plans for Hudson Yards and West Chelsea make this an absurd assumption. This must be corrected.

Furthermore, given the small size of the study area, residential units within the ¼ mile study area boundary but located in census tract 135 should be included in the demographic analysis. There is no reason to rely on estimates based on census tracts, and use shorthand calculations when the limited number of nearby residential buildings makes it possible to derive a much more accurate population figure.

Again, we note that the characterization of the side streets that trucks will use as "predominantly industrial in nature" is no longer accurate. The analysis of impacts on nearby residences and businesses must reflect the actual character of the neighborhood.

22.5: Open Space

The DEIS appears to contradict itself several times in recognizing that Pier 99 is between two major park areas, but continuing to characterize the surrounding area as remaining, "largely industrial and transportation-oriented." Recognizing the relatively rapid development of this area, referring to the area as "largely industrial" is misleading.

In addressing the impact of the operational MTS the DEIS states, "Any increase in MTS truck traffic, therefore, could potentially worsen the safety conditions on the bike path. Appropriate measures, developed in coordination with the NYCDPR, would likely resolve this conflict." (22.5.3) How would this be resolved? Why is this not considered a significant adverse impact? Ideally, the design for the MTS would allow the creation of separate bicycle and pedestrian pathways in order to improve safety and to link the Hudson River Park pedestrian pathway to the Riverside South Park pedestrian pathway. We hope that a design change will be considered, and this will be reflected in the Final EIS.

The MTS is an allowable use of Pier 99 according to the 1998 Hudson River Park Act. However, the Act also placed restrictions on uses within the park, which includes the water area designated as an estuarine sanctuary. Any expansion of the footprint of Pier 99 must not be charged to the park in the Army Corps of Engineers permit - it should be treated as part of the project, since it is not a park use. Any enlargement would impinge on Park property and would require State legislative approval - this is not addressed in the DEIS but it should be.

Table 22.5-1, listing public parks and open spaces, must include the Hudson River Park. Its absence makes us question the intentions of the EIS team.

22.7: Urban Design, Visual Resources, and Shadows

22.12.2.8 and 9: Waterfront Revitalization: Policies 8 and 9

Because this facility will be in the middle of extensive and important parkland, the construction of a much expanded facility 20 feet taller in height and accompanied by 80 foot tall cranes is indeed likely to have a negative effect on "visual resources" aka "scenic values" aka "visual quality" aka "visual access" - specifically on water views. These impacts must be studied in greater detail and given real consideration rather than being brushed off so casually. The DEIS must adhere to the policies and sub-policies of the Waterfront Revitalization Program and not

dismiss them as inapplicable. The impacts of the facility on surrounding parkland must not be underestimated.

The design, in addition to increased footprint and height, calls for an 80-foot crane to load containers on to barges. The DEIS states that this crane will be "screened by the Consolidated Edison Pier" (22.7.3). What happens when the lease for this Pier has expired? When Pier 97 is converted to parkland, views from the end of this pier will not be screened by the ConEd Pier. How will this be addressed?

The DEIS states, "The existing neon ornament found on the MTS would not be incorporated into the proposed facility design, though the entrance portal will remain undisturbed." (22.7.3). What other considerations have been made in the design? How will these considerations be affected if developed privately? The removal of the neon ornamentation is also a significant impact on users of the neighboring highway and should be seriously considered.

DOS must consider the neighborhood environment and character in developing a design for this working pier - looking to the natural, economic, and social environments surrounding this facility. In particular, DOS must consider the existence of this MTS within and connecting two significant parks. We urge DOS to consider design that is not only efficient and environmentally responsible, but one that promotes public interest and involvement.

The DEIS mentions possible improvements to the existing bulkhead. We remind DOS that the bulkhead is eligible for the State and National Registers of Historic Places and is therefore subject to restrictions.

22.8: Neighborhood Character

We reiterate our objection to the characterization of the neighborhood as industrial. The neighborhood character analysis must be based on the fact that this facility is surrounded by parkland.

22.9: Natural Resources

The EIS states that negative impacts on fisheries from dredging will be temporary. However, since dredging is required to make the channel deep enough for tugboats and barges as well as for construction of the facility, dredging will probably have to be repeated on a regular basis. How often do you believe that dredging will be necessary? What will be the effect on natural resources of this regular dredging activity?

22.14: Traffic, Parking, Transit, and Pedestrians

There is NO WAY there are no significant impacts on traffic, pedestrians, and cyclists. At the very least, the DEIS must evaluate the increase in truck traffic crossing the bikeway/walkway, especially since the current facility uses only 41 trucks per day.

The area designated for traffic analysis is far too limited to fully realize the effects of traffic in this area. By studying only 59th Street and 12th Avenues north and southbound, the DEIS has not adequately assessed the impact of the development to the north, south, and east of the facility. Furthermore, the study does not address the current conditions in the area. For example, 59th Street west of 11th Avenue provides a layover area for commercial buses in addition to staging areas for trucks and vehicles servicing the cruise industry and trade facility on Pier 94. (These buses can clearly be seen in the picture provided in Figure 22.7.3.) How are these conditions going to be addressed?

Although major areas of development were mentioned including: The Time Warner Center at Columbus Circle, Alvin Ailey Dance Theater at 9th Avenue and 55th Street, The Helena (Durst Organization) and additional retail and office development on 57th Street, Riverside South developments, and park developments including the Clinton Cove Section of the Hudson River Park and Riverside Park South; the EIS does not offer analysis of how the increase in traffic will affect these areas, nor does it consider all of the planned developments (e.g. the John Jay College expansion) in its assessment of future conditions.

The West 59th Street facility would receive waste from five CDs in Manhattan with approximately 124 inbound collection vehicles per day (22.14.4). This includes approximately 0 to 10 trips per hour in the late-evening to early morning and late-afternoon to early evening, and 5 to 42 trips per hour in the mid-morning to early afternoon. This leaves peak trips during morning rush hour along a major inbound route by commuters. Yet the DEIS states use of the facility will have no significant adverse traffic impacts. Further analysis must be done.

We are particularly concerned about queuing and routing of trucks through our neighborhoods. The study must include operation controls and design modifications that consider the traffic and queuing during these peak hours with respect to other traffic and sensitive areas must be protected from excessive traffic. The following points must be addressed particularly with respect to commercial waste collection:

- What is the provision for queuing on-site? How will the peak hour vehicle estimation of 21 trucks be addressed with only 10 to 12 vehicles on site advancing only one truck length every 2 minutes at peak efficiency?
- How will operational controls to stagger arrivals be implemented? How will they be enforced with commercial operators?
- The proposed truck routes, particularly routes going south from 57th Street down 9th Avenue add volume to a tremendously overstressed traffic situation. How will this be addressed?
- The study must consider the effects on traffic farther east on West 59th and West 57th Street, since these designated truck routes are in the middle of busy residential and commercial areas.
- Truck routes already have congestion problems and trucks straying off designated routes to avoid congestion has been a problem. Will enforcement be stepped up?

The EIS predicts no change in pedestrian and cyclist conditions, and therefore minimizes any impact the facility will have on these groups. The study must consider the increased use of the bikeway/walkway related to the pending completion of the neighboring parks. Even if everything won't be completed by 2006, the parks must still be included in the analysis in order for it to have any basis in reality.

Furthermore, a Saturday traffic analysis **MUST** be completed despite collection trucks being at 69% use while other traffic is estimated at 81% of weekday capacity. (22.14.4) Pedestrian and cyclist traffic in the park will increase on Saturdays - particularly during the DEIS "peak hours of mid-morning to early afternoon." Car traffic also increases due to Saturday matinees and cruise ship docking. Analysis should be done to assess the true impacts of this usage on park users and the surrounding community.

22.15: Air Quality

We are concerned about the impact emissions from collection vehicles will have on the air-quality of the surrounding community. Again, the analysis must consider the true nature of the surrounding area. When the analysis of commercial operation is done, the following conditions must also be addressed:

- How will DSNY regulate vehicle emissions of private haulers? The SWMP states that the city will enforce more stringent requirements for operations and maintenance to help minimize the impact of transfer station operations on their surrounding communities. For example, stricter air emissions standards and odor control for stationary equipment and non-road vehicles. What about on-road vehicles? Idling trucks with few emissions standards will decrease air quality.
- What about tugboat and other watercraft emissions?
- How will use of designated truck routes be enforced?

For both Converted MTS and total commercial use, what are the contingency plans when negative air pressure exhaust fans break down?

22.16: Odor

Why is the nearest sensitive receptor for odor analysis at 11th Avenue and 61st Street, when the nearest sensitive receptor for noise analysis is at the adjacent bikeway, as it should be? Like noise, odor must also be studied in the park abutting the facility and at the nearest major development sites: the corner of 58th Street and 11th Avenue, the Helena, the John Jay expansion, and the Durst office building.

Although Chapter 3 describes the methodology for measuring odor, nowhere does the EIS state what the assumed odor output of the Pier 99 Converted MTS, both with and without partial commercial use, would be, or how those figures were arrived at. Given that the waste facilities actually sampled had a very wide range of odor output, how can we know what this facility will smell like? A worst case analysis is in order here. We also note that the air samples taken at commercial waste facilities were deemed particularly offensive, making it especially important to do this analysis *de novo* when the commercial facility is studied. The commercial analysis must particularly rely on air sampled at facilities that process the same proportion of putrescible waste that the planned facility will process.

22.17: Noise

See comments in Methodology section.

We are confused by Section 22.17.3.6 which states that a combined on-site and off-site noise analysis is not required since no sensitive receptor was found within the 55 dba line. There was indeed a sensitive receptor found within the boundary, so the combined analysis must be performed. Given the odd reference to Figure 4.17.1, perhaps this was a misprint?

Given the high level of existing traffic, we are very surprised that the quietest hour was deemed to be the afternoon rush hour. This seems impossible. Is this perhaps also an error? How would the analysis be affected if it was repeated for a nighttime hour?

22.18: Commercial Waste

Given the widely different odor levels sampled at municipal and commercial waste facilities, a more sensitive odor analysis should be performed for this option, rather than just assuming that commercial and residential waste have the same odor impact.

Air quality analysis for commercial vehicles, as was stated before, cannot assume that they use the same low-sulfur fuel as municipal vehicles, nor that the vehicle fleet is of the same age.

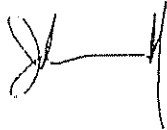
The traffic analysis in Appendix D is highly speculative. There is no way of knowing where any commercial garbage would originate, how it would reach the facility, how much would arrive, and at what times. Given that this would be determined by contract negotiations with particular carters, actual figures are likely to be very different from those derived by just taking the averages. For this reason, we are highly suspect of the analysis performed in Appendix D. A worst case analysis would make more sense. This also further highlights the need for a *de novo* traffic analysis for the proposed new all-commercial facility, based on more solid figures, perhaps from actual contracts or memoranda of understanding.

Thank you for your consideration of our comments.

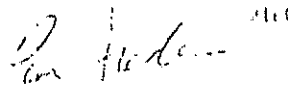
Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



John Doswell
Co-Chair
Waterfront & Parks Committee



Pam Frederick
Co-Chair
Waterfront & Parks Committee

cc: Elected Officials
Manhattan Community Boards Nos. 2 and 7
Friends of Hudson River Park
Hudson River Park Trust
Friends of Clinton Cove
Riverside South Planning Corporation

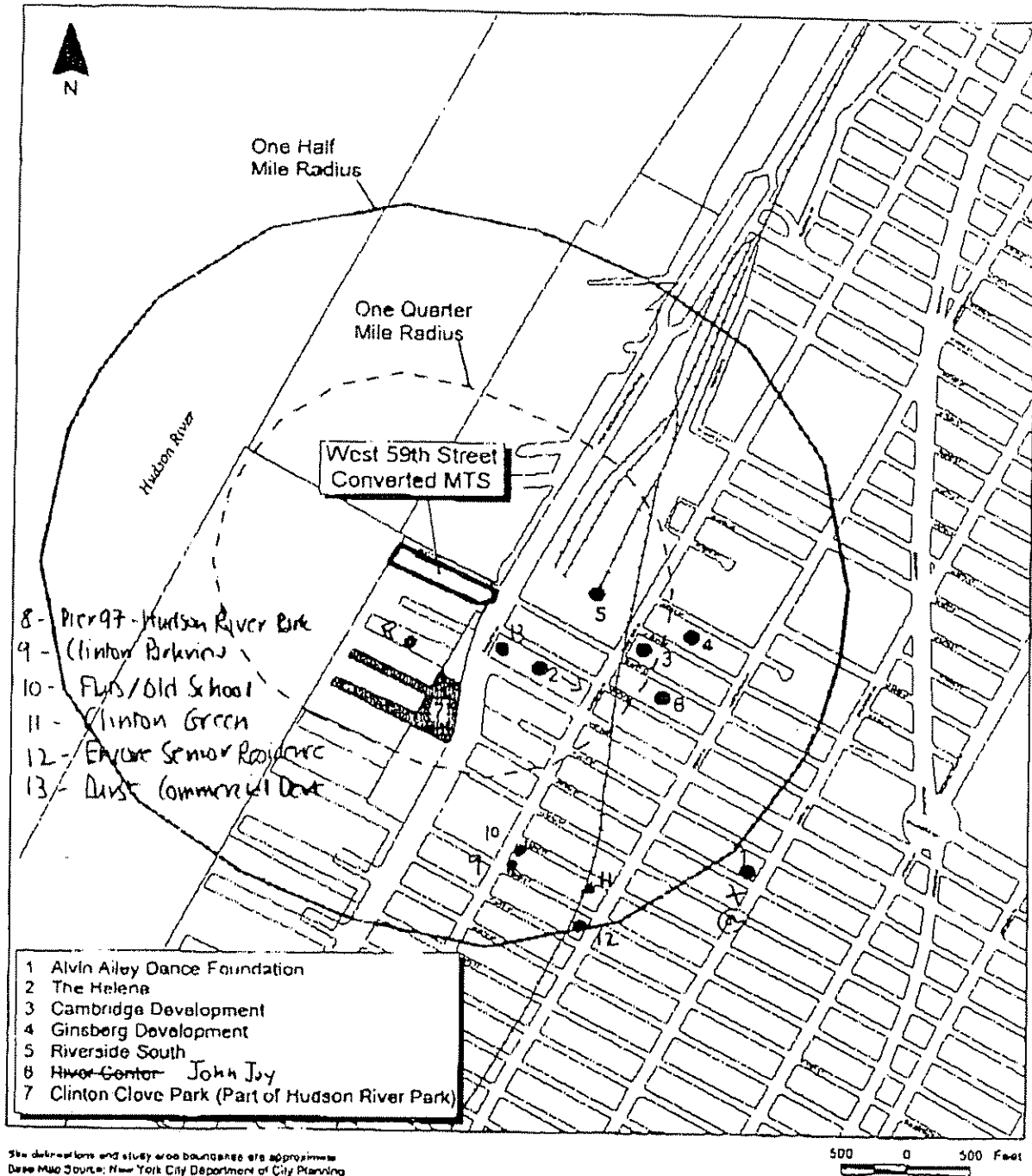


Figure 22.2-4 Planned Development Sites
 West 59th Street Converted MTS

CITY OF NEW YORK
 DEPARTMENT OF SANITATION



DEIS

@ Nicole



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Vincent Arcuri, Jr.
Chairperson

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District Manager

January 24, 2005

Mr. Harry Szarpanski
Assistant Commissioner
Bureau of Long Term Export
NY City Dept. of Sanitation
44 Beaver Street (12th Floor)
New York, NY 10004

FAX AND MAIL

Re: Draft New Comprehensive Solid
Waste Management Plan Concerns

Dear Assistant Commissioner Szarpanski:

Enclosed, please find a copy of the December 8, 2004 letter that I wrote to you regarding the Draft New Comprehensive Solid Waste Management Plan, as it concerns waste transfer station sites, especially at 30-58 Review Avenue, which is CD2Q.

There are very serious concerns that the amount of truck traffic in and around District 5, Queens could be overwhelming, since there will be 3 transfer stations in such close proximity to one another (the other sites being at 485 Scott Avenue and at 72 Scott Avenue, in Brooklyn).

Another serious concern is the possible plan for a Truck-to Truck-to Rail waste transfer plan. Under this plan the LIRR tracks area along Rust Street, at and adjacent to Maspeth Avenue, would be the location where trucks would load containers onto rail cars for export. This plan would mean an extensive number of additional trucks going into and out of the congested West Maspeth Industrial Area. The congestion and air pollution that this additional diesel traffic would bring is very serious.

The Rust Street/Maspeth Avenue LIRR track area is the border of District 5, Queens and District 2, Queens.

These pollution and congestion matters have to be studied very carefully before any final decisions are made.

Sincerely,

Gary Giordano
Gary Giordano
District Manager

CC: Hon. John Doherty, Commissioner, Dept. of Sanitation
Hon. Helen Marshall, Queens Borough President
Local Elected Officials

V. Arcuri & A. Nunzio - CR50: Community Board 5, Queens



Community Board No. 5

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December 8, 2004

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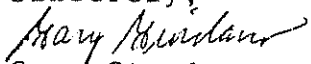
Re: Draft New Comprehensive Solid Waste
Management Plan

Dear Assistant Commissioner Szarpanski:

In response to the Public Hearing scheduled for Wednesday, December 8, 2004 regarding the Queens Alternative to Greenpoint MTS, I believe that Community Board 5, Queens might be in favor of an MTS to serve District 5, Queens at 30-58 Review Avenue, in CD2, Queens, but I believe that the following matters have to be seriously studied first:

- Truck traffic impacts at, around and for travel to and from the proposed site.
- The impact that having 3 transfer station sites located in such close proximity to one another, these sites being a site at 30-58 Review Avenue in Queens, a site at 485 Scott Avenue in Brooklyn and a site at 72 Scott Avenue/598 Scholes Street in Brooklyn. Although none of these 3 waste transfer stations are located directly in CD5Q, they are each in close proximity to the Community Board 5, Queens area.
- Spill mitigation plans at Newtown Creek.
- Waterfront/water traffic as it may affect the planned Greenpoint/Williamsburg waterfront sports facility.
- Water traffic as it may affect the proposed 2012 Olympic venues.

This is a preliminary set of comments on the Draft New Comprehensive Solid Waste Management Plan of the NY City Dept. of Sanitation.

Sincerely,

Gary Giordano
District Manager

**Community Board 7/Manhattan Comments
on the
Comprehensive Solid Waste Management Plan
Draft Environmental Impact Statement
January 24, 2005**

Community Board 7 has a significant stake in the successful implementation of a rational, sensitive, and balanced solid waste management plan (SWMP). We care not only because the West 59th St. MTS (59th St.) has a direct impact on our district, but – given that we are New Yorkers, not just Upper West Siders – because the entire SWMP will shape the ways we live our lives at home, at work, and at play throughout the city.

Our comments on the Draft Environmental Impact Statement (DEIS) fall into two categories: fundamental and specific.

Fundamental Comments

First, the DEIS is technically deficient, because the DEIS fails to assess the potential impacts of the SWMP's actual planned commercial waste use of 59th St. The DEIS should be redrafted now (not later) to reflect the actual planned use. Second, the SWMP and DEIS should describe the analysis underlying the fundamental policy decision to dispose of garbage in the manner described in the SWMP. This description would include an analysis of the alternatives considered (rail transport? Waste-to-energy in New York City? Long-term truck export? others?), as well as a much more comprehensive and complete discussion of plans for diversion of waste to recycling and for reduction of the waste stream. Third, the DEIS needs to widen the study zone around 59th St. to adequately assess its potential impact. We believe that there should be a single study zone with a radius of ¼ mile, to ensure that the impacted area up to and including Columbus Circle will be appropriately evaluated. Fourth, the DEIS needs to extend the built year to consider the actual time required to bring the MTSs on line. 2010 would be more realistic than 2006.

1. The use of the West 59th St. MTS evaluated by the DEIS is not the use contemplated by the SWMP. While the DEIS found no immitigable adverse impacts based on certain specified uses, that finding is effectively moot – as the SWMP itself acknowledges – because the SWMP actually calls for a different use (the transfer at 59th St. of commercial waste collected by private carters in Manhattan). Use as a commercial waste transfer station will cause meaningfully different impacts, because it will (i) involve a different type of waste, (ii) increase the volume of traffic (200 trucks per day + District 7's trucks)(iii) require a significantly larger or a non-containerized facility (iv) alter the mix of trucks and hours of operation, and (v) decrease the ability of the city to manage the operation, as the city will have much less control over the private carters and their non-municipal employees(vi)and continue the use of truck export of residential garbage from Manhattan CDs 1,2,3,4,7,9,10, and 12. The SWMP proposes the 59th Street MTS would take residential garbage from Manhattan CDs 1,2,3,4,7. The DEIS should study both proposals and compare their impacts. The DEIS does not study the impacts of keeping paper recycling at West 59th Street until Gansevoort is available, perhaps in 2012.

Community Board 7/Manhattan Comments
on the
Comprehensive Solid Waste Management Plan
Draft Environmental Impact Statement
January 24, 2005
Page 2 of 6

We should be reviewing a DEIS that is consistent with the SWMP. It is not enough to say that "a supplemental environmental review would assess the potential for adverse impacts." The risk is simply too great that, by the time a supplemental environmental review is conducted, no meaningful options for the transfer of Manhattan's commercial waste would remain. As a result, the conclusions of that supplemental environmental review would be pre-ordained, resulting in tons of putrescible commercial waste passing through the West Side and a gem-like waterfront park, even if community concerns and environmental impacts would dictate otherwise.

2. The SWMP (and DEIS) provide little or no consideration of ways to dispose of garbage other than those specifically described in the SWMP. It is simply not possible adequately to evaluate the SWMP and DEIS in this information vacuum. The goals of the SWMP – to more equitably distribute the burden of solid waste disposal and to make less of an environmental impact – are admirable, but the means may or may not be. The public – which should have a critical voice in the fundamental policy decisions – can only voice its opinion if it has the necessary information. Specifically, was rail transport considered? Were waste-to-energy facilities in New York City considered? Were other alternatives considered? If so, how did these alternatives compare, and why were they dismissed? If they were not considered, the DEIS should study them. If these alternatives were not considered, why not? If Manhattan's commercial waste disposal trucks are added to the West Side export truck traffic, is this an equitable distribution? How will use of commercial land transfer stations outside of Manhattan be reduced? The DEIS should present specific data on these issues.

3. Recycling is a key part of the SWMP, but the discussion of recycling is weak. The SWMP should provide more details on the legislative proposals now under consideration and on new approaches that might require new legislation. We propose that DOS analyze the following additional programs or actions: improvement of commercial and institutional recycling; increase in the "bottle bill" deposit to \$0.10; expansion of the "bottle bill" to include non-carbonated water and drinks; establishment of recycling programs at major transportation hubs and at major NYC parks and sports stadiums; passage of State legislation requiring composition labeling on all plastic containers; and passage of State legislation providing tax incentives for use of recyclable plastics vs. non-recyclable plastics in packaging. (Interestingly, these legislative actions would be consistent with DOS's own market research findings that most New Yorkers believe that waste reduction should be "left to manufacturers and legislators.") In addition, the number of collection and distribution sites for special recyclable collections such as hazardous material or new compost material must be increased if the DOS expects greater citizen participation. The DEIS should study impacts of increased recycling and how it would reduce truck traffic and the need for disposal sites.

Specific Comments

We also have a number of concerns and questions concerning the specific terms of the DEIS, as

Community Board 7/Manhattan Comments
on the
Comprehensive Solid Waste Management Plan
Draft Environmental Impact Statement
January 24, 2005
Page 3 of 6

it applies to the West 59th St. MTS. In order for the DEIS to meet its technical requirements, the DEIS must be changed or supplemented to address the following issues. For these purposes, given that we have no alternative, we take the DEIS at face value and comment on the described environmental impact of a use which we know not to be the use actually contemplated by the SWMP.

1. The DEIS assumes the approval by the State legislature of changes in the Hudson River Park Act and the approval of the East 91st St. MTS. While it is interesting to speculate about the outcome sought by the SWMP, the DEIS must also provide information on the impacts caused by the necessarily different use at 59th St., if the desired approvals are not forthcoming. A DEIS that is entirely predicated on approvals which are far from certain does not meet the requirements of the law.

2. Section 22 does not reflect the current and near-future neighborhood character and should be updated. The DEIS is measuring the future impact of the transfer station based on the current development characteristics of the 59th St. area. As a result, the DEIS does not meet its technical requirements. The DEIS must estimate the future impact of the facility on the future character of the neighborhood. This character is defined by Riverside South, the new Hudson River Park and Riverside Park South the rezoning of the areas between Amsterdam Avenue and West End Avenue to permit over 1000 new residential units, westward expansion of John Jay College, among other dramatic changes.

It would be helpful if the DOS prepared two zoning maps of the expanded Study Area. The first would show the existing development in terms of floor area ratio by permitted or existing use. The second map would show developable floor area ratio, by type of permitted use, if the Study Area was fully built out to the maximum levels permitted by the zoning code. These maps would provide the community and the DOS with a better understanding of the impact of the MTS on our community in 2015 and 2025.

While the area in the vicinity of 59th St. may have been industrial in the recent past, it will not be in the near future. By way of example, the DEIS needs to widen the study zone around the West 59th St. MTS to a ¾ mile radius in order to adequately assess the potential impact of additional truck traffic, even if at off-hours, in the context of the rapid development of the West Side both north, south and east of the facility. The DEIS needs to analyze the anticipated increase in traffic from development at Riverside South, Lincoln Center, Columbus Circle and the West End Avenue corridor running south as well as Hell's Kitchen development and the Hudson Yards upzoning.

3. Con Ed's use of Pier 98 for fuel transfer operations is cited as a mitigating factor, because it will screen (and therefore theoretically minimize) the visual impact of the new loading activity at the West 59th St. MTS. This statement is misleading and must be changed, because we do not

Community Board 7/Manhattan Comments
on the
Comprehensive Solid Waste Management Plan
Draft Environmental Impact Statement
January 24, 2005
Page 4 of 6

actually know what the loading activity at the West 59th St. MTS will look like. As noted above, the loading activity described in the DEIS is not the loading activity actually envisioned for the site and may have a negative impact on ConEd operations. The DEIS should include an analysis of this.

4. The DEIS by its terms contemplates not just continued, but expanded, municipal waste transfer activity. (See p. 22-21: The 59th Street MTS represents the "reactivation of solid waste transfer operations... with added containerization operations.") This expanded use is not adequately addressed by the conclusory statement (See p. 22-29) that "air quality, odor, noise and traffic studies were conducted to determine what the environmental consequences would be on these sensitive [park] uses; no significant adverse impacts were found." (See also p. 22-107: "no air quality, odor, noise or traffic impacts are predicted to result.")

The DEIS should detail what exactly was shown by the studies conducted for the DEIS. The DEIS at p. 22-29 acknowledges that an increase in MTS truck traffic could potentially worsen the safety conditions on the bike path, but these would likely be resolved. The DEIS should indicate how this problem can be corrected.

5. The statement in Section 22.8 "Neighborhood Character" (p. 22-45) that "the character of the immediate environs remains largely industrial and transportation-oriented" is an inappropriately narrow view. It is simply untrue that "no destination in the immediate area... would attract anyone but workers..." (p. 22-45), when the immediate area includes two popular parks that attract an untold number of parkgoers (including Hudson River Park, in which the 59th St. site is actually located). It is misleading to say that "potential operational impacts [on neighborhood character] would be largely contained to the immediate vicinity" (p. 22-47). The DEIS must be amended to reflect the fact that there will be more trucks and more sanitation activity in a newly populated, greened place.

6. It is not possible to reconcile the following two statements: "Potential traffic impacts may result from the increase in DSNY and other agency collection vehicle trips to and from the site during all peak hours" (22-97) and "Although the West 59th Street Converted MTS would remain within the vicinity of several parks, no air quality, odor, noise or traffic impacts are predicted to result" (22-107). The former is much more plausible. The DEIS should be amended to reflect this change and to ensure appropriate scrutiny and remediation. We request data on which and how many agency vehicles? The DEIS should include data on District 7's collection and relay trucks, recycling trucks, and snow operations.

7. According to the DEIS at p. 22-20, regional projections indicate that the population of Manhattan CDs 4 and 7 will remain about the same as current conditions. This statement is simply wrong. Certainly, the many new developments predicted for the area (pursuant to the recently-adopted West Side Development Plan in CD4, and rezoning and development in CD7) will result in a meaningful increase in the residential population in the vicinity of the proposed

Community Board 7/Manhattan Comments
on the
Comprehensive Solid Waste Management Plan
Draft Environmental Impact Statement
January 24, 2005
Page 5 of 6

MTS. Although the growth in residential space is acknowledged, the DEIS needs to be amended to adequately reflect these numbers and to address the implications of the population growth

8. "Waterfront Revitalization Program" (22-67) still incorrectly identifies several sub-policies as inapplicable. As a result, the DEIS must be changed. It is particularly disingenuous to label sub-policies 8.1 and 9.2 inapplicable. Sub-policy 8.1 reads: "Preserve, protect and maintain existing physical, visual and recreational access to the waterfront." The DEIS responds: "Due to the existing industrial uses at and in the immediate vicinity of the [proposed MTS], public access would not be compatible with the principal use of the site. Therefore, this subpolicy is not applicable." This is wrongheaded and circular logic. The subpolicy only becomes "not applicable" because it is deemed "not applicable," which misses the point entirely. Public use could certainly be compatible with the principal use of the site. (See, for example, the public access proposed as part of the plan for the Pier 52 facility).

In addition, Subpolicy 9.1 reads: "Protect scenic values associated with natural resources." The DEIS responds: "The [proposed MTS] would pose no impact to scenic values associated with natural resources. Therefore, this subpolicy is not applicable." Of course, the proposed MTS would pose a very real impact to scenic values associated with natural resources – namely, the wonderful and dramatic views of the Hudson River.

9. The DEIS should reflect the Riverside South mitigations on West End Avenue that have changed the traffic flow from West 59th Street to West 70th Streets.

10. The DEIS should include analyses of the implications of the anticipated connection of Riverside Boulevard and Route 9A at West 59th Street.

11. The DEIS should reflect the condition of increased traffic in and around Columbus Circle (a designated truck route) resulting from the new Time Warner building.

12. The DEIS should reflect the use of West 59th Street, west of 11th Avenue, as a commercial bus layover and a staging area for trucks and other vehicles that serve the cruise ship lines to the south.

13. The DEIS should analyze the potential for vermin and sea gull infestations in the parklands. Eliminating food resources for rodents in particular should be included.

14. The DEIS should include a study of asthma rates in Amsterdam Houses and Amsterdam Addition and include this NYC Public Housing development and its 1,080 families in Public Outreach Process/Environmental Justice Plan.

15. Table 22.4-1 In the secondary study area, add Lincoln Square Neighborhood Center, 250

Community Board 7/Manhattan Comments
on the
Comprehensive Solid Waste Management Plan
Draft Environmental Impact Statement
January 24, 2005
Page 6 of 6

West 65th Street, Mabel Barrett Fitzgerald Day Care Center, 243 West 64th Street.

16. Section 22.13.1.2 DEIS should analyze the MTS sanitary sewage and stormwater impacts on North River with data that include the new Hudson Yards rezoning.



Community Board Ten

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District Manager

January 20, 2005

Harry Szarpanski, Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Dear Commissioner Szarpanski:

I am writing to comment on the Dept of Sanitation ("DOS") proposal of a new Solid Waste Management Plan ("SWAMP") for the next 20-Year planning period.

Community Board Ten's Environmental Committee reviewed the Draft Environmental Impact Statement on January 4, 2005. Committee Members discussed at length your Agency's plans for improving curbside recycling, implementing a Long Term Export Program through the development of four Converted Marine Transfer Stations; and awarding Contracts for barge or rail export of DOS garbage to various sites.

Committee members raised objection to the potential for the construction of an intermodal barge to rail facility to be placed at the 65th Street Rail Yard. The 65th Street Railyard is located within Community District 10. Additionally, the Bay Ridge Towers, a Mitchell Lama complex with nearly 800 families lies adjacent to the 65th Street Rail yard. The 65th Street Railyard is currently leased to New York and Atlantic Railways. Residents have raised concerns about the rail transport of propane and other chemicals because the rail runs beneath their complex and have expressed their opposition for the expansion of its use to include an intermodal barge to rail facility.

For this reason we strenuously object to any siting of any kind of a facility within the confines of CB 10 or immediately adjacent to our borders and will be voting to ratify this position at our full Board Meeting on January 24, 2005.

Sincerely,

Craig A. Eaton
Chair

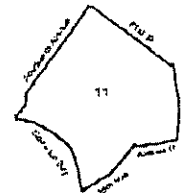
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THE CITY OF NEW YORK
COMMUNITY BOARD No. 11
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HOWARD FEUER
District Manager

Fax Cover Sheet

Send to: <i>Comm. Bzupanski</i>	From:
Attention:	Date: <i>1-24-05</i>
Office Location:	Office Location:
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GUY S. LAMONACA

January 24, 2005

Howard Feurer
District Manager
Brooklyn Community Board 11
2214 Bath Avenue
Brooklyn, NY 11214

Dear Mr. Feurer:

I have reviewed the Department of Sanitation DEIS for the New Comprehensive Waste Management Plan for the next 20 years Planning Period (2004-2024) published in October 2004. I have the following comments pertaining to chapter 5 of the DEIS:

1. General Comment

The DEIS Notice of Completion dated 10/22/04 maintains that this Draft EIS would comply with the State Environmental Quality Review Act. To analyze the future "no-build" condition the DEIS uses year 2006. In the spirit of SEQRA, the EIS must include both short and long-term impact, as mentioned by NYSDEC, SEQRA Process, Step 5 - Preparation of the Draft EIS.

Year 2006 could qualify for the short term impact analysis; however the future "no build" condition must analyze conditions to a forecasted future year, usually associated with the life cycle of the facility, in this case the Southwest Brooklyn Converter MTS. The Estimated Time of Completion (ETC), when the facility will be placed in service, plus 20 years (ETC+20), may provide for a reasonable future time frame.

2. Section 5.3.2 Future No-Build Conditions:

- a. The Demographic Characteristics and Economic Conditions and Potential Impact analysis should be done for ETC+20. Demographic characteristics are especially important for estimating waste production, waste disposal and traffic growth.
- b. The New York Metropolitan Transportation Council (NYMTC) has developed new Socio-Economic Data (SED) and forecasts to year 2030 based on updated National Drivers. NYMTC's PFAC (Program, Finance, and Administration Committee) did not approve the 2025 SED reforecast since it was uncertain, due to the 9-11 disaster and recovery.

3. Section 5.13.2 Future No-Build Conditions: Same as comment above (Section 5.3.2) all future impacts should be referred to ETC+20 years.

4. Section 5.14.2.3 Existing Traffic Operations.

- a. Par 3 states that "Manual turning movement counts were conducted between February 5, 2003 and February 11, 2003, while ATR counts were conducted between February 3, 2003 and February 9, 2003." The analysis uses these counts. There is no mention if and when vehicle classification counts were conducted. Since the area has pronounced summer recreational activities (see Section 5.7.1.3), winter traffic may be significantly lower than traffic in other seasons. The DEIS should take the seasonal traffic variation into account before the analysis is conducted.
- b. All figures showing traffic volumes depict ambiguous traffic approach diagrams. The traffic approach diagrams should be turned so that the traffic flow coincides with the street grid.

- 2 -

January 24, 2005

5. Section 5.14.2.4 Existing DSNY-Related Traffic: Sentence 2 "However, DSNY and other agency...on truck routes from Queens CDE 11 and 13 to the commercial...located at 110 50th Street in Brooklyn" We cannot relate the meaning of this sentence to the context of the DEIS, Section 5.
6. Section 5.14.2.6 Pedestrian Activity: "Light pedestrian activity occurs along Cropsey Avenue...during several visits pedestrian activity was a minimal." As in comment 4.2, the area has pronounced summer recreational character. Pedestrian activities, within the study area (not just Cropsey Avenue), should be accounted and facility's impact analyzed.
7. Section 5.14.3 Future No-Build Conditions: see comment 2.a. for Section 5.3.2, all future impacts should be referred to ETC+20 years. Additionally, due to the profound impacts of the proposed facility on the area, it is recommended to use NYMTC's demand modeling tools to forecast traffic.
8. Section 5.14.4.1 2006 Future No-Build Conditions:
 - a. See comment 2.a. for Section 5.3.2, all future impacts should be referred to ETC+20 years.
 - b. Par 3 - "The need for Saturday analysis was considered. Background traffic volumes were approximately 99% of weekday traffic volumes." This statement is too vague, as there is no weekend traffic data shown in the DEIS. Weekend traffic has different characteristics than weekday traffic as trips are made for different purposes. The shopping area at the southern end of Bay Parkway generates several traffic trips. New establishments have located there since traffic counts were taken. The amusement park and other seasonal, park related activities within the primary and secondary study area generate many trips during summer weekends. Traffic counts should be adjusted for seasonal variations.

I have no other comments regarding this DEIS.

Sincerely,



Guy S. La Monaca, PH
Member of Brooklyn CB 11

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FIRST CLASS MAIL AND FACSIMILE TRANSMISSION

January 24, 2005

Harry Szarpanski, P.E.
Assistant Commissioner
Bureau of Long Term Export
44 Beaver Street, 12th Floor
New York, NY 10004

Re: Comments on the Draft Environmental Impact Statement for the New York City
Comprehensive Solid Waste Management Plan

Dear Mr. Szarpanski:

The NYS Department of Environmental Conservation provides the following comments in response to the Draft Environmental Impact Statement for New York City Comprehensive Solid Waste Management Plan, dated October 2004. The DEIS provides a comprehensive analysis of the Solid Waste Management plan and proposed conversion of several marine transfer station facilities however, the focus is on waste transportation and export to primarily remote landfills, without providing any comprehensive analysis of out-of-City impacts.

A. General

1. The DEIS relies heavily on studies and reports prepared earlier which are not significantly summarized, including such documents as the Commercial Waste Study, Manhattan Transfer Siting Report, as well as the 2001 CEQR Technical manual (see references on page 11 of the final scoping document and throughout the DEIS text). The reference to documents generated outside of the DEIS provides some difficulty in reviewing the appropriate sections for adequacy.
2. The DEIS provides reference to and cursory information on the use of private transfer stations for the management of residential waste in boroughs where there is not a converted marine transfer station. The discussion regarding the potential impacts for the use of these facilities is

under developed. The DEIS relies heavily on previous and future decisions by the DEC as part of the environmental review of permit applications. The DEIS should fully discuss any likely impacts that result from use of commercial waste management facilities.

3. The DEIS should consider the likely consequences and probable impacts that develop from the use of the existing 59th Street Marine Transfer Station (MTS) and the use of the converted MTS during non peaking hours.
4. The DEIS should discuss the impacts of NYC municipal garbage containing significant quantities of household hazardous waste and its potential impact on remote landfills and on emissions at Waste to Energy (WTE) plants.
5. NYC proposes a solid waste management plan totally dependant on out-of-city facilities. Absent from the discussion is detailed analysis of potential impacts resulting from unanticipated facility closures and transportation problems.
6. The DEIS Plan fails to explore any in-city disposal alternatives including WTE, yet disposal at three out of City WTE plants is proposed. The discussion should explain why no in-City disposal alternatives are presented and why the City continues transporting waste to out of City WTE facilities, while not considering WTE plant construction within its borders.
7. The DEIS omits traffic, noise, and air pollution impacts along out of city waste routes.
8. Provide an analysis of waste route construction impacts, both in-city and out of city.
9. The DEIS omits significant discussion on the disposal of large amounts of dredge waste. Details of dredge disposal and a list of destination facilities for this material should be included in the discussion.
10. The DEIS emphasizes sorting and pre-manufacturing activity without any discussion of possible in-city reuse or manufacturing alternatives. The discussion should include why the City has been unable to attract additional recycled content goods manufacturers and any probable impacts.
11. Section 1-2 Purpose and Need - Page 1-3: The last sentence states "These Existing Programs and New Initiatives approved pursuant to the Existing SWMP are therefore not part of the Proposed Action that is subject to environmental review in this DEIS." What specific existing programs and new initiatives are being referred to? If the statement is referring to biosolids, medical waste, dredge spoils and Fresh Kills construction and closure, please provide an updated reference for discussion of these issues.
12. Section 2.1.2 General Information, Plan Policies and Key Assumptions - Proposed Plan Long Term Export Facilities - Page 2-6: Please clarify who were the independent utilities that

approved the environmental reviews for the demolition. Also, please describe the environmental remedial program for each of the individual MTS facilities such as page 3-23 for Southwest Brooklyn.

13. All solid waste facilities must be designed to be in compliance with the requirements of Part 360-1 7(a)(2)(ii), which prohibits siting on flood plains unless specific provisions are made as explain therein. Please correct throughout the document.

Rail/Barge Issues:

14. The DEIS discussion relies primarily on barge transport with a lesser emphasis on rail. Inherent in a barge system is the loss of waterfront access, however, rail provides greater flexibility and would require improvements which may attract other industry and possibly trigger additional upgrades to the rail system. Provide an analysis, exploring whether the City would be better served by either a barge /or rail-focused system. The DEIS should provide a comparison of the negative environmental impact of the additional rail/barge traffic versus the reduction of vehicle traffic.
15. The DEIS should incorporate a discussion regarding the feasibility and need of improving the rail infrastructure in NYC and along potential out-of-City waste routes. Include an analysis of the additional track and yard capacity which may be required.
16. The DEIS should include a detailed discussion of the rail and barge systems, currently and proposed, and how the proposed SWMP changes are viable within these systems. Included in this assessment should be the possibility of using float barges from 65th Street or New York Cross Harbor and the possible container unloading facilities in the New York City harbor.

B. Environmental Justice (Chapter 1)

1. The environmental justice section contains no assessment of the potential burden the proposed action(s) may have on identified environmental justice communities. Mapping neighborhood facilities as noted in the scoping document and coupling that with the statement "As such, they are not intended to depict the type or extent of any environmental burden in the EJ community," does not assess any potential impacts or provide an evaluation of the burden to those neighborhoods.
2. The DEIS provides a discussion of how the DSNY will conduct Enhanced Outreach, utilizing DEIS hearing process. The DEIS further suggests the existing outreach complies with DEC's policy on Environmental Justice and Permitting. The DEIS, however, does not provide in draft the required Enhanced Public Outreach Plan, nor does it provide a schedule for such compliance.

3. Examples of public outreach documents should be added to the appendix as attachments.
 4. Reference to joint hearings with the DEC should be removed. The reference to DEC's commitment to issue Notices of Complete Applications should be deleted from the discussion.
- C. Overview of Study Methodologies for Site-Specific Analyses (Chapter 3)
1. Table 3.16-1 (p. 3-48) is the "Average Peak Day Facility Load Allocation," how is the average peak day defined? Peak generally refers to a maximum. How is an average computed?
 2. On p. 3-71, in the second sentence, the phrase "... comparison with the PM_{2.5} NAAQS is not **feasible** (*emphasis added*)" should be changed to "... is not attempted" as a more accurate representation.
 3. The document is sometimes confusing with regard to the differing requirements of NYSDEC as contrasted with those of NYC DEP. For instance, on p. 3-71 the PM₁₀ emissions of 15 tons/year is a state threshold, and not a City DEP requirement, but that is not clearly stated. Elsewhere distinctions between city and state thresholds could be better made. The discussion should clarify the separate city and state requirements.
 4. Because some aspects of the analysis were begun prior to the general availability of Mobile6.2 in February 2004, Mobile5b was used for some portions of the analysis. In some cases, Mobile6.2 was also apparently used (see p.3-81). While there are representations made that the "... most current state and city approved input parameters were used ..." (p. 3-89), this is contradicted elsewhere by reference to the NYC DEP's Report #34 (Jan. 1982). See p. 3-91 & 3-92. When Mobile6.2 was used, was it consistently applied? The technical backup for the site specific analyses should be included in the appendix.
 5. The waste handling (transfer) operations are modeled using AP-42 §13.2.4 Aggregate Handling and Storage Piles, but the DEIS appears to be in error on two counts. This AP-42 method (i.e. §13.2.4) was not revised on 12/03, nor does it contain a correction factor C (see p. 3-83 of the DEIS). The discussion should be revised to correct the errors.
 6. Load factors and activity data are not provided to verify the tugboat emission factors presented in Table 3.17-5.
 7. For PM₁₀ road dust calculations, the latest AP-42 Chapter 13.2.1 (12/03) guidance was not used. The DEIS discussion does not estimate PM_{2.5} road dust.
- D. Descriptions of Facility Sites

1. **59th Street MTS**

- a. The 59th Street MTS is mentioned as a possible commercial waste transfer point. Describe improvements which would be required for the facility to accommodate the commercial waste sector. Describe the impacts which are expected to occur if this facility is used in this manner.
- b. Describe the Hudson River Greenway trail at the point of intersection with the 59th Street MTS. Is the trail diverted in a manner which is safe and does not detract significantly from the trail's aesthetics?

2. **South Brooklyn Marine Terminal (SBMT)**

- a. It is expected that 85% of the inbound recyclables to the South Brooklyn Marine Terminal (SBMT) will be delivered by barge. Where will the material originate and where will it be loaded onto barges? The DEIS discussion should include a description of the recycling support facilities. Provide the names of destination points for processed recyclables.
- b. Were any alternatives to the SBMT available with both barge and rail capability? Is the SBMT rail-accessible? Discuss the potential for shipping recyclables from the SBMT via rail.
- c. On p. 17-4 the section entitled "Environmental Review: Manhattan Curbside Recyclables to 30th Street Pier at South Brooklyn Marine Terminal," states that borings taken close to the SBMT show that the area contains 10 - 25 feet of fill material. Is an investigation planned to determine if contamination is present at the proposed SBMT site?
- d. Please clarify whether all materials from the proposed Gansevoort recyclables transfer facility will be sent to the SBMT. If not, provide a list of destination facilities.
- e. The 30th Street Pier, Brooklyn is included in the list of SWMP Facilities and potential contractors as a recyclables processing facility. The footnote states "As a recycling facility, it is not subject to regulation as a solid waste facility." Please correct this statement to reflect that it is regulated under NYSDEC regulation 6 NYCRR Part 360. Correction should be made to page 2-116 for the Gansevoort facility and in Table 2.5-1.

3. **Review Avenue and 485 Scott Avenue**

- a. It is unclear whether the proposed Review Avenue and 485 Scott Avenue transfer station will be a truck-to-barge or truck-to-truck-rail facilities. Different parts of the document state different scenarios. Please correct.

- b. If both scenarios are options, individual environmental reviews should be done for both possibilities. Section 2.1.2.2 Capacities of Private Transfer Stations - Table 2.1-3 Private Transfer Station Capacities: Please explain why the analysis for 485 Scott Ave. capacity analyzed for on-site impacts is "deferred" while Review Avenue is not.

4. **East 132nd Street Transfer Station**

- a. Section 2.2.9 East 132nd Street Transfer Station - Page 2-70: Please explain why there is no direct rail connection to this facility

5. **Hamilton Avenue MTS**

- a. Section 4.10.2 Delineation of Area of Concern - Page 4-53: In this section it states that the November 2003 work plan is NYSDEC approved. NYSDEC has not approved the work plan. Please correct.
- b. Section 4.10.3 Potential Impacts with Hamilton Avenue Converted MTS - Page 4-54: Please contact NYSDEC for guidance for disposal or reuse of urban fill and the necessary cover layer over exposed urban fill areas at least 90 days before implementation of plan regarding these materials. This applies to potential demolition/construction plans for all of possible facilities.

E. **Construction Impacts** (Chapter 32 and various sections)

- 1. The DEIS limits its discussion to short term construction impacts and long term operational impacts. It also refers to proposed construction at eight converted MTSS. The discussion should be augmented to reveal impacts to the local community and any probable impacts from staging of equipment and machinery, road diversions and closures, both upland and to the waterway. The discussion should be revised to focus on those facilities determined to be included under the proposed action.
- 2. Section 32.2 Construction Impacts - Page 32-2: Please discuss potential construction impacts such as construction traffic, noise, vibration and disruption of services impacts. Also discuss if the construction will impact the use of any off-site properties.

F. **Evaluation of the Proposed Plan** (Chapter 34)

The DEIS discussion states "... as a result, traffic and air quality conditions on City streets would likely improve overall within the City with the implementation of the Proposed Plan". The statement is unsupported by environmental analysis and discussion within the DEIS. The discussion further

omits a comparative analysis to derive at this conclusion, particularly with the exclusion of commercial waste truck traffic analysis.

G. Unavoidable and Adverse Impacts (Chapter 35)

The discussion concludes that "site specific analysis predicts that any impacts identified are capable of being mitigated." The DEIS should provide a comprehensive comparative chart of unavoidable impacts and corresponding mitigation to allow an adequate assessment of this statement.

H. Irreversible and Irretrievable Commitment of Resources (Chapter 36)

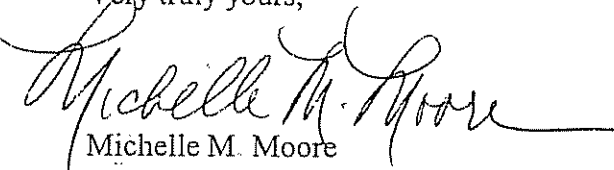
As stated the in the DEIS "... the soil, shoreline and natural waterway ... already committed to industrial use as a result of prior industrial activities ..." implies the waterways are abandoned and non productive, when in fact the littoral zones, tidal wetlands and open water and habitat existing at the shoreline structures, are beneficial and protected for their natural resources benefits. The loss of marine resources habitat and open water should be further detailed and discussed.

I. Alternatives

Although a component of each facility site assessment description provides alternatives, identifying alternatives to the proposed plan and each MTS should be developed for the benefit of public disclosure and impact assessment.

These comments are provided consistent with your notice DEIS Hearing and Extension of Comment Period, dated November 16, 2004. The comments are specific to DEC regulatory authority and are intended to provide clarity in the assessment of various environmental impacts that may result from the proposed action. Please feel free to contact us to discuss these comments in more detail.

Very truly yours,


Michelle M. Moore
Environmental Analyst

NYSDEC Comments on DEIS for Comprehensive Solid Waste Management Plan
January 24, 2005
Page 8 of 8

cc:

Brezner, Kenneth, NYSDEC, Division of Solid and Hazardous Materials, Region 2
Cryan, John, NYSDEC, Division of Environmental Permits, Region 2
Keenan, Michael, NYSDEC, Division of Air Resources, Central Office
Menrath, Scott, NYSDEC, Division of Solid and Hazardous Materials, Central Office
Zahn, Steve, NYSDEC, Bureau of Marine Habitat Protection, Region 2



City of New York
Parks & Recreation

Adrian Benepe
Commissioner

The Arsenal
Central Park
New York, New York 10021

Joshua R. Laird
Chief of Planning

(212) 360-3402
joshua.laird@parks.nyc.gov

March 11, 2005

Assistant Commissioner Harry Szarpanski
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: New Comprehensive Solid Waste Management Plan – October 2004
CEQR# 03DOS004Y

Dear Assistant Commissioner Szarpanski,

Parks and Recreation has reviewed the October 24th Draft Environmental Impact Statement for the Solid Waste Management Plan. We are grateful for all of the efforts that your agency has made to date in order to develop an environmentally sound solid waste plan for the City. We offer the following comments for your consideration.

Chapter 22: West 59th Street Converted MTS

Although not selected as a proposed plan facility for the long-term export program for residential waste, we feel compelled to offer the following comments as the DEIS indicates that this site could in the future be used for commercial waste.

22.14 - Traffic Parking, Transit and Pedestrians

With further dense residential development to the south and north and the development of a permanent greenway path between 44th and 65th Streets, we expect the number of greenway users to increase significantly. As missing segments of Manhattan's 9A/Hudson River Valley Greenway have been constructed, the facility saw growth of up to 300 percent in additional users for both weekday and weekend counts, according to the Department of City Planning's New York City Bicycle Lane and Trail Inventory of 2001. On p.22-96, the EIS states that pedestrian activity is not likely to increase under future No-Build conditions. Given imminent plans for completing Riverside Park South and for the construction of a greenway link between the Hudson and East River at Battery Park, it seems highly likely that more pedestrians and cyclists will travel through this area. This reinforces the notion that we must work together to develop a safe crossing for greenway users if the MTS is ever to be reconstructed for containerization.

Additional traffic into a converted W. 59th Street marine transfer station will present the potential for increased pedestrian and bicycle conflicts. On p.22-108, the EIS acknowledges that conflicts between DSNY trucks and greenway users are likely to worsen as a result of a converted MTS, and states that DSNY will work with DPR to resolve them. This is one of the city's busiest greenways, and should the MTS site be upgraded for containerization, we urge DSNY to meet early in the design process with DPR, SDOT, and the Hudson River Park Trust to discuss the design of the entranceway.

22.7 Urban Design

If the MTS is selected for conversion, the façade design of the new MTS structure as it faces the greenway is of concern to Parks. Since this is a critical juncture for HRP and Riverside South, under any scenario we hope that DSNY will consider the possibility of moving the existing entry structure to the west in order to provide a stronger greenway link between the two parks. Additionally, should the DSNY contemplate expanding the footprint of the 59th St. marine transfer station, an amendment to the Hudson River Park Act could be required. Additionally, the land underwater to the pierhead line and immediately north of West 59th Street is mapped as parkland. Any operational activities or permanent structures affecting this designation could trigger conflicts with state protections of public parkland and ultimately require legislative approvals.

22.18 Commercial Waste to the West 59th Street Converted MTS

Please consider the following factors as the assessment of the feasibility of providing the existing West 59th Street MTS site to private waste companies to use for the transfer of commercial waste is in discussions.

22.18.3.2 Off-Site Traffic, Air Quality and Noise

Although the commercial waste delivery to the MTS would be between the hours of 8 p.m. and 8 a.m., you should be aware that the Hudson River Greenway is a 24-hour bicycle and pedestrian facility and potential conflicts could be an issue. As previously stated, we urge DSNY to meet early in the design process with DPR, SDOT, and the Hudson River Park Trust to discuss the design of the entranceway should commercial waste operations continue at the West 59th Street MTS.

Chapter 21: West 135th Street Converted MTS

Although not selected as a proposed plan facility for the long-term export program for residential waste, we offer the following comments.

21.5.3 Open Space

The DEIS notes that the build year for Riverside Walk is 2006. If there are any changes to the selection of MTS sites for the containerization of residential waste, significant design coordination efforts would be needed. We hope to minimize any potential conflicts for open space and greenway users through this area.

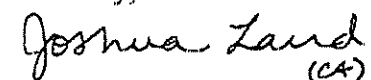
We would also like to understand how long-term plans would be developed for the MTS if it is not used as part of the long-term solid waste export program. Given the proximity of the MTS to Riverbank State Park, the Route 9A/Hudson River Valley Greenway, Riverside Park, and the Harlem Piers Open Space Development, we would suggest that an adaptive reuse be considered that would compliment these surrounding uses.

Chapter 18: Gansevoort Recyclables Acceptance Facility

The siting of the recycling facility at this location if commercial waste is handled through the West 59th Street MTS will have implications for Segment 5 of Hudson River Park. In addition to the possible need for an amendment to the Hudson River Park Act, the project must be designed in such a way as to be compatible with the park. Coordination with the Hudson River Park Trust will be imperative.

Please feel free to contact me at (212) 360-3403 if you have any questions about these comments.

Sincerely,


Joshua Laird

#38 7175456 - Ms. Elena Barere, In ID: 2241905, Out ID: 2239416

EDC

From: forelenab@aol.com

To: IQE@cityhall.nyc.gov

Date: 1/23/2005 7:15:03 AM

Subject: City of New York - Correspondence #1-1-151084450 Message to Agency Head, CHALL - CASE

Dear Mayor Bloomberg,

I DO NOT support the opening of the 91st Street Transfer Station. Transfer stations should not be in ANY residential neighborhoods.

And I vote.

Sincerely

Elena Barere

170 West End Ave NYC 10023 BT W 66 & 70 STS

==== Original Formatted Message Starts Here =====

Your City of New York - CRM Correspondence Number is 1-1-151084450

DATE RECEIVED: 01/23/2005 07:13:47

DATE DUE: 02/04/2005

SOURCE: WEB

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov

Sent: 01/23/2005 07:12:34

To: sbladmp@customerservice.nyc.gov

Subject: < No Subject >

From: forelenab@aol.com (Elena Barere)

Subject: Message to the Mayor

Below is the result of your feedback form. It was submitted by Elena Barere (forelenab@aol.com) on Sunday, January 23, 2005 at 07:12:33

This form resides at



JONATHAN L. BING
Member of Assembly
73rd District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEES
Health
Housing
Judiciary
Social Services
Tourism, Arts & Sports Development

**Testimony to the New York City Department of Sanitation
Public Hearing on the DEIS for the Solid Waste Management Plan**

By Assemblymember Jonathan Bing

December 20, 2004

I am here today to speak on behalf of the residents of the Holmes Towers-Stanley Isaacs Houses housing development located in my district near the site of the East 91st Street Marine Transfer Station. The residents of Holmes and Isaacs will be directly and negatively impacted by the activation of this waste transfer station, and I urge the Department of Sanitation to thoroughly and exhaustively examine alternate sites.

Bordering on the neighborhoods of Yorkville and East Harlem, the Holmes-Isaacs complex is home to a diverse population that truly reflects the many walks of life found in New York City. Approximately 2,278 low- and fixed-income residents live in the Holmes-Isaacs complex in five residential towers located between 1st Avenue and the East River from 92nd Street to 96th Street. Senior citizens and children make up the majority of the population of Holmes-Isaacs, with approximately 40% of the population over the age of 60 and approximately 25% under the age of 18.



I am extremely concerned about the City's plan to reactivate the 91st Street Waste Transfer Station and its effect on Holmes-Isaacs. This residential complex is located within the primary study area for the City's DEIS. By situating a huge garbage dump less than one block away from so many children and senior residents, I believe that the proposed location is a danger to health and safety of my constituents at Holmes-Isaacs, and it will negatively impact the community facilities and services, pedestrian traffic, open space, health, and aesthetic value of this vibrant community.

Community Facilities and Services

The Holmes-Isaacs development is home to a number of social programs serving the residents of the complex and the surrounding communities of Yorkville and East Harlem. The Stanley Isaacs Neighborhood Center, located on the grounds of the complex, is the administrator of these programs, and is a "neighborhood center" in the truest sense. The Center serves roughly 6,000 community residents per year.

Many of the social programs offered at the Center serve the senior community in the area, focusing on education, recreation and social interaction. Free daily meals are offered. Hundreds of senior citizens participate in these programs at the Holmes-Isaacs complex.

The Center also serves the children and families who live at Holmes-Isaacs. Many of the youth participate in various after-school programs, and students enjoy summer day camp there. Again, the hundreds of children and families served at the Isaacs Center include, but are not limited to, the residents of the complex; many young people travel from East Harlem to participate in the programs at the Isaacs Center.

I am concerned that the re-activation of the 91st Street Transfer Station will negatively impact the operation of programs at the Isaacs Center. The increased traffic, noise, and odor will discourage participants from using the open space available on the grounds of the complex, and could discourage people from traveling to take part in the services altogether.

Traffic and Pedestrian Safety

The southern boundary of the complex is 92nd Street, an eastbound street that will serve as an access route for the huge garbage trucks carting refuse to the station via York Avenue. These huge trucks will rumble their way directly past the open space of the Holmes-Isaacs complex on its southern side, posing a safety hazard to pedestrians.

The traffic congestion along 92nd Street between 1st and York Avenues is already a risk to pedestrians, particularly surrounding a much-utilized bus stop at 92nd Street and York Avenue. Introducing 800 truck trips per day to the neighborhood will deteriorate the situation further to the point of being extremely dangerous. How can the City expect to introduce a traffic increase of this magnitude along a residential street and not foresee tragic accidents in the making?

Open Space, Health and Aesthetics

The residential towers of the complex are surrounded by significant open space along 92nd Street. Currently, residents frequently enjoy the open space by walking, playing games, and congregating on the green grass of the complex grounds. Benches allow residents to rest and enjoy leisure time outdoors.

If the 91st Street site is reactivated, the pungent odors, the noise, and the ugly sight of the trash trucks will certainly make for an unpleasant stroll along the grounds of Holmes-Isaacs. This is not merely a conjecture based upon a guess about the future. The residents of the complex remember the last time the 91st Street site was operational. They remember the trucks hauling trash past their homes. They remember the rats, the noise, and the smell, particularly in the warm summer months. This time, if the site is reactivated, all of these factors will be worse, due to the increased capacity of the station.

The City must also anticipate increased health dangers from the reactivation of this site. Increased emissions will lead to decreased air quality, and an increased risk of asthma for the more than 500 children living at Holmes-Isaacs.

Conclusion

I strongly urge the City to reexamine the need for the reactivation of the 91st Street Waste Transfer Station. The mixture of heavy trash trucks plus a dense population of children and seniors is a dangerous and unacceptable equation.

Thank you.

Riverside South Planning Corporation

January 21, 2005

Assistant Commissioner Harry Szarpanski
New York City Department of Sanitation
Bureau of Long-Term Export
44 Beaver Street, 12th floor
New York, NY 10004

Re: Comments on Draft EIS for Draft New SWMP

Dear Assistant Commissioner Szarpanski:

The Riverside South Planning Corporation, a not-for-profit organization dedicated to the completion of the plan for Riverside South, a large-scale development including a 27.5-acre waterfront park located immediately north of the West 59th Street MTS, previously submitted comments dated July 9, 2004 to the Draft Scoping Plan for the Draft New Comprehensive Solid Waste Management Plan. Since that time, the proposed Converted West 59th Street MTS has been eliminated from the Draft New SWMP, and an as-yet undefined plan to reserve this pier for commercial waste disposal has been substituted.

We believe that this change has rendered wholly inadequate the environmental review conducted to date – including Final Scoping Plan, the Draft EIS, and the separately conducted Commercial Waste Study of March, 2004, which assumed a Converted West 59th Street MTS and is attached as Appendix D to the DEIS – for any new proposal for this site. We understand that the Department of Sanitation has agreed to conduct an entirely new review for any proposed new use for the West 59th Street MTS, and we look forward to participating in that process.

There are, however, several comments which we feel must be made at this time to the DEIS to protect the park and the adjacent neighborhood from errors and omissions in the current analysis, to ensure that they do not reappear at a later time. These include:

- 1) *Chapter 22.2.1.3.1 and Figure 22.2-3* The Draft Scoping Plan identified the zoning in the area north of the West 59th Street MTS as M2-3; the DEIS identifies the zoning as R-10 and shows this on Figure 22.2-3. This area is in fact mapped parkland, which has no zone (see attached copy of NYC Zoning Map 8c). This is a significant error, especially given that we pointed out this mistake in our comments to the Draft Scoping Plan. If the preparers of the DEIS cannot even correctly read a zoning map, even after being alerted to the correct information after an earlier mistake, then the analysis in the DEIS of the proposed action is suspect and should be reexamined. See Comment #2.

- 2) *Chapter 28.5 et al.* This chapter studies the Existing West 59th Street MTS, which currently uses both the south and north sides of the pier for barge tie-up. As noted above, the water area north of the pier is mapped parkland. **Any use of this area for barge tie-up or any other Sanitation use is therefore an illegal alienation of parkland.** In addition, recreational small boating uses will be accommodated in this area of Riverside Park South Phase IV, to be completed in 2006, which will conflict with barge tie-up on the north side. Consequently, the environmental review for the “no action” alternative for this site must study how the existing West 59th Street MTS will operate legally with only the south side of the pier for barge tie-up, and any possible impacts of this change.
- 3) *Chapter 22.5.3 and Chapter 35.* This section concludes that additional truck traffic to and from the West 59th Street MTS “could potentially worsen the safety conditions on the bike path”, which the DEIS acknowledges is a significant open space and transportation amenity in the area. The DEIS then goes on to state, “Appropriate measures, developed in coordination with NYCDPR, would likely resolve this conflict.” Such measures, if they exist, **must be disclosed** in the DEIS for public comment, and their potential effects analyzed. Without such information and analysis the DEIS cannot conclude in Chapter 35 – Unavoidable Adverse Impacts – that there are no unavoidable site-specific adverse impacts that cannot be mitigated.

In our comments to the Draft Scoping Plan, we asked that alternatives be studied that would eliminate conflict between users of the Hudson River Greenway bikeway/walkway and trucks going to and leaving the West 59th Street MTS. These alternatives included construction of a flyover on West 59th Street over the Joe DiMaggio Highway, with trucks entering/leaving the West 59th Street MTS at an upper level (as they currently do at the East 91st Street MTS), or a tunnel under West 59th Street for either trucks or a waste conveyer line with an upland tipping facility, perhaps below-grade in Riverside South. The Final Scoping Document Response No. 5A states that “The complexity of the planning and design issues associated with this (flyover) concept is beyond the scope of this project.” Given that the DEIS cannot explain how adverse impacts to the bike path at West 59th Street will be mitigated, this conclusion is in error and inadequate. Any future review of a proposal for the West 59th Street MTS for commercial waste or other purposes **must** include consideration of these alternatives.

- 4) *Chapter 1.7.2.1 – Required Actions, Permits, and Approvals, New York State.* Any action affecting the West 59th Street MTS or the Gansevoort Peninsula, which is proposed as a possible site for a recycling facility at Chapter 1.4.2.2, must be determined by the Hudson River Park Trust to be consistent with the Hudson River Park Act, or the act amended.

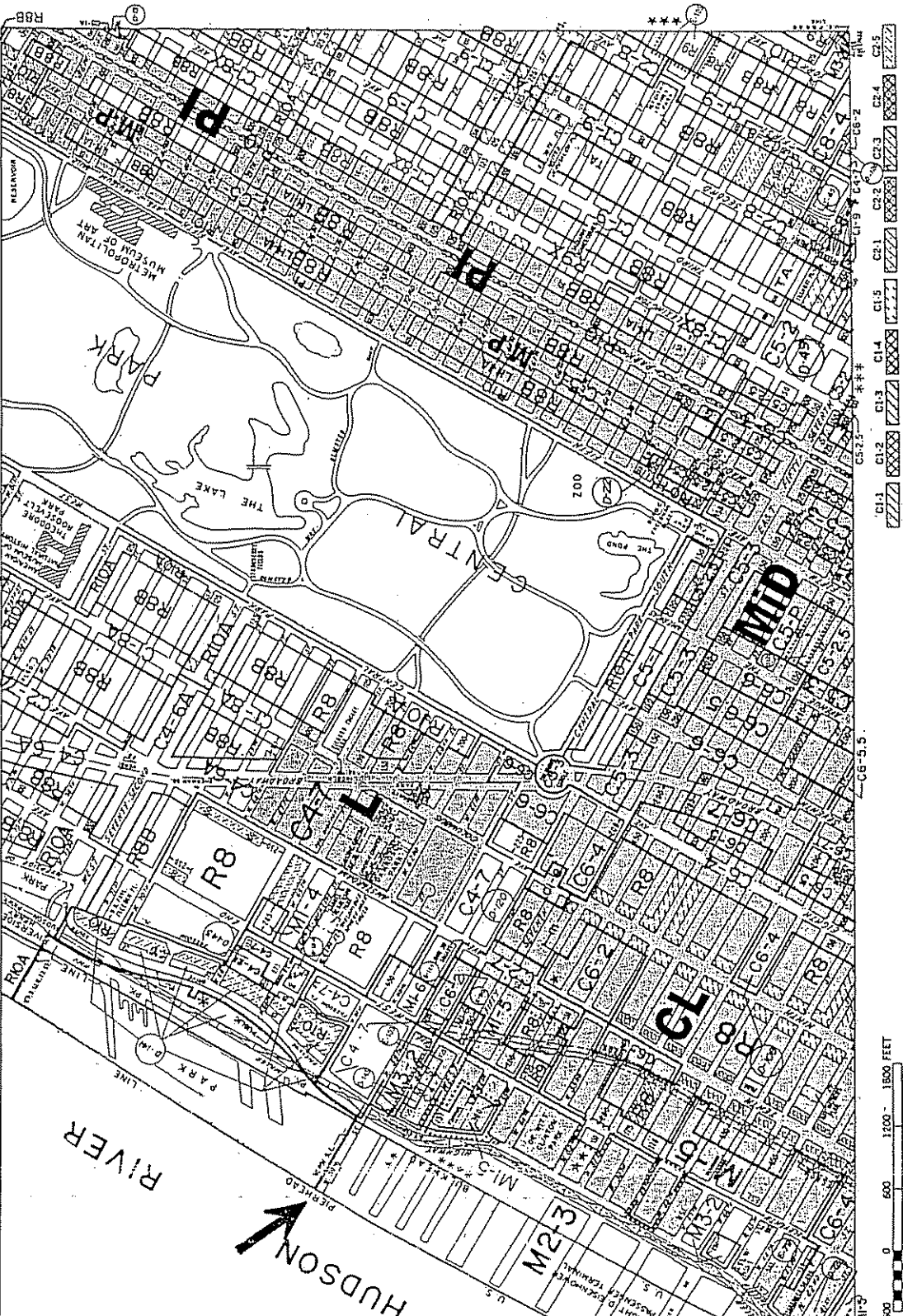
- 5) *Chapter 1.4.4* The DEIS identifies only one alternative to a new Manhattan Recyclables acceptance facility at the Gansevoort Peninsula, a no-action alternative of continuation of the existing system of truck delivery to facilities in New Jersey and the Bronx. Other sites in Manhattan should be considered as alternatives for locating a new Manhattan recyclables acceptance facility, including Pier 76 on the Hudson River. This site offers significant advantages over the proposed Gansevoort site, including no need to amend the Hudson River Park Act, no need to seek permits for an entirely new over-water structure from the Army Corps of Engineers and the State Department of Environmental Conservation, and potentially fewer impacts on adjacent parkland. The NYPD tow pound which currently occupies Pier 76 is scheduled to be moved to a new facility at 29th Street between 11th and 12th Avenues, which received site selection approval by the New York City Council on January 19, 2005.

Thank you for your consideration of these comments, and we look forward to participating in the Department of Sanitation's evolving plans for the West 59th Street MTS.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Bradley', with a stylized flourish at the end.

Michael Bradley, AICP
Executive Director



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

..... AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

- *** 12-19-2001 C 010547 ZMM
- *** 12-11-2001 C 010556 ZMM
- *** 11-20-2001 C 010669 ZMM
- *** 10-31-2001 C 000154 ZMM
- *** 07-26-2001 C 010199 ZAY
- *** 04-25-2001 C 010148 ZAK
- * 12-19-2001 C 000649 ZMM
- 06-05-2000 C 990440 ZMM

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

- (D) - RESTRICTIVE DECLARATION
- (E) - CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

ZONING MAP **8c**

MAP KEY

5d	6b
8a	8c
8b	8d
	9a
	9b

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Transportation ALTERNATIVES

115 West 30th Street Suite 1207 New York, New York 10001-4010
Ph 212-629-8080 Fax 212-629-8334 info@transalt.org transalt.org

NYC's Advocates for Bicycling, Walking and Sensible Transportation

January 19, 2005

Commissioner John J. Doherty
New York City Department of Sanitation
125 Worth Street
New York, NY 10013

Re: Proposed West Side Marine Transfer Station (CEQR #: 03DOS004Y)

Dear Commissioner Doherty,


The Department of Sanitation's work to finalize New York City's Comprehensive Solid Waste Management Plan for the next twenty years is of great value, particularly for citizens who already bear more than their fair share of truck traffic. I am sure you are receiving worthwhile comments from the wide range of neighborhoods and interest groups affected by the plan. As New York City's advocates for bicyclists and pedestrians, Transportation Alternatives (T.A.) is concerned that truck traffic entering and exiting the West Side Marine Transfer Station at West 59th Street and 12th Avenue will endanger bikers, walkers, skaters, joggers and strollers using the Hudson River Greenway. An increase in truck traffic there could spell disaster for greenway users and result in vehicles stopped or parked on the path, blocking through greenway traffic and access.

If the Department of Sanitation makes use of the West Side Marine Transfer Station in the final Comprehensive Solid Waste Management Plan, T.A. asks that your agency **work with the State Department of Transportation, Hudson River Park Trust** and other appropriate government agencies and community groups to make an access plan that **puts the safety of greenway users ahead of the movement of traffic entering and exiting the transfer station**, and that Sanitation create and **enforce policies to ensure that the greenway path is not blocked by vehicles**. T.A. urges your agency to carefully study the proposed fly-over ramp and tunnel to the transfer station.

The Department of Sanitation and State DOT have already had success designing a safe driveway across the greenway at Pier 52. As Sanitation progresses with its Solid Waste Management Plan and the State DOT makes safety improvements on the greenway between Battery Park and 59th Street, we hope both agencies continue to work together to ensure greenway user safety.

The Hudson River Greenway is the most heavily used bike path in the country, and any vehicle that crosses the greenway threatens the safety of bikers and walkers—by nature, large vehicles, like garbage and dump trucks, are more deadly to bikers and walkers than cars. The greenway connects some of the densest residential neighborhoods in the U.S. with the country's largest business districts, Midtown and Lower Manhattan. According to City Department of Transportation bike counts, during an average twelve-hour period on a weekday over 2,600 people bike on the greenway; thousands more walk, jog, stroll and skate there too.

Given the good work of the Department of Sanitation and State DOT at Pier 52, we are confident that the Department of Sanitation will work to maintain and enhance Hudson River Greenway user safety at other locations too. Thank you for your attention to this public safety issue.

Sincerely,

Noah Budnick
Projects Director

Cc's on back

*Pratt Institute Center
for Community and
Environmental Development*

*Steuben Hall
379 DuKalb Avenue
Brooklyn, NY 11205*

*Telephone:
718 636-3486*

*Facsimile
718 636-3709*

www.piccdd.org

January 24, 2005

Harry Szarpanski, Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor,
New York, NY 10004.

Via Fax: (212) 269-0788

Re: DEIS for the New Solid Waste Management Program, CEQR # 03DOS004Y

Dear Commissioner Szarpanski:

The Pratt Institute Center for Community and Environmental Development hereby expresses our support of the positions of the Organization of Waterfront Neighborhoods, and of the New York City Zero Waste Campaign concerning the city's proposed Solid Waste Management Plan.

While we applaud the plan's stated goals of reducing New York's reliance on the export of solid waste, and increasing re-use and recycling to capture 70% of the waste stream by 2015, we concur with OWN and with the Zero Waste Campaign that the plan now lacks substance and detail on how these goals are to be achieved. In particular, there is a lack of information on how the City intends to establish the infrastructure necessary for re-use, composting, and recycling. The development of recycling-based industrial parks in each borough would serve not only the goals of reducing exports and minimizing truck-miles traveled to move waste within the city; it would enable the creation of thousands of new, living-wage jobs. A commitment to build recycling parks will nurture entire new industries that will lay the foundation for a sustainable economy for New York City.

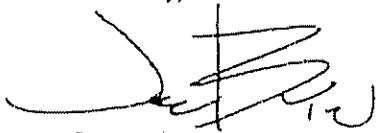
We are heartened by the progress this plan represents toward the equitable distribution of the City's solid waste burden. However, a number of projects as described in the SWMP could potentially undermine this fair share principle. The possibility of a barge-to-rail facility at the Harlem River Yards in the South Bronx, which could be used for the transfer of waste from other boroughs, is of particular concern.

The plan does not adequately address waste prevention and diversion in the commercial and construction sectors. The huge volume of redevelopment and new construction that the Administration's rezoning and new development initiatives are intended to stimulate make the adoption of an aggressive approach to C & D waste reduction and recycling all the more imperative. And the tens of millions of square feet of new commercial construction that the Administration's vision contemplates will impose an unacceptable burden on the City's Environmental Justice communities, absent a far more comprehensive plan for commercial waste diversion than the one presented in this plan. The plan's proposal to increase transfer station fees should be linked to expansion of commercial waste prevention and recycling, by dedicating the revenue stream from those fees to the development of those programs.

We call upon the Department of Sanitation to implement the comprehensive program proposed in "Reaching for Zero: The Citizens Plan for Zero Waste in New York City." The plan's goal of reducing exports to Zero by 2024 is far more realistic than the expectation that we can rely indefinitely on exporting both our trash and our tax dollars to remote incinerators and landfills.

We call upon the Department of Sanitation to build upon the increment of progress the SWMP DEIS represents over the status quo, and address New York's stream of commercial, residential, and institutional waste with a plan that is equitable and environmentally sustainable, and that will enhance, rather than undermining our City's economic vitality and quality of life.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Byron", with a stylized flourish at the end.

Joan Byron, RA
Director
Sustainability and Environmental Justice Initiative
Pratt Institute Center for Community & Environmental Development
379 DeKalb Avenue
Brooklyn, NY 11205
718-636-3486 ext. 6447
718-636-3709 (fax)

cc: Brad Lander
PICCED Director

Carrieri, Donna

From: outgoingagency@customerservice.nyc.gov
Sent: Sunday, January 23, 2005 2:13 PM
To: DSNY, Commissioner; njohnson@cityhall.nyc.gov
Subject: City of New York - Correspondence #1-1-151127070 Message to Agency Head, DSNY - Other

Your City of New York - CRM Correspondence Number is 1-1-151127070
DATE RECEIVED: 01/23/2005 13:11:47
DATE DUE: 02/04/2005
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Sent: 01/23/2005 13:09:56
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: mike7arl@aol.com (Arleen Lipstein)
Subject: Message to Commissioner, DOS

Below is the result of your feedback form. It was submitted by Arleen Lipstein (mike7arl@aol.com) on Sunday, January 23, 2005 at 13:09:56

This form resides at
<http://nyc.gov/html/mail/html/maildos.html>

Message Type: Complaint

Topic: Other

Contact Info: Yes

M/M: Mrs.

First Name: Arleen

Last Name: Lipstein

Street Address: 2220 Avenue S

City: Brooklyn

State: NY

Postal Code: 11229

Country: United States

Work Phone #: 212-863-5377

Email Address: mike7arl@aol.com

Message: Re: Conversion of the Southwest Brooklyn Incinerator into a Marine Transfer
station
I am against this.

REMOTE_HOST: 152.163.100.8

HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 6.0; AOL 9.0; Windows 98; Win 9x 4.90)

Carrieri, Donna

From: outgoingagency@customerservice.nyc.gov
Sent: Sunday, January 23, 2005 2:29 PM
To: DSNY, Commissioner; njohnson@cityhall.nyc.gov
Subject: City of New York - Correspondence #1-1-151129590 Message to Agency Head, DSNY - Other

Your City of New York - CRM Correspondence Number is 1-1-151129590
DATE RECEIVED: 01/23/2005 13:23:50
DATE DUE: 02/04/2005
SOURCE: WEB

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the Mayor's Office of Operations. In accordance with the Citywide Customer Service standard, your response is due in 10 business days.

If this message is to a Commissioner / Agency Head and needs to be re-routed to another agency or cc to another agency, forward the email to outgoingagency@customerservice.nyc.gov. Do not make any changes to the subject line. Include any comments and it will be processed by The Mayor's Office of Operations.

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 01/23/2005 13:22:12
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: sid7syl@aol.com (Sylvia Reznik)
Subject: Message to Commissioner, DOS

Below is the result of your feedback form. It was submitted by Sylvia Reznik (sid7syl@aol.com) on Sunday, January 23, 2005 at 13:22:11

This form resides at
<http://www.ci.nyc.ny.us/html/mail/html/maildos.html>

Message Type: Complaint

Topic: Other

Contact Info: Yes

M/M: Mrs.

First Name: Sylvia

Last Name: Reznik

Street Address: 2630 Cropsey Avenue

City: Brooklyn,

State: NY

Postal Code: 11214

Country: United States

Work Phone #: 718-266-0652

Email Address: sid7syl@aol.com

Message: re:conversion of the Southwest Brooklyn incinerator into a Marine Transfer Station

Wedo not want to see the return of people getting cancer, leukemia, or other diseases like what happened when the incinerators were here.

It also increases the chances of rats, mosquitos, and other vermin

from infecting innocent people. Also crossing Cropsey Avenue will make it much more difficult for the elderly and for children.

Thank you for your consideration.

Mrs. S. Reznik

REMOTE_HOST: 152.163.100.139

HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 6.0; AOL 6.0; Windows NT 5.1; .NET CLR 1.1.4322)

Carrieri, Donna

From: outgoingagency@customerservice.nyc.gov
Sent: Sunday, January 23, 2005 2:13 PM
To: DSNY, Commissioner; njohnson@cityhall.nyc.gov
Subject: City of New York - Correspondence #1-1-151127070 Message to Agency Head, DSNY - Other

Your City of New York - CRM Correspondence Number is 1-1-151127070
DATE RECEIVED: 01/23/2005 13:11:47
DATE DUE: 02/04/2005
SOURCE: WEB

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 01/23/2005 13:09:56
To: sbladmp@customerservice.nyc.gov
Subject: < No Subject >

From: mike7arl@aol.com (Arleen Lipstein)
Subject: Message to Commissioner, DOS

Below is the result of your feedback form. It was submitted by Arleen Lipstein (mike7arl@aol.com) on Sunday, January 23, 2005 at 13:09:56

This form resides at
<http://nyc.gov/html/mail/html/maildos.html>

Message Type: Complaint

Topic: Other

Contact Info: Yes

M/M: Mrs.

First Name: Arleen

Last Name: Lipstein

Street Address: 2220 Avenue S

City: Brooklyn

State: NY

Postal Code: 11229

Country: United States

Work Phone #: 212-863-5377

Email Address: mike7arl@aol.com

Message: Re: Conversion of the Southwest Brooklyn Incinerator into a Marine Transfer
Station
I am against this.

REMOTE_HOST: 152.163.100.8

HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 6.0; AOL 9.0; Windows 98; Win 9x 4.90)

January 21, 2005

Harry Szarpanski
Assistant Commissioner
Department of Sanitation
44 Beaver Street – 12th floor
New York, NY 10004

Dear Harry:

Enclosed please find comments submitted in response to the Draft Environmental Impact Statement developed by the Department of Sanitation in support of the proposed New Comprehensive Solid Waste Management Plan.

Thank you for your consideration. Please let me know if you have any questions, or need any additional information.

Sincerely,



Kendall Christiansen
On behalf of InSinkErator

**Testimony Regarding the
Draft Environmental Impact Statement
with respect to the
Draft Comprehensive Solid Waste Management Plan**

December 20, 2004 - New York Blood Center Auditorium

Good evening, Assistant Commissioner Szarpanski and colleagues. My name is Kendall Christiansen, and my comments tonight are offered on behalf of InSinkErator, a company based in Wisconsin that is represented by the firm of Geto & de Milly, Inc., of which I am Vice President.

My testimony is about food waste. My comments are focused on the unfortunate failure of both the ***Draft Environmental Impact Statement (the DEIS)***, and the ***Draft Comprehensive Solid Waste Management Plan (the CSWMP)*** to address proven methods for diverting food waste from DSNY collection trucks, transfer stations and distant landfills, instead of capturing food waste as a raw material that can be composted and converted into fertilizer in cost-effective manner.

Although this issue sounds obscure in the context of overall discussions about environmental and other impacts of building four massive new MTS' at a cost that will likely approach \$500 million, food waste is the second largest component of the solid waste stream (after wastepaper) and by far the most expensive and problematic component in terms of environmental impact on the public, and all of the systems that are studied in the DEIS.

I want to underscore that on two separate occasions over the past two years, I formally petitioned the Department of Sanitation to closely examine options for managing both commercial and residential food waste. In the first instance, I suggested including a discrete look at food waste as a distinct component of the Department's study of commercial waste (commissioned by the City Council); in the second instance, I suggested that this DEIS do the same.¹ In both cases, I suggested a comprehensive review, fairly examining all known methods for diverting and managing food waste as a critical component of the municipal wastestream.

¹ See Appendix B of the Final Scoping Document for the Draft Environmental Impact Statement.



An attachment to the Final Scoping Document for the DEIS dutifully records that request, and notes that it will be addressed by the CSWMP.² However, the CSWMP is essentially silent on the question of managing food waste. Although it does cite a nearly decade-old composting facility for food waste generated on Rikers Island, recommends turning on the off- and on-again education programs offered by the city's botanic gardens, and finally building a composting facility at the Hunts Point Terminal Market – more than ten years in the planning, it does nothing to challenge, structure or excite public discussion about current and prospective options.³

I will let others make the broader legal points about what the State requires of a comprehensive solid waste management plan, and whether the draft Plan currently proposed meets that standard. Fortunately, there is still time and the opportunity to correct this unfortunate oversight, and make some real progress on this front. That is the purpose of this testimony at this public forum.⁴

So, why is food waste so important, and what should the DEIS and Plan say about it?

First, food waste is the most problematic component of municipal solid waste. Although it “only” comprises approximately 15% of the city's residential waste, food waste creates environmental damage at every step along the way – food waste smells, it leaks in homes, buildings and trucks, it attracts vermin and rodents, and it creates leachate and methane gas at landfills. And, because food waste is heavy (being mostly water), it is very expensive to collect, transfer and ship.

Although truck traffic is the primary issue in most of the communities concerned with land-based and marine transfer stations, if food waste was diverted in the manner I will describe, fewer trucks would be needed and the odors associated with the transfer facilities would be reduced.

Second, food waste should not be dismissed as just “garbage.” In fact, it is markedly different than other types of solid waste. As an organic material, subject to decomposition, food waste is totally unlike inert materials like glass, metals, wood and plastics, many of which we have learned to treat as recyclables. In fact, food waste is much more like human waste – both are 70%

² See Attachment C of the Final Scoping Document for the Draft Environmental Impact Statement.

³ See Attachment VI (pp. 17-22) of the Draft Comprehensive Solid Waste Management Plan.

⁴ In August 1998, Seattle adopted a new Solid Waste Plan, *On the Path to Sustainability*, establishing a new agenda for managing solid waste in the beginning of the 21st century; see also, “Food Waste Discharge to the Wastewater Collection System,” prepared for the King County (Seattle) Department of Metropolitan Services, and “Joint King County/Seattle Food Waste Diversion Marginal Cost Analysis,” prepared for Seattle Public Utilities.



water, and contain similar combinations of basic chemicals like nitrogen and carbon that enable it to be processed into reusable products without much difficulty.

Third, residential and commercial food waste management efforts are being aggressively developed in other “lighthouse” cities, most notably San Francisco, Toronto and Seattle. Yet New York’s proposed 20-year CSWMP doesn’t even propose to study or attempt any such targeted effort to divert food waste from the solid waste disposal system, effectively ignoring what might be learned from its sister cities.

Finally, food waste is arguably more of a problem in New York than elsewhere – as we appear to have twice the national average.⁵ Why? Because a simple device known as a food waste disposer is a standard appliance elsewhere in the U.S. – installed in more than one-half of U.S. homes, and 85% of new homes – and increasingly common in restaurants, hospital and school cafeterias, and food markets.

In simple terms, a disposer makes food waste disappear – it goes away, immediately, from the place where it is generated. A disposer involves a grinding chamber that pulverizes food waste into its liquid form, sends it through the sewer where it is combined with human waste, treated at wastewater treatment plants, and processed into fertilizer – known both as biosolids and as compost.⁶

Because they were invented more than fifty years ago, with 50 million in daily use and 5 million sold annually, disposers have been studied exhaustively; as in New York’s recent example, municipalities have determined that the public benefits of their wide-scale use are preferable to the converse – collecting food waste as garbage for disposal in landfills or incinerators – and therefore have adopted public policies that allow and promote their use.

But since residential disposers only became fully legal in New York seven years ago, they are not yet common and have not achieved critical mass.⁷ In fact, residential developers and building managers tell us that the city’s practice of

⁵ Local studies estimate food waste at approximately 15% of residential waste; nationally, the U.S. Environmental Protection Agency estimates food waste at 7% of residential waste.

⁶ Markets for biosolids are stable and growing. All (100%) of New York City’s biosolids are beneficially re-used, at costs that are substantially below those of a decade ago. See Attachment V (pp. 1-3) of the Draft CSWMP.

⁷ Prompted by the City Council’s interest, legalization followed several years of study, a modest pilot project, and a comprehensive report issued by the City’s Department of Environmental Protection.



providing "free" garbage collection to residential buildings has slowed their installation, both in existing buildings as well as in new construction.⁸

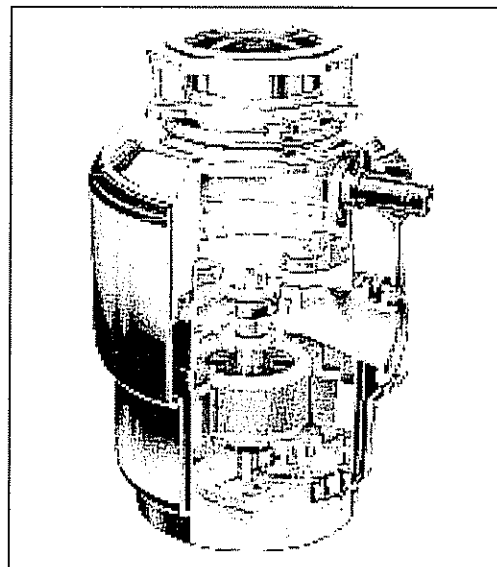
For commercial food establishments, the City Council is now considering how best to test their efficacy, despite the reluctance of the Department of Environmental Protection to allow their use, and counter to the experience of Philadelphia, which requires commercial establishments to use disposers rather than put food waste into dumpsters.

I will save for the public hearings yet to come about the CSWMP itself my specific comments and recommendations about what New York City should do to aggressively encourage the use of residential disposers, and how it might proceed to allow commercial disposers.⁹

To conclude this testimony, for better or for worse, New York City only tackles this critical opportunity to plan seriously for solid waste management every ten or twenty years or so. By failing to recognize the challenges and opportunities associated with aggressive management of food waste, the proposed Plan and the Draft EIS that accompanies it will hold the City back from an honest, challenging discussion about getting food waste out of our garbage, and back where it belongs – onto our land as fertilizer, from when it came.

New York's proposed new plan for our waste management system should be organized around strategies to manage the various components of the solid wastestream in different ways, making the Plan's silence about food waste a significant error of omission.

Thank you for your consideration.



Cut-away view of an InSinkErator food waste disposer

Top flange forms drain in bottom of sink.

Tube on upper right side accepts water discharged from a dishwasher.

Grind chamber (center) pulverizes and ejects food particles and liquid through channel at center-right into waste-line

⁸ Notwithstanding that fact, progress is being made: the Battery Park City Authority requires disposers in the final four residential buildings under development (see <http://www.batteryparkcity.org/Site%203%20BPCA%20Res.Env.Guidelines%20v4%20080404.pdf>); the New York City Housing Authority is in its second phase of installing disposers; and Columbia University committed to installing disposers in its new residential buildings.

⁹ See City Council Intros 100 and 220, as two examples.



LEGISLATIVE COMMISSION ON SOLID WASTE MANAGEMENT

4 Empire State Plaza, 5th Floor
Albany, New York 12248
(518) 455-3711
FAX (518) 455-3837

ASSEMBLYMAN WILLIAM COLTON
Chair

RICHARD D. MORSE
Executive Director



January 24, 2005

Harry Szarpanski
Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

FAX Transmission: 212-269-0788

Dear Mr. Szarpanski:

As an Assemblymember representing the southwest portion of Brooklyn and Chair of the Legislative Commission on Solid Waste Management, I submit the following comments on the Draft Environmental Impact Statement (DEIS) for the City's proposed changes to its Solid Waste Management Plan (SWMP). While most of my comments pertain to the impacts of the Converted Marine Transfer Stations (MTSs), my greatest concerns are with the Chapter 5 analysis of environmental impacts of the proposed Southwest Brooklyn Converted MTS which borders my District.

Assessment of Waste Delivery to the Converted MTSs

New York City Department of Sanitation (DSNY)-managed Waste

The Commercial Waste Study (CWS) Summary Report (Table 2.1-1) and the Solid Waste Management Plan (Table 3.4-1) provide **different** numbers for average peak day waste. For example, the CWS states that the average peak day tonnage of DSNY-managed waste for the Southwest Brooklyn MTS is 1,090 tons, while the SWMP states the average peak day tonnage is 1,140 tons. There is no reason for the discrepancy, since both sets of numbers are based on historical (1998) average peak day generation in the respective MTS wastesheds. The DEIS makes no mention of which tonnages were used in its calculations and evaluation.

Furthermore, the DEIS states that a 20% contingency was applied to the average peak daily tonnage figures for DSNY-managed waste in order to build an element of conservatism into the environmental review. However, when a 20% "contingency" is added to either of the numbers from the CWS or the SWMP for average peak day waste tonnages, the result is **not** the contingency-added figures in DEIS Table 2.1-2. Some of the contingency-included figures in Table 2.1-2 are well below the figures that would be derived by adding 20% to the CWS or SWMP average peak day figures. All of these discrepancies must be explained.

Additional questions arise from the DEIS regarding DSNY-managed waste estimates. For instance, there is more recent data for the amounts of waste generated by waste district than the 1998 data used in the DEIS. Why doesn't the DEIS utilize the most recent data collected from the districts for a more accurate estimate of the incoming DSNY-managed waste at MTSs?

In Table 3.16-1 the DEIS estimate the number of loads each facility would generate on an average peak day. Yet, there is no detailed explanation as to the source or derivation of these numbers. More importantly, the DEIS does not provide detailed explanation as to how the numbers in Table 3.16-2 for projected peak hour collection vehicles were derived. The DEIS states that "...the temporal distribution of waste deliveries to the Converted MTSs was calculated for the average peak day. It was assumed that [the MTSs] would have a waste delivery temporal distribution similar to waste delivery temporal distribution of the existing MTSs when they were in operation in 1998." The DEIS lacks any description of these temporal distributions. Waste generation by community and therefore delivery temporal distribution has likely changed since 1998. Did the DEIS adjust the 1998 temporal distribution numbers to reflect more recent waste collection data?

The projected highest number of vehicles that would deliver to each MTS during one hour is an extremely important number because it is used frequently in determining traffic, air quality, noise, and odor impacts. However, the DEIS does not fully explain how it derived peak hour numbers. How was the maximum number of vehicles that would deliver to the MTSs during an hour determined?

Commercial Waste

The DEIS lacks a detailed discussion of the methodology and the actual analyses that were conducted to evaluate commercial waste impacts. There is no mention of commercial waste within the methodology chapter of the DEIS, and for each MTS there is only a very brief section on commercial waste impacts. Although the Commercial Waste Study Summary Report is attached as Appendix D to the DEIS, the DEIS itself should provide more information.

Furthermore, there are so many uncertainties surrounding the issue of commercial waste processing that it seems reasonable to assume that more commercial waste could end up at the Converted MTSs than predicted. For instance, there is a definite possibility that other parts of the plan might fail or that "upset conditions" might occur more often than expected, resulting in more commercial waste being sent to the MTSs. The DEIS itself states that it is not definitive on the issue of processing commercial waste. Due to these uncertainties, the environmental assessment of the MTSs should assume the worst case scenario in terms of the amount of commercial waste being processed. This scenario would be the operation of the Converted MTSs at their design capacity of 4,290 tons per day.

The environmental analysis for each MTS section on commercial waste includes a brief discussion of off-site noise impacts. For all four MTSs this discussion indicates that the actual number of vehicles delivering commercial waste during the hours of 8 pm and 8 am must be limited to less than the excess capacity available during that time period. Although the DEIS

does provide the maximum tonnage of commercial waste that could be processed at each MTS without causing any significant adverse noise impacts, there is no explanation of how these maximum tonnages were determined. Furthermore, the mere fact that there is a maximum tonnage of waste above which there will be significant impacts raises some serious concerns. For example, can DSNY ensure that these caps will not be exceeded considering the degree of uncertainty surrounding commercial waste processing? Additionally, the DEIS figure for maximum allowable number of commercial waste vehicles is for a 12-hour period. However, some hours during this period are more vulnerable to adverse noise impacts than others, a condition that does not appear to have been taken into consideration.

Environmental Justice Issues

Using the section analyzing the impacts of the Southwest Brooklyn Converted Marine Transfer Station site as a template, it appears that the DEIS is woefully inadequate at evaluating the impacts of the proposed site uses on adjacent neighborhoods.

Although the DEIS goes into what appears to be sufficient detail on the characteristics of the surrounding areas to the SW Brooklyn Converted MTS site, it fails to provide an adequate analysis of the impacts of the MTS site use on these areas. For example, the document mentions the nature of the surrounding area, including industrial and water-dependent recreational uses, commercial establishments and recreational facilities and a dense residential area (Bensonhurst) within 1/4 mile of the site. The document further acknowledges that there will be a reactivation of the solid waste transfer operations with additional containerization operations. However, there is no analysis of the impacts associated with the re-opening and expansion of that facility. It is not sufficient to say that the site will be reactivated for a previous use and therefore will not present any significant adverse impacts. The DEIS must at least look at what issues existed previously, whether these problems are likely to re-emerge with the reactivation of the site, and what the potential impacts of containerization operations will be.

Furthermore, there is no presentation of impact analyses associated with the MTS on community facilities, such as schools, health care facilities, senior residence, etc. These types of facilities service and house vulnerable populations (children, the elderly and the sick) who may be impacted by noise, increased air pollution and other problems at the site. This section (page 5-34) states that "(T)echnical studies were performed for potential site-generated environmental impacts and no significant, unmitigatable adverse traffic, air quality, odor or noise impacts were found."

- Where is the data used in these technical studies and what assumptions were made?
- Why were these studies not included in the Appendix?
- What was the basis for determining no significant adverse impacts would occur that could not be mitigated?

Marine Resources Impacts

The Southwest Brooklyn Converted MTS presents a number of marine environment and resource concerns. The DEIS acknowledges the abundance of fish species and presence of essential habitats for fish in Gravesend Bay. Despite the importance of this area, the City plans to conduct

on-going dredging operations to deepen and maintain the site for container barges. There is considerable concern regarding the impact of dredging, which the DEIS fails to consider and evaluate. Unless the most environmentally effective methods of dredging, such as vacuum dredging, are used to contain the contaminants in the bay, aquatic organisms and human populations that use this area for recreational and fishing purposes will be at risk. Furthermore, it is unclear to what extent dredging will be necessary, since the types of vessels transporting the garbage have not been identified.

In addition, the City proposes to construct a 300 foot breakwater that is likely to have significant impacts, particularly in light of existing structures in the area. This proposal must be evaluated in light of other structures that exist or are planned for the area.

Finally, discussion of impact mitigation should be part of the DEIS, not as part of the permitting process. Any mitigation needs to be evaluated within the SEQRA process to understand how such actions will interact with the proposed action.

Vermin Impacts

The DEIS does not assess any impacts of vectors in the vicinities of the MTSs. In Chapter 33 (p. 33-21), the DEIS does describe procedures to control vermin such as rats and insects which will be important to minimizing their impacts on the surrounding areas. However, the potential impacts of vermin is an issue that needs to be much more carefully studied and addressed in the DEIS, since transfer stations are likely to create and exacerbate vermin problems in surrounding areas.

While a well-managed facility where the incoming waste is promptly and completely processed would likely minimize vermin activity, some problems could certainly still arise, especially from rats migrating to nearby neighborhoods. The Southwest Brooklyn MTS is immediately surrounded by public recreational areas which are adjacent to residential and commercial areas. Any increase in rat infestation could be detrimental to the health and well-being of the recreational public and residents of the area. Once again, the amounts of waste that will be processed in the facility would directly impact the capacity of the facility to operate reliably. The uncertainty over waste and capacity require that worst-case scenarios be utilized in assessing vermin impacts.

Conclusions

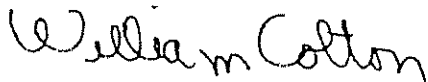
The many discrepancies in the waste estimates undermine the credibility of the environmental and health impact analyses provided in the DEIS and create confusion and uncertainty throughout the DEIS and SWMP. Since the SWMP omits necessary limits on waste and the DEIS is evaluating the impact of a 20-year plan, the DEIS should then be based on the "worst-case" scenario. This would mean assessing all impacts based on the full capacity operation of the MTSs, which the DEIS clearly fails to do.

Given the substantial inadequacies of the environmental analyses provided in the DEIS, I cannot support the establishment of the Southwest Brooklyn Converted MTS. Similar concerns can be

raised with all of the proposed converted MTSs. I recommend that a revised DEIS be prepared to address these issues and that this revised DEIS be reissued with an adequate public comment period. Many of the concerns I have identified with the DEIS originate from deficiencies in the SWMP itself. I plan to provide additional comments on the SWMP at next week's City Council Hearings.

Thank you for your consideration of these comments. If you have any questions on them, please contact me or my staff at the Legislative Commission on Solid Waste Management at 518-455-3711.

Sincerely,

A handwritten signature in cursive script that reads "William Colton".

William Colton
Member of Assembly

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January 24, 2005

Harry Szarpanski
Assistant Commissioner
NYC Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: Draft Comprehensive Solid Waste Management Plan and Environmental Impact Statement

Dear Mr. Szarpanski,

Sustainable South Bronx is pleased to provide comments on the Draft Solid Waste Management Plan (SWMP) and Environmental Impact Statement (EIS). The Plan includes some steps forward in managing the City's solid waste, most notably the creation of export infrastructure located Manhattan, an emphasis on rail and barge-based export citywide, and higher recycling goals.

In spite of these important foci, however, the proposed SWMP will leave the South Bronx, neighborhoods like it, and indeed the entire City suffering from the continued environmental, health, and economic costs of a system that is still largely based on export and old ways of thinking about Sanitation. We urge you to consider the following ways that the SWMP would be strengthened before the final version is prepared.

WASTE PREVENTION, RE-USE, AND GREEN JOBS

We wish to emphasize that the real way that the needs of the South Bronx will be addressed with regard to solid waste management is through the aggressive pursuit of Zero Waste. Because even the most equitable waste export system brings negative environmental consequences, there is a great need for environmentally sound manufacturing sector jobs in the neighborhoods where waste handling is concentrated, and because of the potential to create these jobs by reducing the need for garbage export through the pursuit of Zero Waste, waste prevention should play a more prominent role in the SWMP.

Zero Waste is an initiative that requires serious and committed planning and economic support for waste prevention, re-use, and sustainable economic development. Unfortunately, the Draft SWMP does not demonstrate such commitment. By lacking timetables, milestones, an appropriate level of detail, or suggestions for funding mechanisms to support the development of Zero Waste, the Draft SWMP is leaving the door open for NYC to continue to create waste at the current—completely unsustainable—rate.

A particular egregious failure to address waste prevention is the Commercial Waste section of the plan. Specifically, no consideration is paid to the Construction and Demolition waste stream, which in the Bronx is responsible for 4700 tons per day of waste, handled at 6 stations clustered closely in one Community Board. There is exciting potential for job creation and improved operating standards by developing and supporting a system whereby C&D would be recycled, re-used and/or re-sold that the draft SWMP ignores.

To address this issue and others, the plan should include a discussion of how the City will create Zero Waste infrastructure to support this type of endeavor, especially the borough-based eco-industrial parks that are detailed and outlined in *Reaching for Zero: A Citizen's Guide to Zero Waste*. Again, this is crucial in order to reach the lofty (but unsupported) goal of a 70% diversion rate by 2015. These Parks could be supported on City-owned property that is leased to a cooperative of businesses, community residents.

and labor representatives similar to the structure of the Hunts Point Food Markets. In the Bronx, there is an ideal site at the Oak Point rail yard that has barge and rail access whose development the SWMP could begin to address, but there is no discussion of these Parks, let alone how the City might concretely support their development. The plan states an intention to increase transfer station fees; those increased revenues should be dedicated to commercial waste prevention and recycling programs.

Additionally, the SWMP should include much more detail about developing broad-based composting of the organic food waste stream. The Hunts Point Market composting project is a fair start but the City must move more quickly than the timeframe laid out in the plan, especially since the facility has been under discussion and analysis for years already. In a similar vein, the reinstatement of the Botanical Garden composting programs is a positive step, but more attention to developing systems to compost food waste is critical to any effort to dramatically increase diversion rates.

Another consideration with regard to Zero Waste that the plan should include is an exploration of technologies that have been shown to be environmentally sound and innovative; the new versions of incineration suggested in the plan do not fit this category. Additionally, the plan should include the City's support for expanding the State's Bottle Bill as a means for increasing the recycling of beverage containers.

EXPORT PRINCIPLES

Currently, the South Bronx is forced to bear the burden of 25% of NYC's waste, an enormous injustice with devastating consequences on the health, well-being, and economic livelihood of the neighborhood. We support the opening of the Marine Transfer Stations and private marine and/or rail-based alternatives because we believe it can be an equitable alternative to the current discriminatory system, which overburdens our neighborhood and other low-income neighborhoods of color. To begin to achieve this, the City should open all the MTSS proposed in the draft SWMP. In particular, the Manhattan MTSS are crucial to creating a mechanism for fair distribution of waste; the Gansevoort peninsula for recyclables, E 91st Street for commercial and residential waste from its waste shed, and W 59th Street for commercial waste are all critical to begin to approach equity in export.

Our overall support of the plan is contingent, however, on a reduction in the amount of garbage that is handled in the South Bronx so as to achieve borough fair share for residential and commercial waste, the closure of the land-based transfer stations in the neighborhood, and the elimination of excess permit capacity in the Bronx.

Based on figures from Deputy Commissioner Cipollina and accounting for 20% variability, total Bronx putrescible capacity should be reduced to a maximum of 3000 tons per day, down from current capacity which tops 3000 tons per day. The current DEIS and SWMP, while they embrace these principles, do not discuss capacity caps or auxiliary mechanisms that would result in capacity caps. To the contrary, page 11 of the Draft SWMP says that among the long term export program's major advantages is that the, "Use of existing private transfer station ... capacity (i) allows some components to be implemented on a faster timetable; and (ii) avoids City investment in new capital projects." This type of vague language, coupled with the Bronx's history as a regional sacrifice zone, require us to call for more detail in the SWMP that would indicate how capacity will be reduced, land-based stations will be closed, and include an absolute commitment to borough self-sufficiency for commercial and residential waste and a deadline for the accomplishment of that goal.

An important prerequisite to acquiring this guarantee would be a meaningful discussion in the SWMP of economic flow control—how it would operate financially and what other incentives and disincentives Sanitation would use to ensure the redistribution of commercial waste.

NEIGHBORHOOD SAFETY, WELL-BEING, AND BENEFIT

In spite of the historic and current burden that the South Bronx has had to bear, it is willing to accept the amount of waste that it creates, provided that the standards of operations of the facilities charged with handling this waste are dramatically improved to truly ensure the safety and well-being of

the surrounding neighborhoods. The safety and well-being of the neighborhood includes that of the workers at the facilities, who deserve living, prevailing wages, uncompromised safety protocols, and other basic rights. Furthermore, these facilities should be required to make significant contributions to the neighborhood so that the neighborhood may see meaningful benefit for housing these facilities. We expect that the City should include this as a requirement for all stations with which it enters into a contract.

NO DECISIONS WITHOUT THE PEOPLE OF THE NEIGHBORHOOD

To ensure adherence to these bottom lines, a plan for closing the private land-based transfer stations should be considered at the same time as the plan for opening the MTSs and the alternatives – in this SWMP, and included in the EIS. The City should commit to a plan that includes a community advisory group and a timeline with milestones to develop and implement the redistribution of waste capacity from communities with the largest number of land based transfer stations as proposed in the draft SWMP.

Only after the details and mechanisms of re-distribution have been worked out to the satisfaction of the group should the City enter into a contract with a private company for DSNY managed South Bronx waste. To protect the neighborhood from runaway capacity, only one company should get the contract for DSNY collected waste.

CURRENT ANALYSES AND SWMP MUST GO FURTHER TO PROTECT THE SOUTH BRONX:

The analyses presented in the DEIS are insufficient to accurately describe the impacts that the proposed SWMP will have upon this community and to characterize the devastating impacts of the current system in effect. These failings fall into several categories.

Sustainable South Bronx is opposed to the creation of a facility that would allow the Bronx to receive containerized garbage from other boroughs to be railed through the neighborhood. The current documents would allow for a facility to receive containerized garbage from E. 91st St., the North Shore Converted MTS, and W. 59th St.

This proposal is problematic from several standpoints. First, it is simply a violation of borough-self-sufficiency. Containerizing the garbage elsewhere, but sending it to the Bronx for an extended period of time segments the export process and makes the "intermodal" site little more than a different kind of transfer station.

Second, the DEIS' assertion that the creation of such a facility is not subject to any kind of additional review is without basis and exemplifies the worst attempts to sneak another polluter into an overburdened neighborhood without any community input. Such an intermodal facility would be accompanied by odor impacts, as well as concerns about vermin. The DEIS also fails to include a discussion of visual impacts to Randall's Island, an emerging recreational center.

Perhaps most significantly, an intermodal facility of this type would trigger serious problems with an already overburdened rail line. The insufficient capacity of rail in the Bronx would lead to other boroughs' waste to sit and begin rotting in the Bronx, creating a de facto landfill at the HRY. An intermodal facility in the Bronx handling garbage from outside the borough is absolutely unacceptable.

The DEIS is extremely problematic in other ways. The depth of the analysis that the current DEIS offers is insufficient. The DEIS makes references to previous studies in 1994, 1997, and 2000 but does not provide updated analyses of the impacts that the existing system has on the community. Refusal to do new studies shows a willingness to perpetuate environmental injustice by depending on historical studies that have discriminated against the people of the neighborhood.

In particular, none of these historical studies examined off-site impacts. This omission created the current situation, which is used as the baseline for the new analysis.

In examining the MTS alternatives, the DEIS offers no new information with regard to the Waste Management site, and relies on DEC analyses of environmental conditions as opposed to doing its own due diligence to evaluate the site. With regard to the E 132nd St. site, its operations at the proposed Oak Point intermodal site are deemed exempt from review without basis (ignoring the noise, air quality, odor, and other impacts of the Dray Route traveling through areas with residential uses), new truck traffic up the Bruckner, on Leggett Avenue and onto Barry not analyzed, and air quality was only examined at 1 intersection (E. 138th and Bruckner). It does not address the rail limitations that would frustrate the intermodal plan. These limited analyses fail to fairly examine the impacts of the current inequitable system of environmental burdens, and assumes them to be without problem.

For these reasons, as part of the SWMP EIS, it is critical that the environmental impacts of the private land-based waste transfer system be assessed as fully as the environmental impacts of the MTSs and alternatives listed in the SWMP DEIS.

As part of the SWMP EIS, it is also critical that the environmental impacts of the transfer station siting regulations and operational regulations be assessed as part of the environmental review of the SWMP. It is inappropriate for DSNY to separate or segment the regulations governing the private land-based waste transfer system from the environmental review process for the SWMP.

With regard to protections built into the future system, the discussion of the use of alternative fuels in the DSNY should commit to specific goals and targets for the phase out of diesel and the phase in of alternative fuels, such as CNG, BioDiesel, and Fuel Cells. Additionally, the SWMP should include the phase in of permit requirements for private carters' use of alternative fuels beyond federal requirements for the use of ultra low sulfur diesel (ULSD). The city should also enable the use of alternative fuels by providing access to fueling infrastructure.

The DEIS essentially concludes that by changing the traffic signals at 138th and Bruckner Boulevard, the environmental impact of the waste from the entire borough of the Bronx will be mitigated. Many more controls must be installed at all operating facilities to even begin to protect the neighborhood. These include:

1) Separate from air permits required by NYSDEC, the permit applications must include analysis of the impacts of PM 2.5 and H2S. There must be a demonstration that:

for H2S, the facility must demonstrate impacts are below:

- 1 ppb one-hour average maximum impact at sensitive thresholds based on City Council Resolution Nos. 2113-2114
- 10 ppb/hour ambient air (NYSDEC)

for PM 2.5

- ug/m3 annual neighborhood average (NYCDEP's impact threshold for annual impact)
- 0.3 ug/m3 maximum annual impact (NYSDEC impact threshold)
- 5 ug/m3 maximum 24-hour impact (NYCDEP impact threshold)

The PM 2.5 analysis must include all vehicular emissions: include on-site processing vehicles and trucks during the time they are present on-site and idling adjacent to the site.

2) Affirmative particulate/dust migration controls must be installed. In addition to the proposed method of wetting to control dust, there must be active particulate control measures of air being ventilated from the transfer stations, such as the use of bag houses or other equivalent particulate filtering devices.

- 3) There must be an odor capture and control system, i.e., activated carbon odor control system. "Odor neutralizing systems" are not designed to capture and control, rather there are designed to merely mask odors. Odor neutralizing agents are not designed to prevent the detection of odors but merely to change the type of odors that are detected by the community residents
- 4) Facilities must have a vector/vermin control system in place to control all organisms that could transmit disease, including rats, and birds
- 5) All facilities must be free of standing water.
- 6) There must be a hazardous materials (including radio-active) detection, segregation and disposal system
- 7) Every site must maintain a monitoring program with on-site record keeping system.
- 8) There must be an on-site decontamination system at the point of exit from the facility to remove all residues from all transport vehicles leaving the facility. The decontamination system must be an automatic system, i.e., turns on and off, without the intervention of an operator, and have an enclosed drainage system. The decontamination system must be designed to remove both dust and odors from the vehicle. An automatic log must be kept confirming that each vehicle leaving the facility has been decontaminated

Long Range Transport:

- 1) All methods used for long range transport must require hard/fixed type covers to control odors and spillage of waste
- 2) In the case of rail transport, full rail cars must not be permitted to sit during transport for final disposal at any location longer than 6 hours.

Impacts of Significant Local Projects:

The impacts of other significant local projects must be addressed in the selection of the waste transfer station, e.g., South Bronx Greenway.

Detail on how unnecessary system-wide redundancy is proposed to be reduced should be presented for all the possible alternatives

The DOS should stagger DOS truck delivery in order to:

- > Minimize air quality impacts
- > To keep a cleaner facility
- > To have fewer industrial accidents

Thank you for the opportunity to comment

Sincerely,



Elena Conte
Solid Waste and Energy Coordinator



DSNY need copy

ENVIRONMENTAL DEFENSE

finding the ways that work

Comments on NYC's Solid Waste Management Plan
And The Proposed Redevelopment Of the 91st Street MTS
James T. B. Tripp, General Counsel, Ramon Cruz, Policy Analyst
And Andy Darrell, Director, Living Cities Program
December 20, 2004

Introduction. The City of New York has put forward a draft comprehensive Solid Waste Management Plan dated October 2004 (draft SWMP) for public comment. Recently, Environmental Defense, a national environmental organization headquartered in New York City, completed a study of Manhattan's commercial and residential solid waste entitled "Trash and the City".

Based on the framework, goals and findings of this study, we support the major features of the City's draft SWMP, including the proposals to: 1) reopen and modernize the 91st Street MTS, 2) build a recyclables MTS at Gansevoort at west 12th Street, 3) operate the 59th Street MTS as a Manhattan commercial waste facility with its proximity to the Manhattan central business district, 4) construct other barge- and rail-based transfer facilities in the other boroughs, 5) increase the City's recycling rate with water-based transport of metal, glass and plastic (MGP) and paper recyclables, and 6) tighten up on operating rules that govern the existing commercial waste transfer facilities concentrated in the South Bronx and northern Brooklyn, as well as new facilities proposed under this draft Plan.

In this testimony, we show how Manhattan's solid waste transport brings nearly eight million truck miles of traffic per year to City streets. Opening waterfront transfer facilities can cut that truck traffic in half, sparing our lungs from diesel exhaust and our streets from unnecessary congestion. We also suggest how revitalized facility can deal with real community concerns. Creative design can solve key problems of truck queuing, odor, noise, water pollution and other impacts in ways that have the potential to transform these facilities in ways that can make them part of waterfront success stories. While the draft SWMP proposes a number of steps to reduce the community impacts of the proposed new facilities, the City must take additional measures to assure the minimization of adverse impacts and make these facilities compatible with near-by waterfront park and recreational uses. They require a new vision for the future of the waterfront, one that is fully compatible with the recreational and environmental improvements such as Asphalt Green and the Hudson River Park that the waterfront and waterways have seen over the past decade.

In this statement, we describe changes in the City's commercial and residential solid waste system over the last 20 years and the serious deficiencies of the current system, summarize the findings of our study "Trash and the City" and then apply these findings to evaluate the City's draft SWMP. Finally, we identify additional steps that the City should take to minimize the community impacts of the proposed new facilities.

Evolution of the City's Current Truck-Dependent Commercial and Residential Waste System. The current City commercial and residential waste system has very serious problems that the City must address because of its over-reliance on truck transport between boroughs and tractor-trailer export of waste and the concentration of dated, sub-standard, land-based, truck-dependent commercial waste transfer stations in the South Bronx and northern Brooklyn. This system came about in response to the City's decision in the late 1980's to close the Fresh Kills landfill to commercial waste. Until then, most Manhattan commercial waste, just like its residential waste, reached Fresh Kills through Manhattan's marine transfer station (MTS) system that at that time included a MTS at the Gansevoort Peninsula at 12th Street on the Hudson River. With the redirection of Manhattan's commercial waste to truck-dependent transfer stations in the South Bronx and northern Brooklyn, the Gansevoort MTS closed.

In May 1996, the City and State decided to close the Fresh Kills landfill to residential waste as well. Much of the City's residential waste is now transported by interstate tractor-trailer trucks from the same truck-dependent waste transfer facilities that service its commercial waste, with two exceptions. Bronx residential waste goes to a modern, rail-export facility in the Harlem River Rail Yards, and Manhattan residential waste is trucked through the Lincoln or Holland Tunnel to waste facilities in the Newark area of New Jersey, primarily the Essex mass burn plant. As a result, over a period of a decade, Manhattan's and, more broadly, the City's commercial and residential waste system was transformed from one that was primarily barge-based, using MTSs, to one that is primarily truck-based, both for inter-borough and export movements. In our study, we calculated that trucks carrying just Manhattan's commercial and residential waste travel some eight million miles annually in the City, contributing to its congestion and air pollution, with very focused impacts on the South Bronx and northern Brooklyn.

Over the last 15 to 20 years, the communities in the South Bronx and northern Brooklyn have at the same time undergone major transformations of their own. Twenty years ago, they were under-populated, largely poor, with substantial minority populations, and depressed. Since that time, their populations have grown, their residential communities have expanded, and their own commitments to reduce truck congestion and improved air quality have changed dramatically. Concurrently, with strengthened civic advocacy capability, the willingness of these communities to serve as hosts for most of the City's waste facilities has justifiably diminished.

The Goals and Analytic Framework of Environmental Defense's Solid Waste Study. In order to explain our support for the major features of the City's draft SWMP, we describe the goals and major findings of our study "Trash and the City" that we initiated two years ago. In this study, we looked at both the City's residential and commercial solid waste streams since they are of comparable size City-wide and have potentially comparable kinds of impacts. In addition, we focused on Manhattan because it generates almost half of the City's solid waste, and its commercial waste exceeds its residential waste by a factor of about 2.5 with correspondingly greater impacts.

Our study postulated four goals:

- That a Manhattan commercial and residential solid waste system should support reduced use of and eventual closure of the land-based, truck-dependent commercial waste transfer stations concentrated in South Bronx and northern Brooklyn communities;
- That it should reduce significantly commercial and residential waste truck vehicular miles traveled (VMT) within the City, i.e., it should be water- and rail-based as much as possible;
- That it should promote maximum commercial and residential paper and MGP container recycling based on a water or rail-transport system;
- That new or rebuilt water- or rail-based transfer/transport facilities should be designed and operated so as to minimize community impacts and to make these facilities compatible with other non-commercial waterfront uses.

We then identified eight potential water- and rail-based transfer facilities that could handle Manhattan commercial and residential waste, five of them in Manhattan, including the 91st, 135th and 59th Street MTSs, Gansevoort on the Hudson River at 12th Street and Pier 42 on the lower East River, and three in other boroughs close to bridges or tunnels connecting those sites to Manhattan, including the Harlem River Rail Yards.

We then designed ten alternative scenarios using combinations of these eight facilities and conducted a quantitative truck VMT analysis that would allow us to compare these scenarios based on this variable. Our study pointed to a number of recommendations for any solid waste management plan that the City should adopt:

- Any plan should address commercial as well as residential waste streams;
- To handle Manhattan's commercial as well as residential system in a water- and rail-based system, at least one new MTS should open below 42nd Street, the 59th Street MTS should be used as much as possible to handle commercial waste, and the three outer-borough facilities, including the Harlem River Rail Yard rail-export facility, should be open to handle Manhattan waste;
- Recyclables can and should be transported by water or rail as much as possible;
- The City would have to make major changes in the design of these facilities and the operation of both residential and commercial trucks utilizing these facilities to minimize community impacts.

Assessment of the City's Draft SWMP Based on Our Study. The City's draft SWMP, unlike its predecessors, accomplishes a lot of the goals of our study.

- The draft SWMP addresses both commercial and residential waste streams.
- It envisions the construction or rebuilding of a number of modern water- or rail-based transfer facilities, including four of the City's MTSs that were in operation until the late 1990's.
- It calls for tougher operating rules for both existing and new waste transfer facilities that will gradually improve the land-based, truck-dependent transfer facilities in the South

Bronx and northern Brooklyn and increase the cost of their operation (although more needs to be done), making use of modern water- and rail-based facilities economically more attractive to the commercial sector.

- It sets up a MGP container as well as paper recycling transport system that is much more water-based than the current system with the construction of a new MGP reprocessing plant on the Brooklyn waterfront.
- It proposes opening up a new, state-of-the art MTS at Gansevoort to handle Manhattan MGP container recyclables that would then be barged to the new Hugo Neu processing plant on the Brooklyn waterfront and Manhattan paper recyclables – an arrangement that would allow the City to move the Visy Paper plant paper barge from the 59th Street MTS to Gansevoort and to use the 59th Street MTS for commercial waste.
- It allows for the continued closure of the 135th Street MTS in recognition of the burden on that community of the North River sewage treatment plant. With these changes at 59th and 135th Street, it proposes trucking of waste from the historic wastesheds of those facilities to the Essex facility in Newark.
- It proposes rebuilding the 91st Street MTS to handle residential waste from four east-side community districts and some of Manhattan's commercial waste.
- Finally, it recognizes that, in order to reduce the community impacts of these MTSs, design and operational standards would have to be implemented to minimize or avoid truck queuing on City streets.

Within the framework and goals of our study, therefore, we support the major features of the City's draft SWMP, including the rebuilding of the 91st Street MTS, as well as creating a new recyclables MTS at Gansevoort and reconstruction of the 59th Street MTS for Manhattan commercial waste. Further, our vision of the Manhattan and outer borough waterfront, an extraordinary resource for this City, includes a range of mixed uses, as well as parks and recreational space. After all, to sustain itself, this City needs transportation, solid waste, water, wastewater, power plant and port facilities that are or have to be located near or on the waterfront.

The question, therefore, is how best to design and operate such infrastructure facilities so that they are compatible with park and recreational waterfront uses and minimize truck congestion, safety, odor, noise and visual community impacts. In our view, the City's draft SWMP begins the process of identifying measures that can help attain the goals of use compatibility and impact minimization, but the devil is in the details, and much has to be done to clarify those details and to develop design and operational specifications and monitoring and enforcement protocols that will assure attainment of those important goals through contract provisions and City, State and federal permit conditions.

Community Impact Minimization and Adjoining Use Compatibility Measures. Experience with the operation of the 91st Street MTS prior to the closure of the Fresh Kills landfill has fueled opposition to the reopening of this facility, and understandably so. Before its closure, City collection trucks would queue on York Avenue for several blocks, often for hours, in the

morning and early afternoon, emitting vast amounts of diesel emissions as they idled and moved gradually towards the facility ramp. They also constituted an unattractive and smelly sight and disrupted pedestrian movement.

Truck Operations. The City's proposed design for the 91st Street MTS and the other MTSs would address a number of these well-justified concerns. The draft SWMP calls for the elimination of street truck queuing through redesign, partial widening and strengthening of the ramp and an enlarged building footprint that together can accommodate a large number of trucks. In addition, the City has indicated that a Sanitation guard at the foot of the ramp will send trucks away if they cannot readily enter the facility. The draft SWMP also provides that the rebuilt MTS will operate under negative air pressure with odor-control filters. Electronic weighing systems will facilitate the movement of trucks in and out of the facility, further reducing truck back-ups.

In addition, the Department of Sanitation, to its credit, is shifting to the use of low and ultra-low sulfur diesel fuels, is piloting different retrofit emission control technologies to reduce truck emissions and is testing out new collection truck designs that would very substantially reduce fine particulate and nitrogen oxide emissions. At the same time, the U.S. EPA's new diesel rule that establishes nation-wide emission control standards for new medium and heavy trucks starting in 2007 and requires use of ultra low sulfur fuels will assure that all new trucks, not just Sanitation and private carter trucks, plying the streets of New York will emit significantly reduced emissions compared to existing trucks.

However, in terms of truck operations, addition steps can be taken. All City Sanitation trucks that pre-date the 2007 EPA truck diesel emission rule should meet best available retrofit emission control technology standards. This standard should apply as well to commercial carter trucks utilizing the 91st Street facility if it is to be used to the extent proposed for commercial waste transfer. In terms of air pollution, odor and other community impacts, City and private carter trucks are all the same. Some commercial trucks typically also smell more than City trucks, not only because they pick up restaurant waste, but also because they over-compact their loads to increase tonnage that results in liquid spillage. To minimize over-compaction, the City should set limits on commercial waste tonnage that private carter trucks utilizing the 91st Street MTS may carry.

Cleaner trucks, coupled with the draft Plan's provisions to avoid public street truck queuing, should improve environmental conditions significantly. However, the City's Plan should spell out logistical details that assure efficient and safe movement of trucks onto and off the ramp and in and out of the facility with delineation of emergency back-up arrangements to give the public real confidence in the practical implementation of this commitment. Further, as important as an arrangement that avoids street queuing is, it is not ideal to have unnecessary ramp queuing so close to adjacent playing fields and Asphalt Green. Design of the ramp with effective noise and air pollution barriers and plantings would reduce ramp noise, odor and emission impacts. Beyond that, it is time that the City address the underlying cause of City truck street or ramp queuing, with all of its emissions, fuel and economic waste, namely,

Department of Sanitation collection route schedules that concentrate truck arrivals at transfer facilities. Minimizing street or ramp queuing should become a factor in setting collection schedules. In addition, using GPS or other communication technologies, the City should stage the arrival of collection trucks to minimize ramp queuing.

Facility Design. The visual appearance of the 91st Street facility is also important in terms of its compatibility with other waterfront uses. The City has put forward an imaginative, non-shed design concept for the Gansevoort recycling facility that makes it an aesthetically interesting part of the Hudson River Park waterfront. Improving the architect and landscaping of the 91st Street MTS could make it a far more pleasing and less intrusive waterfront structure, particularly in light of the fact that the new MTS will be a larger facility than the existing one. We have worked with an architect, Michael Singer, who has demonstrated how waste facilities can be designed to make them harmonious with their surroundings.

Tonnage Caps. Use of the 91st Street MTS by City and private carter trucks should be subject to daily average and annual caps. The permitted capacity number of almost 5000 tons per day could give the impression that the facility might accommodate 400 trucks a day, even though the draft SWMP describes an average daily residential and commercial waste tonnage, respectively, of 720 and 760. Permit conditions should specify an enforceable average daily tonnage limit for both residential and commercial waste as well as peak day use limits. Snow events, emergencies and holidays may result in peak usage, but low usage days should offset higher usage events limited to a few days in the year to afford compliance with average daily tonnage limits set out in State Part 360 permits. Private carter use should not be open-ended.

Furthermore, given the increasingly residential character of the surrounding area, the facility should be closed at night after a prescribed hour. Commercial carter use of the facility should also be linked to compliance with state-of-the-art emission, odor control and noise standards for their trucks. If private carter trucks do not meet best available emission control and fuel standards, they should be limited at most to 250 tons or no more than 20 trucks per day. If they meet best available retrofit and fuel standards, this could be increased to 500 tons per day. Insofar as private carter trucks meet the 2007 EPA diesel engine and fuels standards, it could be increased to the proposed tonnage, with average daily tonnage limits expressed as tonnage caps in the State Part 360 permit.

Data Reporting. Finally, the SWMP must establish detailed monitoring, data collection, assessment and reporting and enforcement procedures that provide assurance that truck operation and facility performance standards will be met. Monthly data reports should be available to Community Board 8 and interested parties. Furthermore, the City should provide funds for a community-based technical expert to review and assess reported data for compliance with permit conditions and standards, and, with the State Department of Environmental Conservation, it should prescribe an enforcement process to rectify permit condition and standard mandates in a timely basis. If these conditions are met, in our view a new, state-of-the-art 91st Street MTS should have minimal community impacts and should be compatible with adjacent waterfront uses.

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ENVIRONMENTAL DEFENSE

finding the ways that work

January 24, 2005

Harry Szarpanski, Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

VIA FACSIMILE: (212) 269-0788

Re: Comments to the New Comprehensive Solid Waste Management Plan

Environmental Defense, a national environmental organization headquartered in NYC that combines science and economics to devise and advocate proposed solutions to complex environmental problems and then advocates for those solutions, submits the following comments on the New York City Department of Sanitation's (DSNY) proposed New Comprehensive Solid Waste Management Plan (New SWMP) and accompanying Draft Environmental Impact Statement (DEIS).

Introduction. The City of New York has put forward a draft comprehensive Solid Waste Management Plan dated October 2004 (draft SWMP) for public comment. Recently, Environmental Defense completed a study of Manhattan's commercial and residential solid waste entitled "Trash and the City". Based on the framework, goals and findings of this study, we support the major features of the City's draft SWMP, including the proposals to: 1) reopen and modernize the 91st Street MTS, 2) build a recyclables MTS at Gansevoort at west 12th Street, 3) operate the 59th Street MTS as a Manhattan commercial waste facility with its proximity to the Manhattan central business district, 4) construct other barge- and rail-based transfer facilities in the other boroughs, 5) increase the City's recycling rate with water-based transport of metal, glass and plastic (MGP) and paper recyclables, and 6) tighten up on operating rules that govern the existing commercial waste transfer facilities concentrated in the South Bronx and northern Brooklyn, as well as new facilities proposed under this draft Plan.

In this statement, we show how Manhattan's solid waste transport brings nearly eight million truck miles of traffic per year to City streets. Opening waterfront transfer facilities can cut that truck traffic in half, sparing our lungs from diesel exhaust and our streets from unnecessary congestion. We also suggest how revitalized facility can deal with real community concerns. Creative design can solve key problems of truck queuing, odor, noise, water pollution and other impacts in ways that have the potential to transform these facilities in ways that can make them part of waterfront success stories. While the draft SWMP proposes a number of steps to reduce the community impacts of the proposed new facilities, the City must take additional measures to assure the minimization of adverse impacts and make these facilities compatible with near-by waterfront park and recreational uses. They require a new vision for the future of the waterfront,

wastewater, power plant and port facilities that are or have to be located near or on the waterfront.

The question, therefore, is how best to design and operate such infrastructure facilities so that they are compatible with park and recreational waterfront uses and minimize truck congestion, safety, odor, noise and visual community impacts. In our view, the City's draft SWMP begins the process of identifying measures that can help attain the goals of use compatibility and impact minimization, but the devil is in the details, and much has to be done to clarify those details and to develop design and operational specifications and monitoring and enforcement protocols that will assure attainment of those important goals through contract provisions and City, State and federal permit conditions.

Community Impact Minimization and Adjoining Use Compatibility Measures. While we recognize that the current proposed MTS design is improved from the one in place when Fresh Kills was active, there are many aspects that should be improved for the City to gain community support and speed the approval process. We will focus our comments on the case of 91st St. because it is the only Manhattan MTS reviewed in the DEIS and a very controversial one. Experience with the operation of the 91st Street MTS prior to the closure of the Fresh Kills landfill has fueled opposition to the reopening of this facility, and understandably so. Before its closure, City collection trucks would queue on York Avenue for several blocks, often for hours, in the morning and early afternoon, emitting vast amounts of diesel emissions as they idled and moved gradually towards the facility ramp. They also constituted an unattractive and smelly sight and disrupted pedestrian movement.

Truck Operations. The City's proposed design for the 91st Street MTS and the other MTSs would address a number of these well-justified concerns. The draft SWMP calls for the elimination of street truck queuing through redesign, partial widening and strengthening of the ramp and an enlarged building footprint that together can accommodate a large number of trucks. In addition, the City has indicated that a Sanitation guard at the foot of the ramp will send trucks away if they cannot readily enter the facility. The draft SWMP also provides that the rebuilt MTS will operate under negative air pressure with odor-control filters. Electronic weighing systems will facilitate the movement of trucks in and out of the facility, further reducing truck back-ups.

In addition, the Department of Sanitation, to its credit, is shifting to the use of low and ultra-low sulfur diesel fuels, is piloting different retrofit emission control technologies to reduce truck emissions and is testing out new collection truck designs that would very substantially reduce fine particulate and nitrogen oxide emissions. At the same time, the U.S. EPA's new diesel rule that establishes nation-wide emission control standards for new medium and heavy trucks starting in 2007 and requires use of ultra low sulfur fuels will assure that all new trucks, not just Sanitation and private carter trucks, plying the streets of New York will emit significantly reduced emissions compared to existing trucks.

However, in terms of truck operations, addition steps can be taken. All City Sanitation trucks that pre-date the 2007 EPA truck diesel emission rule should meet best available retrofit emission control technology standards. This standard should apply as well to commercial carter trucks utilizing the 91st Street facility if it is to be used to the extent proposed for commercial waste transfer. In terms of air pollution, odor and other community impacts, City and private carter trucks are all the same. Some commercial trucks typically also smell more than City trucks, not only because they pick up restaurant waste, but also because they over-compact their loads to increase tonnage that results in liquid spillage. To minimize over-compaction, the City should set limits on commercial waste tonnage that private carter trucks utilizing the 91st Street MTS may carry.

Cleaner trucks, coupled with the draft Plan's provisions to avoid public street truck queuing, should improve environmental conditions significantly. However, the City's Plan should spell out logistical details that assure efficient and safe movement of trucks onto and off the ramp and in and out of the facility with delineation of emergency back-up arrangements to give the public real confidence in the practical implementation of this commitment. Further, as important as an arrangement that avoids street queuing is, it is not ideal to have unnecessary ramp queuing so close to adjacent playing fields and Asphalt Green. Design of the ramp with effective noise and air pollution barriers and plantings would reduce ramp noise, odor and emission impacts. Beyond that, it is time that the City address the underlying cause of City truck street or ramp queuing, with all of its emissions, fuel and economic waste, namely, Department of Sanitation collection route schedules that concentrate truck arrivals at transfer facilities. Minimizing street or ramp queuing should become a factor in setting collection schedules. In addition, using GPS or other communication technologies, the City should stage the arrival of collection trucks to minimize ramp queuing.

Facility Design. The visual appearance of the 91st Street facility is also important in terms of its compatibility with other waterfront uses. The City has put forward an imaginative, non-shed design concept for the Gansevoort recycling facility that makes it an aesthetically interesting part of the Hudson River Park waterfront. Improving the architect and landscaping of the 91st Street MTS, as well as the other MTSs in the other boroughs could make it a far more pleasing and less intrusive waterfront structure, particularly in light of the fact that the new MTS will be a larger facility than the existing one.

Last year, Environmental Defense and designers led by Michael Singer, who has demonstrated how waste facilities can be built to make them harmonious with their surroundings, worked together to see whether a facility could be designed for the City waterfront, within the footprint of existing MTS and help solving these problems. We believe that such a design is possible, especially if the City would open a dialogue with these communities pressing for creative solutions that inspire tangible social, aesthetic and environmental benefits. The process surrounding the Gansevoort MTS is heading in the right direction and we hope to work together with the City in bringing innovative design ideas for that particular facility.

Here are examples of the solutions we sketched out. No new technologies have to be implemented to bring these changes. To eliminate long lines of queuing trucks, an automated interior ramp would take all waiting trucks off city streets. The ramp could work like a car wash ramp, with a pulley system that tows waiting trucks to run off their engines and eliminate idling. Water collected on the road and roof surfaces could be stored in wall cavities, providing a ready source of grey water for cleaning the facility and protecting nearby rivers. Integrated plantings and wetlands along the walls and on the roof would treat wastewater, remove odors through air-to-soil filtration and offer a flyway habitat stop for migrating birds. Solar panels could generate power and reduce the facility's energy load. Advanced air filters could scrub any remaining odors before they escape the facility. An education center and viewing facility could be open to everyone to learn about recycling and see what happens to the trash we throw away. A facility like this could be integrated into the city's new waterfront parks, gardens, bike paths and play spaces.

Tonnage Caps. Use of the 91st Street MTS by City and private carter trucks should be subject to daily average and annual caps. The permitted capacity number of almost 5000 tons per day could give the impression that the facility might accommodate 400 trucks a day, even though the draft SWMP describes an average daily residential and commercial waste tonnage, respectively, of 720 and 760. Permit conditions should specify an enforceable average daily tonnage limit for both residential and commercial waste as well as peak day use limits. Snow events, emergencies and holidays may result in peak usage, but low usage days should offset higher usage events limited to a few days in the year to afford compliance with average daily tonnage limits set out in State Part 360 permits. Private carter use should not be open-ended.

Furthermore, given the increasingly residential character of the surrounding area, the facility should be closed at night after a prescribed hour. Commercial carter use of the facility should also be linked to compliance with state-of-the-art emission, odor control and noise standards for their trucks. If private carter trucks do not meet best available emission control and fuel standards, they should be limited at most to 250 tons or no more than 20 trucks per day. If they meet best available retrofit and fuel standards, this could be increased to 500 tons per day. Insofar as private carter trucks meet the 2007 EPA diesel engine and fuels standards, it could be increased to the proposed tonnage, with average daily tonnage limits expressed as tonnage caps in the State Part 360 permit.

Data Reporting. Finally, the SWMP must establish detailed monitoring, data collection, assessment and reporting and enforcement procedures that provide assurance that truck operation and facility performance standards will be met. Monthly data reports should be available to Community Board 8 and interested parties. Furthermore, the City should provide funds for a community-based technical expert to review and assess reported data for compliance with permit conditions and standards, and, with the State Department of Environmental Conservation, it should prescribe an enforcement process to rectify permit condition and standard mandates in a timely basis. If these conditions are met, in our view a new, state-of-the-art 91st Street MTS should have minimal community impacts and should be compatible with adjacent waterfront uses.

Commercial Waste. It is imperative that the City lays out clearly the plans for the transferring of commercial waste and recyclables through the City's MTSs in order to attend community concerns. Having commercial trucks adding waste tonnage to the City's MTS system translates into more truck traffic and emissions from diesel engines for the local communities. Moreover, commercial waste collection trucks are not as clean as DSNY's fleet and therefore represent a larger source of pollution.

In addition to be more specific about the use of the MTS to transfer additional commercial waste, it is extremely important that the City develop a strategy to strengthen operational and siting rules that would result in the closure of or a diminished number of land based transfer station that now concentrate in disadvantaged communities, such as South Bronx and northern Brooklyn. In order to gain support for this plan, it is necessary for the City to commit to this goal. The benefits of a water- or rail-based system cannot be seen only as an environmental gain to the City as a whole, but should translate into specific improvements to the communities that for nearly two decades have born the burden caused by the City's solid waste transfer system.

Long Term Options and increase capacity for Manhattan's Residential and Commercial Waste. Over the past two years Environmental Defense together with the Manhattan's Solid Waste Advisory Board has advocated that, for the sake of fairness and for a better distribution of capacity, the City should evaluate the possibilities for siting marine- and rail-based transfer stations at locations in addition to those that were operating up till the closure of Fresh Kills. We think that the New SWMP and accompanying DEIS are deficient in their analysis of suitable locations for Manhattan transfer stations. While we commend DSNY for proposing to shift the export of Manhattan's recyclables from truck to barge through the use of a recyclables acceptance facility on the Gansevoort peninsula, and to shift the export of solid waste from Manhattan community districts 5, 6, 8 and 11 from truck to barge through use of a City-owned converted Marine Transfer Station at East 91st Street, and while we have supported in the past and continue to support the use of these locations for transfer stations, we feel that the DEIS should contain an evaluation of these and additional sites for Manhattan transfer stations that provides the public with more information concerning why these sites were chosen, and what other sites may be suitable.

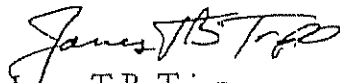
The Commercial Waste Study did purport to evaluate sites for a private transfer station in Manhattan that would handle commercial waste, as the SWAB had requested it do. The sites evaluated there were rail sites at West 30th and West 140th Streets, and marine sites at Pier 42 and the Gansevoort Peninsula. The study evaluated the sites using constraints that are not applicable to City-owned stations, and concluded that all four sites were infeasible due to technical issues or land use obstacles.


An analysis in the DEIS of sites for transfer stations in Manhattan should discuss and employ reasonable minimum criteria for identifying multiple possible locations, such as access to rail or water, minimum lot size, and public ownership. Criteria such as zoning classification and proximity to sensitive receptors should be assessed and discussed only as a secondary consideration, since such criteria may be overridden, and since East 91st Street and Gansevoort

may not meet such criteria either. A full disclosure of the possible locations, including those evaluated in the Commercial Waste Study, together with an identification and discussion of problems/constraints at each location, is necessary in order to understand whether the selected long term export program is the alternative that will best minimize environmental impacts. Such disclosure would also provide a basis to determine whether the program's reliance on continued trucking of solid waste from community districts 1, 2, 3, 4, 7, 10 and 12 to the Newark waste-to-energy facility is the best alternative.

Moreover, the New SWMP does not improve the handling of the solid waste that will be transported to Newark--two-thirds of borough's total. Quite to the contrary, it locks New York into a status quo for the next 20 years -- depending on an out-of-state incinerator. The majority of waste generated in Manhattan will continue to travel in packer trucks over Manhattan roads and through the Holland and Lincoln Tunnels and George Washington Bridge into New Jersey, causing air pollution and excess traffic congestion in many Manhattan neighborhoods. Additionally, the waste-to-energy facility in Newark impacts air quality not only in New Jersey but also in New York because of prevailing westerly winds.

Thanks for your attention,


James T.B. Tripp
General Counsel


Ramón J. Cruz
Policy Analyst

MANHATTAN CITIZENS' SOLID WASTE ADVISORY BOARD

Office of the
Manhattan Borough President
One Centre Street, 19th floor
New York, NY 10007

January 24, 2005

Harry Szarpanski, Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: New Comprehensive Solid Waste Management Plan

Dear Mr. Szarpanski:

The Manhattan Citizens' Solid Waste Advisory Board (SWAB) submits the following comments on the New York City Department of Sanitation's (DSNY) proposed New Comprehensive Solid Waste Management Plan (New SWMP) and accompanying Draft Environmental Impact Statement (DEIS). The Board is a volunteer body appointed by the Borough President that advises her and other City officials on the City's recycling and solid waste management programs. The Board contains many knowledgeable and committed members dedicated to improving the recycling program, expanding waste prevention activities, and managing and disposing of solid waste in an environmentally sound and financially responsible manner.

Waste Prevention and Recycling

The New SWMP's commitments on waste prevention and recycling fall woefully short of the efforts which the SWAB believes are necessary for compliance with the State's solid waste management laws and for progress towards a solid waste management system that minimizes its impacts on the environment and its costs for its citizens. The New York City Council declared in 1989, Local Law 19, that the measures taken by the City must establish the most environmentally sound and economically desirable waste reduction, recycling and reuse programs possible and should be consistent with or surpass the reduction, recycling and reuse goals established by New York State. The 1992 Comprehensive Solid Waste Management Plan offered 86 ambitious waste prevention and recycling initiatives. The 1995 update had 47 milestones; many of these were new ideas. Some goals were accomplished: City-wide mixed paper and MGP collection, Riker's Island composting and materials exchange programs. Most initiatives were forgotten or delayed.

Harry Szarpanski
January 24, 2005
Page 2 of 5

The New SWMP lists 22 reduction milestones. Only 4 of these are new concepts: electronics recycling, paper-bagged yard waste, an annual DSNY electronic newsletter and revisions to Local Law 19. Just one of these reduces solid waste tonnage. The other target dates merely extend timing for projects proposed in 1992 and 1995. This is not progress. There are no implementation dates for 3 projects: school awards, commercial education and food waste composting at Hunts Point.

While tracking diversion of City agency materials that never have entered the waste stream is commendable and should continue, there is no justification to include them in reduction totals. Reported City agency tonnages are paltry and eliminated altogether in future projections. The City-wide tonnage goals in Local Law 19 assumed a broader range of materials would be designated for recycling or prevention by now. Lawful tonnage requirements cannot be revisited until comprehensive reduction plans are in place. Before adopting the New SWMP DSNY must demonstrate commitment to the goals stated by the City Council on behalf of all New Yorkers. As a first step, DSNY should adopt the Zero Waste initiatives appended to these comments.

Long Term Export Program

The Manhattan SWAB has long been in favor of maximizing the use of barge and rail for export of solid waste and recyclables. The current Manhattan system moves all waste and recyclables out of the borough by truck, creating unacceptable air pollution and traffic congestion and imposing higher than necessary costs. It is in everyone's interest to phase out the current system as expeditiously as possible.

The SWAB has also advocated that, for the sake of fairness and for a better distribution of capacity, the City should evaluate the possibilities for siting marine- and rail-based transfer stations at locations in addition to those that were operating up till the closure of Fresh Kills. Over the past two years, the SWAB has been engaged in a dialogue with Manhattan community boards about the benefits of a redesigned marine and rail transfer system and the need for additional capacity south of 59th Street, for the purpose of furthering informed input to the City's planning process.

The long-term export program for Manhattan should include the development of additional transfer sites with the objective of decentralizing the handling of waste and recyclables and enabling communities to take more responsibility for their waste. While we commend DSNY for proposing to shift the export of Manhattan's recyclables from truck to barge through the use of a recyclables acceptance facility on the Gansevoort peninsula, and to shift the export of solid waste from Manhattan community districts 5, 6, 8 and 11 from truck to barge through use of a City-owned converted Marine Transfer Station at East 91st Street, and while we have supported in the past and continue to support the use of these locations for transfer stations, we feel that additional sites for Manhattan transfer stations are feasible and should be explored, particularly sites below 59th Street. For example, the rail site at 30th Street was evaluated in DSNY's own Commercial Waste Study and rejected not for any technical or engineering reasons but

Harry Svarpanski

January 24, 2005

Page 3 of 5

because it did not conform to zoning. This is obviously a consideration to be weighed, but not an absolute bar to the siting of a station. The need for new legislation at the Gansevoort site has not impeded progress there.

The SWAB faults the New SWMP for doing nothing to improve the handling of the solid waste that will be transported to Newark--two-thirds of borough's total. Quite to the contrary, it locks New York into a status quo for the next 20 years -- depending on an out-of-state incinerator. The majority of waste generated in Manhattan will continue to travel in packer trucks over Manhattan roads and through the Holland and Lincoln Tunnels and George Washington Bridge into New Jersey, causing air pollution and excess traffic congestion in many Manhattan neighborhoods. Additionally, the waste-to-energy facility in Newark impacts air quality not only in New Jersey but also in New York because of prevailing westerly winds.

The New SWMP is also deficient in addressing operational and design issues at the East 91st Street and Gansevoort sites. DSNY must commit to change the way these stations formerly did business, even if it means confronting established work practices and difficult personnel issues. In the same way that DSNY's fleet prides itself on a superior environmental performance to the fleets of the private carters, DSNY must set a benchmark for its transfer stations that will always exceed that of the best-run private transfer station.

Queuing of trucks

One of the chief complaints of residents against any waste transfer station is the long queues of idling garbage trucks waiting to enter. We recommend that DSNY plan to reduce and eventually eliminate the queuing of garbage trucks at waste transfer stations not solely by designing space for indoor queuing but also by staggering shifts of truck deployment. If trucks went out on their routes on a more continuous basis, it is logical to assume that they would arrive at the MTS at different times as well. Over a twenty year planning horizon, DSNY should be investigating the use of GPS systems and other advanced technology that can match truck arrival times more closely with processing of waste.

Truck emissions

We recommend that to reduce emissions from trucks DSNY seek to procure vehicles that have the best emissions certifications and gas mileage. We recognize that DSNY has been moving its fleet of trucks over to low-sulfur diesel, and we would encourage the continuing evaluation of diesel retrofit technology and of other clean burning fuels.

Access Ramp to the 91st Street MTS

DSNY should work with the local community to come up with a ramp design that is not only aesthetically acceptable, but that also addresses many of the real concerns and problems the ramp presents. In particular, DSNY should explore creative designs to enclose the ramp, and vent any exhaust air toward the East River. The ramp and area in front of the MTS could be landscaped, adding greenery to create a natural and softer environment around the facility.

Harry Szarpanski
January 24, 2005
Page 4 of 5

Gansevoort Recyclables Acceptance Facility

DSNY should define the timetable for design of the facility and for the promised environmental review. It should set parameters, in conjunction with the local community, for truck and tug usage and of measures to prevent queuing and mitigate emissions, and for pedestrian access and passage along the waterfront.

As previously noted, the SWAB endorses the reopening of the Gansevoort MTS for the handling of Manhattan's recyclables and we are pleased to see recyclables move by water. However, we would like to request DSNY use its transportation model to determine if it would be more efficient for the recyclables in certain districts to be driven directly to the Hugo Neu facility located in the Bronx. Moreover, consistent with our recommendation above that the EIS evaluate potential additional marine and rail sites in Manhattan, DSNY should consider the creation of a number of smaller barge- or rail-export facilities for Manhattan recyclables.

Evaluation of Cumulative Emissions from Alternate Trucking Schemes

With the objective of minimizing truck traffic and emissions, we recommend that the DEIS evaluate truck emissions in all parts of New York City from the "no action" alternative, the DSNY proposed alternative, and an additional scheme whereby truck queuing and idling is minimized and truck route mileage is minimized via changes in operations and optimized locations of garages and waste transfer points such as barge and/or rail facilities. We recommend that dioxin TEQ be added to the usual complement of criteria air pollutants evaluated, since governmental agencies such as USEPA and the California Air Resources Board have determined in past studies that automotive sources produce this carcinogenic substance.

[These studies should be correlated, using Geographical Information Systems (GIS), to asthma rates, which have been shown by studies at Lehman College (Maantay, et. al.) to be high in the trucking corridors in New York City, particularly the South Bronx and Washington Heights. These studies can assist DSNY in reducing deleterious impacts to public health from its collection and transfer system—can we explain this better?]

Export of Commercial Waste from Manhattan

The SWAB encourages DSNY and EDC to work with local groups and with the SWAB to ensure that the plan for exporting commercial waste from the 59th Street MTS evolves in a way that optimizes its use and minimizes negative impacts. Inasmuch as the New SWMP contains little or no detail on how this facility will operate, there should be further analysis and an additional opportunity for public comment once more specific plans are available.

The SWAB also supports the proposal to utilize excess capacity at 91st Street MTS for some portion of Manhattan's commercial waste, although the impacts of this need to be carefully studied, including issues of noise, queuing at night, and insuring optimum use of clean burning fuels in the private carting industry. The analysis in the Commercial Waste Study for both these facilities is not adequate to disclose the impacts of their use as

Harry Szarpanski
January 24, 2005
Page 5 of 5
described in the New SWMP.

Thank you for this opportunity to comment.

Sincerely,

Christine Datz Romero
Chair

Potential Industries, Inc.

922 East "E" Street

Wilmington CA 90744

Tel (310) 549 5901 Fax (310) 5131361

January 21, 2005

Mr. Harry Szarpanski
Assistant Commissioner, DSNY
44 Beaver Street, 12th Floor
New York, NY 10004

sent by FedEx

Re: CEQR03DOS004Y / DEIS Public Comment

Dear Commissioner Szarpanski,

The DEIS states that "the potential traffic, off-site air and off-site noise impacts that would be associated with the changes in delivery of Curbside Recyclables by DSNY collection vehicles from current destinations to a new facility(ies) are also evaluated in this DEIS". However, the DEIS does not evaluate said impacts.

The First Amendment to Agreement between the City of New York and Visy Paper (NY) directs DSNY to deliver 34,000 tons per year of Waste Paper to Visy from Brooklyn Districts 2, 6, 7, 10, 11, 12 and 13. DSNY currently delivers those Districts to Visy. However, DSNY does not yet deliver the entire 66,000 tons per year of Waste Paper over and above that amount which is also mentioned in the Amendment.

The problem is not simply that the associated changes for those 66,000 tons per year are not included in the DEIS, but rather that there was never an analysis of the traffic, air, and noise impacts of diverting initial 34,000 tons per year of Brooklyn Mixed Paper that is being trucked by DSNY over the Verrazano bridge to Visy.

It is important that DSNY evaluates the environmental impacts for the wholesale diversion of the above mentioned 100,000 tons per year of Brooklyn based Mixed Paper while keeping in mind the stated goal of reducing truck traffic and congestion. It may be helpful to include in that review a comparison of delivery costs and revenues generated for DSNY taking the Mixed Paper to Visy as opposed to the Brooklyn facilities.

Regards,



Daniel J. Domonoske
Vice President

Encl: district map of Acceptance Facilities

CC: Marty Markowitz, Brooklyn Borough President
William Colton, Member of the Assembly, 47th AD
David Yassky, Councilmember 33rd District

DSNY Mixed Paper Acceptance Facility Options

● DSNY

Gansevoort MTS - Manhattan (being developed)

59th Street MTS - Manhattan (being reserved for trash)

★ REVENUE CONTRACTS

2 North Fifth Street - Brooklyn

847 Shepherd Ave - Brooklyn

860 Humboldt Street - Brooklyn

31-33 Farmington Street - Queens

770 Barry Street - Bronx

960 Bronx River Ave - Bronx

☆ VISY AGREEMENT

4495 Victory Blvd - Staten Island

▣ HNC (pending)

Pier #30 Sunset Park - Brooklyn

Hunts Point - Bronx

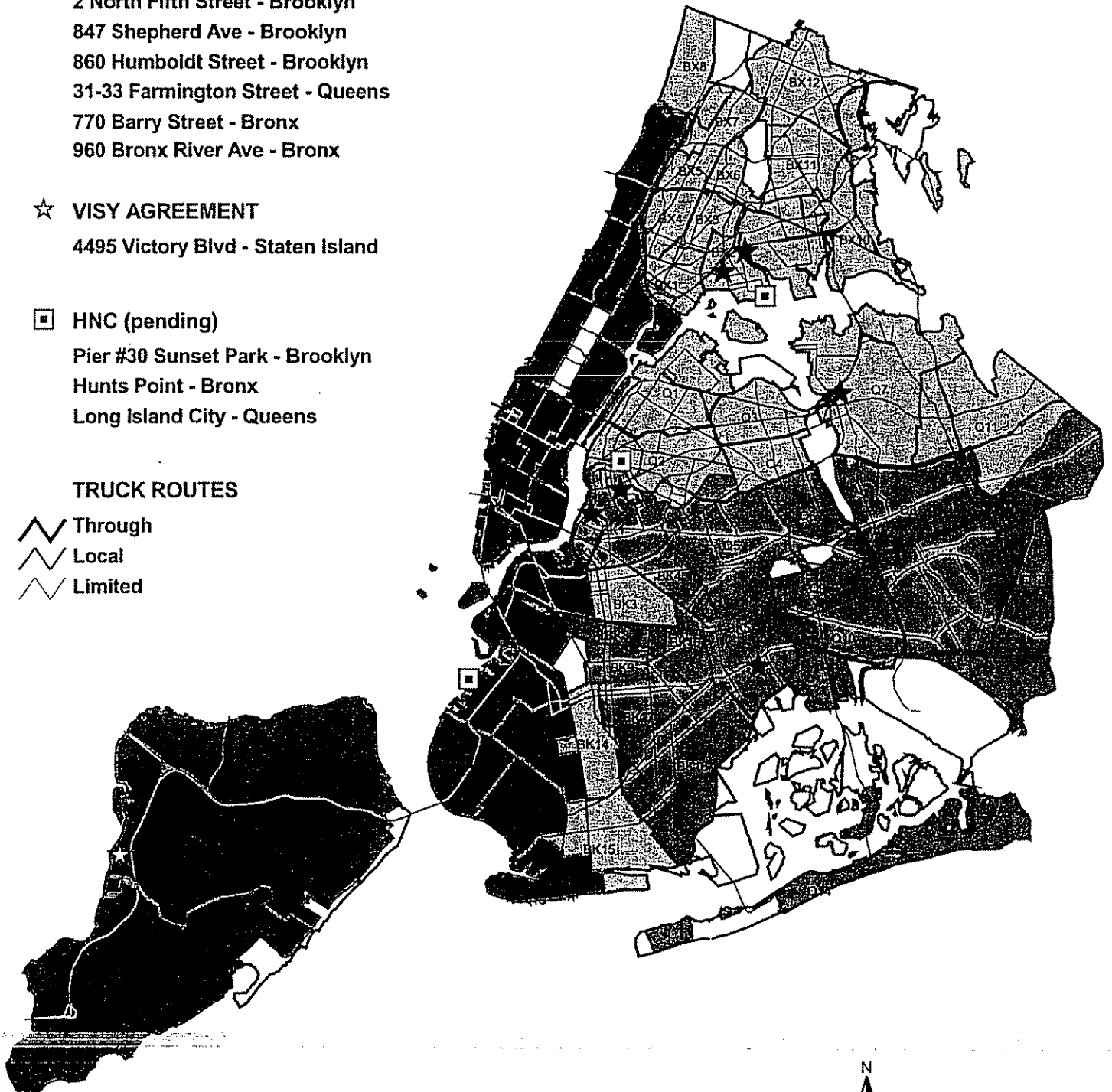
Long Island City - Queens

TRUCK ROUTES

Through

Local

Limited





**POTENTIAL
INDUSTRIES, INC.**

DANIEL J. DOMONOSKE

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BROOKLYN SOLID WASTE ADVISORY BOARD COMMENTS ON THE DRAFT
S.W.M.P. AND D.E.I.S.

Written by Ken Diamondstone

January 23, 2005

It had been our intention to respond to specific items within the text of the draft SWMP and accompanying DEIS but we have instead chosen to outline, in more general terms, our perceptions of these DOS documents as inadequate tools for their intended purpose.

We believe that the City can and must produce a 20 year plan that is cost effective, comprehensive, broad in vision and consistent with environmental stewardship in a time of impending scarcity. It's our view that what we have before us in the Draft SWMP and DEIS might have constituted a legitimate Plan 10 years ago but today seems oblivious to 21st century reality and the needs of NY City during the next 20 years.

Not Planning Beyond Export

Page after page of the DSNY Draft SWMP address retrofitting of City and private marine transfer stations and various alternatives. They outline the long sought yet incomplete plans for expansion of rail and barge transport with the desired equivalent decrease in truck usage for purposes of exporting what DOS and the commercial haulers collect in NYC. This is gratifying but only as a part of a broader comprehensive plan. Yet with few exceptions, this is where the plan stops.

Not Planning for 20 Years

While there are no crystal balls available, this plan can and ought to identify goals and outline objectives over the entire 20-year span of time. It should plan the phase in of existing new technology. It does not. It could but yet does not plan for reduced waste in packaging, for curtailed truck emissions, for purchase by DCAS of larger quantities of recycled content products, for better enforcement of existing transfer station operating regulations, implementation of pilot waste to energy projects and the study of innovative solutions advanced by other municipalities. It could establish time lines for these objectives during the 20-year time span but it does not. Everything from expanded recyclable material collections to pilot commercial waste franchising strategy to food waste composting and so much more could be an integral part of this Draft SWMP, now!

No portion of the DSNY's DSWMP is devoted to a broad array
That we are investing no significant portion of the DSNY budget for a variety of pilot programs can only insure that we will do the same thing in 20 years as we are doing today. That is a ludicrous prospect and a testament to the absence of planning these documents purport to encompass.

No Plan or Timeline For Attaining Zero Waste

The Waste Prevention Coalition and others have advanced the concept of Zero Waste which the Draft SWMP rightly has addressed. Yet in practical terms, it advances few concrete proposals nor allocates funds to begin the process of reaching that goal.

As the world depletes its forests, subdivides its arable land, competes for diminishing reserves of fossil fuel, pollutes its oceans thousands of miles from shore with discarded plastic containers and slowly suffocates from toxic carbon emissions, DSNY is proposing more of the same. To simply continue the export of garbage. To bury it in some landfill out of our sight.

It seems to the Brooklyn SWAB that we and NYC can no longer justify either economically, environmentally or socially the production of "waste" but rather, we ought to envision these by products of urban activity as feed stock for new products.

Yet at this juncture we see no concrete plan to collect and recycle more materials by DSNY although we are gratified there is at least an expression of intent to do so; No clear elaboration of proposals for waste prevention; No interest in inducing or enforcing commercial recycling; No proposed legislation regarding increased producer responsibility for prolonging the life of products or reducing packaging. The Draft SWMP proposes no guidelines nor expresses any sense of urgency regarding the adoption and enforcement of Intro 29 relating to increased procurement by NYC of products with recycled content. There is no collaboration proposed by DSNY with ECD to build recycling industrial parks or to provide community based "green collar" employment to groups like the "Green Workers Cooperatives," DSNY makes no attempt to begin a program for electronic recycling or the collection of fibers; the Draft SWMP has no provisions for a biodiesel industry that might divert huge amounts of used residential and commercial cooking oil from landfills or out of our City's sewers where much is dumped. The Draft SWMP makes no provision for funding pilot non-polluting waste to energy plasma facilities or gasification nor for food waste composting.

No Plan to Relieve Currently Impacted Environment Justice Communities

While the draft plan reflects zoning changes promulgated in the new Siting Regulations, those regulations simply purport to prevent further environmental impacts in specific areas of the Bronx and Brooklyn, not ameliorate existing burdens.

The Plan and the Commissioner hope that magically, capacity and throughput will decline in those areas especially with reactivation of the MTS. The Plan therefore contains no mandates to reduce capacity, reduce throughput, sunset non-compliant land based transfer stations or mandate a time frame for clean fuel commercial waste vehicles. The Commissioner assures us that mandated flow control is not legal while others assure DSNY that it probably is. Lip service is given to environmental justice without a plan or time line for reducing the burden on these communities. The omissions are an affront to those communities and completely unacceptable at this late date.

Lastly, There is No Comprehensive Transition Proposed From the "Interim" to the "Final Plan"

The Draft SWMP makes no attempt to identify nor set a time line for de-permitting the transfer stations it would like to see eliminated. On the other hand it has, for example, it has reduced daily contract tonnages at some paper recycling facilities without a public vetting of the environmental, economic or social consequences of those changes and has in so doing made future operations at one state of the art recycling facility problematic.

When paper that was formerly tipped at that North Brooklyn facility ended up (through a contract revision) at Visy on Staten Island, it took a significantly longer time for the paper to arrive at its new destination, required more DSNY personnel time, incurred a bridge toll, required more fuel and DSNY was paid less per ton than at the North Brooklyn site. We need to know why. Perhaps this was a laudatory change that was strategically planned to benefit the Williamsburg community. Perhaps it was not. But there clearly needs to be disclosure and a logical overall plan that is both public and vetted for this transition from the "Interim" to Final Plan.

The Brooklyn SWAB considers the current Draft SWMP to be so deficient in these and other areas of concern (such as the Commercial Waste stream and its potential or lack thereof to utilize the retrofitted MTS) that a much broader, detailed and comprehensive plan is urgently called for.

While DSNY has admirably performed and continues to carry out its primary function of removing 13,000 tons of material from the City each day, it has been notably and repeatedly incapable of undertaking long term planning and innovation at a time when bold change is needed.

We urge the creation of an independent planning task force comprised of a cross section of solid waste management experts to advise the Mayor, DSNY and the Council on all planning and implementation matters related to Municipal and Commercial solid waste in general and the current need for a 20-year SWMP in particular.

Thank you for this opportunity to comment.

**The Bronx Solid Waste Advisory Board
c/o Resa A. Dimino, Chair
95 Schofield Street
Bronx, NY 10464
(718) 885-9093**

January 24, 2005

Harry Szarpanski
Assistant Commissioner
NYC Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: Draft Comprehensive Solid Waste Management Plan and Environmental Impact Statement

Dear Harry,

The Bronx Solid Waste Advisory Board (SWAB) is pleased to provide comments on the Draft Solid Waste Management Plan (SWMP) and Environmental Impact Statement (EIS). The Plan represents a step forward in dealing with the city's mounting solid waste problem by proposing a barge and rail based waste export system, and increasing recycling and diversion goals. However, the plan lacks sufficient detail, performance milestones and targets to determine whether or not it is realistic and/or achievable. Furthermore, the SWMP does not present any innovation in dealing with an increasingly costly problem, and does not present a system that will allow the city to control those costs in the long term.

At the December 6 public hearing, the SWAB presented key points on the SWMP. Those points, attached for your reference, are part and parcel of these comments. Additional specific comments follow.

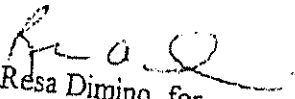
1. The veracity of the export plan presented in the SWMP depends on export facilities being established in all areas of the city. Therefore, to ensure that this plan complies with the "Fair Share" provisions of the city charter, ALL of the marine transfer stations must be reopened or replaced with similar facilities. The city should not entertain proposals to exempt certain neighborhoods from hosting export facilities, especially those, such as E. 91st Street, that are in higher income neighborhoods where asthma prevalence in children is actually lower than the city average.
2. The Bronx SWAB is strongly opposed to the use of the Waste Management facility at the Harlem Rail Yards as a barge-to-rail export facility for other boroughs waste. The Draft EIS on this proposal is significantly flawed. It assumes no off-site impacts, yet does not provide the information to back up that statement (apparently an analysis was done at one point, but it was not available with the documents). It does not include a discussion of visual impacts to Randalls Island, an emerging recreational center. It does not address the odor impacts from containers moving through the site.

- And, it does not provide a contingency plan for instances of poor service on the rail line (see below).
3. The reliance on rail for export will be problematic. Any industrial user of rail for transport will attest to the undependable nature of the rail system for moving goods. This is particularly true for the East of Hudson lines that would export from the Bronx. Increasing reliance on rail would likely result in stockpiling of rail cars full of trash, or a shortage of rail cars available for export. The SWAB recommends that the city devise export strategies that utilize barge transport as an alternative.
 4. The SWMP appears to intend to direct commercial waste through the MTS system and reduce or end reliance on land-based waste transfer stations, however, there is no discussion of how the flow of waste would be managed or controlled. While economic flow control – that is, pricing the MTS tip fee below the land-based transfer station rate – would be an effective tool, the plan is silent on what the tip fee at MTSs would be, even within a ball park range. Will the city take actions to close land-based transfer stations, or create permit conditions, to ensure that commercial carters would use the MTS system?
 5. The Draft EIS on the 132nd Street facility is also insufficient and dependent on an old analysis that was not available with the documents. It does not address the infrastructure needs at the Oak Point Yards to support increasing export by rail and does not discuss the noise, air quality, odor, and other impacts of the Dray Route traveling through areas with residential uses. It also does not present a contingency plan in the case of problems with the rail line (see #3).
 6. The SWMP sets an ambitious goal of 70 percent diversion, yet it proposes no significant programs beyond the long-term contract for recycling curbside metal, glass, plastic and paper. The same ingenuity that was used to solve long-standing problems in the curbside recycling program and develop the long-term contract should be put to use to implement programs in the commercial sector, in public spaces, and for other materials, such as reusables and compostables.
 7. The discussion of the use of alternative fuels in the DSNY fleet does not set any milestones, deliverables or performance goals, aside from complying with existing regulation for the use of ultra-low sulfur diesel (ULSD). The city should commit to specific goals and targets for the phase out of diesel and the phase in of alternative fuels, such as CNG, BioDiesel, and Fuel Cells.
 8. There is no discussion of alternative fuels for DSNY vendors or private commercial carter fleets. The SWMP should include the phase in of permit requirements for private carters use of alternative fuels beyond federal requirements for the use of ULSD. The city should also enable the use of alternative fuels by providing access to fueling infrastructure.
 9. The Environmental Justice Policy discussion in the Draft EIS is confusing. It notes that nine out of ten facilities are in EJ communities, and states that if significant impacts exist in those communities, DSNY will look for other sources of impact. However, it does not describe the next step. Will the city then move the facility out of the impacted neighborhood? Will it move to close other facilities?
 10. The SWMP's discussion of an evaluation of alternative technologies for managing waste, e.g., gasification and anaerobic digestion, does not provide any milestones, targets, or clear path forward for evaluating the relative benefits of these technologies,

nor does it outline a public review process for that evaluation. More detail should be provided, and a public review process must be included.

Thank you for your consideration of the SWAB's comments. Please contact me if you would like to discuss these points further, or if you would like to come to a SWAB meeting to discuss the city's plan

Sincerely,



Resa Dimino, for
The Bronx Solid Waste Advisory Board

Bronx Solid Waste Advisory Board
Key Points on Draft Solid Waste Management Plan

- The Bronx SWAB supports the closing of the South Bronx MTS, and the move to export waste from the city by barge or rail, as opposed to trucks.
- The SWAB would like to provide comments on whether the city should pursue one of the two designated Bronx sites over the other (Harlem River Yards vs Allied 132nd Street facility), however there is no information provided that would enable our analysis of the comparative environmental impacts of the sites
- The Bronx SWAB is concerned to see mention of the Harlem River Yards as a potential barge-to-rail transfer station for other boroughs' waste; we oppose such a move because utilizing that facility would increase the waste disposal burden on the Bronx, create significant impacts on the park-in-development at Randall's Island, and overburden an already taxed rail line.
- The SWAB supports the export of Manhattan's commercial waste through transfer stations in that borough, to reduce the impact of commercial waste transfer on our neighborhoods
- The SWAB supports the Hunts Point Market composting project and urges the city to move more expeditiously than the timeframe laid out in the plan; this facility has been under discussion and analysis for years already.
- The SWAB strongly supports the goal of 70 percent diversion by 2015, which is consistent with the SWAB goal of zero waste by 2024; however, the plan provides no detail on how that goal will be achieved
- It is necessary to build more recycling infrastructure to achieve the 70 percent recovery goal; the Bronx SWAB strongly suggests that the city develop capacity in each borough through borough-based Recycling Industrial Parks
- The SWAB supports the reinstatement of the Botanical Garden composting programs, however, greater attention to composting food waste is critical to achieving aggressive diversion goals; unfortunately, this is not addressed in the plan
- The Commercial Waste section of the plan does not pay any attention to waste prevention or recycling; the city will not be able to meet an goal of 70 percent reduction without addressing the commercial and construction and demolition streams
- The plan states an intention to increase transfer station fees; those increased revenues should be dedicated to commercial waste prevention and recycling programs.
- The plan should include an evaluation of the potential for commercial waste franchising, however, any franchising scheme must exempt recyclables to provide maximum competition in recycling markets
- The plan states that the city supports federal legislation to establish extended producer responsibility for electronic waste; while this is a positive statement, the city should be pursuing local EPR legislation
- The plan should include the city's support for expanding the State's Bottle Bill as a means for increasing the recycling of beverage containers.
- Plastic packaging is clearly a problem that must be addressed through policy means; the Bronx SWAB encourages the city to implement programs and policies to control plastic waste and eventually prohibit the use of plastics that are not recycled in the city's program.
- While it is wise for the city to seek alternative technologies to manage its waste, many of the technologies proposed for study are black box approaches or new versions of incineration,
- Anaerobic digestion should be pursued immediately and aggressively because it would enable the organic food waste stream to be recovered as valuable compost and could generate energy as well.



Hudson River Park Trust

January 21, 2005

Assistant Commissioner Harry Szarpanski
NYC Department of Sanitation
Bureau of Long Term Export
125 Worth Street
New York, NY 10013

Re: Draft Environmental Impact Statement (DEIS) for the Draft Comprehensive Solid Waste Management Plan

Dear Assistant Commissioner Szarpanski:

The Hudson River Park Trust (Trust) has reviewed the Draft Environmental Impact Statement (DEIS) for the Draft Solid Waste Management Plan and has the following comments with respect to the West 59th Street Marine Transfer Station (MTS) in Manhattan (Block 1109, Lot 99) and also known as Pier 99 and Pier 52 at Gansevoort Street. Both locations are located within Hudson River Park.

Hudson River Park was created by New York State legislation (the "Hudson River Park Act," Chapter 592 of the Laws of 1998), and includes the area generally bounded by Battery Place at the south and the northern boundary of 59th Street and 59th Street extended at the north. The western boundary is the United States Pierhead Line and the eastern boundary is generally the westernmost point of Route 9A.

59th Street Marine Transfer Station:

The Hudson River Park Act defines Pier 99 as a "compatible governmental use." Compatible governmental uses are defined as "a use within the park that is compatible with park use in accordance with the purposes of [the] act, such as . . . the city of New York department of sanitation water-dependent marine transfer station on Pier 99." Under the terms of the Act, the existing marine transfer station is permitted to be located within the park, and the Trust has no objections to its continued operation, including for its currently proposed use as a marine transfer station available for receipt of commercial putrescible waste.

Assistant Commissioner Harry Szarpanski

January 21, 2005

Nevertheless, as stated in our May 24, 2004 letter to you commenting on the scoping document, your department should be aware that the Act imposes many restrictions on activities within the park, including the over 400 acres of water that are located within it. The supplemental environmental review described on page 4-4 of the DEIS should make mention of the Act and its restrictions, and should describe how any physical or operational changes required to accommodate the new commercial waste transfer facility would be consistent with the Act. For example, the supplemental environmental review should acknowledge that the Act prohibits construction beyond the historic footprints of the existing piers, and that it designates the entire water area as an estuarine sanctuary. We are available to answer any questions you may have regarding the Act.

The Trust requests that the "Existing Conditions" section of the DEIS be amended to include mention that the 59th Street Transfer Station is located within the Hudson River Park area (as opposed to "between parks"). It should also acknowledge the fact that the waters surrounding Pier 99 are legally part of the Hudson River Park Estuarine Sanctuary.

The supplemental environmental review should include a detailed analysis of any potential expansion of the existing operations at the 59th Street Converted MTS, including a description of any increase in traffic or expansion of use in either the surrounding water or the upland area located to the east of the pier. Any new service or access road configurations should be assessed with respect to their possible effects on recreational users of Hudson River Park. The supplemental environmental review should also detail the plans that would be created between the Department of Sanitation and the Department of Parks and Recreation to resolve the conflicts and safety issues that the DEIS acknowledges would be created on the bikeway by increased trucking activity. Furthermore, as the public bodies charged directly with creating and operating the park and bikeway respectively, the Trust and the NYS Department of Transportation should also be involved in such planning.

As stated in our scoping document comments, the DEIS should acknowledge that the entire bulkhead within Hudson River Park—including that bordering Pier 99—is eligible for the State and National Registers of Historic Places, and that any construction on it is subject to the terms of a Programmatic Agreement executed by the U.S. Army Corps of Engineers, the Advisory Council on Historic Preservation, the New York State Historic Preservation Officer and the Hudson River Park Trust. The natural resources assessment should analyze any potential changes to the Hudson River habitat resulting from any expansion of operations or construction at the pier, including those related to emissions from tug boats.

Finally, in the ongoing planning for the commercial waste transfer facility at 59th Street, we ask that the Department consider the fact that the operational hours identified on page 4-2 of the DEIS for the four Converted MTSs being described (i.e., 8 am to 8 pm) are the hours in which Hudson River Park and the adjacent bikeway are most heavily used. To the degree possible, operations should be planned to avoid or minimize weekend use in particular, but also weekday afternoons and early evenings. We again offer our assistance in such planning efforts.

Assistant Commissioner Harry Szarpanski

January 21, 2005

Pier 52 at the Gansevoort Peninsula:

With respect to the plan to create a recycling facility at Pier 52 on the Gansevoort Peninsula, we acknowledge the Department of Sanitation's efforts to involve the Trust in the preliminary planning for this facility. As you know, we consider the Gansevoort Peninsula to be one of the future jewels of Hudson River Park. Consequently, it is vital that if a recycling facility were to be located on this site, the surrounding park area must be protected. We believe that Sanitation's planning efforts to date have been a good faith attempt to do just this. Still, the fact that the Hudson River Park Act would have to be amended to permit a recycling facility at Pier 52 means that the Trust will have to continue to work closely with the Department of Sanitation to successfully address issues related to traffic, natural resources, noise, odors, open space and other environmental concerns

Conclusion:

Given the fact that these two proposed facilities are located within Hudson River Park, the Trust requests that we be listed as an involved agency, as the Act requires the Trust to hold hearings and perform many other functions with respect to the property in our jurisdiction

Please contact me if you need further information. My number is 212-627-2020.

Sincerely,



Noreen Doyle
Executive Vice President

cc: Connie Fishman, President, Hudson River Park Trust
Laurie Silberfeld, General Counsel

January 24, 2004

Kathryn R. Edmunds
530 E. 90th St.
Apartment 5H
New York, NY 10128

Assistant Commissioner Harry Szarpanski
City of New York Department of Sanitation
44 Beaver Street --- 12th Floor
New York, New York 10004

Re: Comments concerning methodologies used for the Final Scoping Document, and the
Draft Environmental Impact Statement of October 2004 for CEQR #: 03DOS004Y

Dear Mr. Szarpanski,

I have several substantive criticisms of the methodologies used for the Scope and for the Draft Environmental Impact Statement released in late October 2004. As far as I can tell, the only way to rectify these problems is to re-conduct the studies or to find different agencies to evaluate that data that was accurately collected.

This set of comments should be considered to pertain to every site and proposed site where truck traffic will be generated by the waste facilities. I submit this letter for inclusion in the comments of every site for which you are collecting comments at this time. If it is not permitted to have a single letter be included in all the comment sections, then please include it in the comment section for the proposed facility at E. 91st Street and East River, which as the most populated area, has the most people to be affected by inadequately evaluated impacts.

I have three particular areas of concern: truck traffic assessments, air quality impacts on public health, and adherence to the State's Environmental Justice policy guidelines.

1.) Traffic Analysis and Truck/ Passenger Car Equivalence

I object to the conclusion that there will be no negative traffic impacts because I believe the traffic studies were not accurately conducted.
Below are comments that demand consideration:

a.) While it is true that CEQR Technical Manual of 2001 considers sanitation waste collection vehicles to be 1.5 Passenger Car Equivalents, this conversion factor is not appropriate for traffic studies relating to an on-going nearly 24/ 7 flow of truck traffic to and from a particular site. The CEQR technical manual is a set of guidelines. Most "guidelines" included are not regulations. The guidance that a sanitation vehicle is 1.5

2

PCE is not a regulation. An approximately 23 ton vehicle cannot be considered a "light truck" in every context; therefore the PCE of 1.5 should not be applied to every traffic context within the city. Perhaps a factor of 1.5 applies when there is an occasional garbage truck in a stream of cars; or perhaps it applies when a DSNY garbage truck is empty (the 10.46 ton weight of an empty truck almost meets the 9.9 ton definition of a light truck). Having consulted with a Professor of Civil and Environmental Engineering in the mid-west after telling him the conditions of the roadways, frequency of signals, approximate frequency of the vehicles in question (while having told him only the range of weight of vehicles, not the type and withholding from him the city I was discussing as well as my reasons for interest in the topic), I was told the following: "In general, a truck like that is considered equivalent to two cars at the intersections."

b.) Furthermore, according to the US Department of Transportation, Federal Highway Administration guidelines for analysis of signalized intersection capacity, a heavy vehicle is equated to 2 PCE: (<http://www.fhwa.dot.gov/ohim/hpmsmanl/appn5.htm>).

c.) The Federal Highway Capacity Manual which DSNY's consultants used to evaluate the truck traffic does consider all of these variables and more. But it should be pointed out that DSNY engaged more than one consultant and that the traffic studies are not consistent across all the sites evaluated. For instance, Parsons Brinckerhoff Q&D (which evaluated W. 135th Street, among others) treats a DSNY collection vehicle as a heavy vehicle. This information can be derived from the fact that the % increase in heavy vehicles when comparing existing and future-build conditions corresponds exactly to the number of additional total vehicles (not just heavy) that would be going through the intersection. On the other hand, Urbitran (which evaluated E. 91st St, among others) does not consider a DSNY vehicle to be a heavy vehicle. For instance, if you look at what will be a busy truck route – the left turn off of E. 86th onto York, the total number of vehicles goes from 80 to 110 but the change in percentage of heavy vehicles indicates only 7.4 additional heavy vehicles during the 7:30-8:30 am hour.

d.) Additional peculiarities of the traffic studies include the fact that no buses were counted on 1st, 2nd or York Avenues or on E. 86th except for 6 buses turning right off of E. 86 and on to East End Avenue. These 6 buses are the 3% heavy vehicles for that intersection and are presumably school buses. Therefore it looks like Urbitran does not consider an MTA bus to be a bus. Perhaps this means that the buses are to be considered part of the heavy vehicle percents, but this then begs the question as to what PCE DSNY and its consultants are using for an articulated bus versus a standard bus making stops after almost every intersection. Furthermore, the traffic studies for E. 91st Street do not evaluate any intersections north of the site --- a fact that could potentially be interpreted as a failure to comply with the Environmental Justice Policy.

e.) Counts of pedestrians and bicycles seem inadequately estimated, at least for some neighborhoods. It seems particularly odd that the number of people on Lexington and E. 86th, the major subway entrance for much if not most of the E. 91st St. study area's

3

commuting population is considered to be 500 people, while a less traveled intersection such as E. 85 and York has 350 people in the morning hour.

f.) The relevance of this PCE should be clear. All of the traffic studies need to be repeated so that the actual impacts of the trucks generated by the new facility could be assessed. I have no doubt that the level of service at many of the intersections studied would fall below the acceptable threshold and that concerns about traffic accidents would be justifiably heightened.

i.) In addition, trucks owned by commercial waste haulers are heavier and have a higher capacity than DSNY's collection vehicles; among trucks I have recently seen in various neighborhoods, those owned by Waste Management indicate that their tonnage is 15 when empty and 30 when full. Therefore traffic studies (in addition to noise and to air quality impacts from emissions) need to be adjusted for when the analysis is of DSNY-managed waste versus waste transported by private haulers.

j. I also object to the assertion that a new traffic study would not need to be conducted if one of the sites evaluated for residential waste is instead to be used as a site for recycled waste. While it may be true that the number of trucks for recycling is fewer, we don't know that and we have not been told the number of trucks or the size of the trucks.

2) Air Quality and Public Health

I also believe the air quality and public health studies need to be re-done, data needs to be more refined and the review of existing scientific peer-reviewed articles has to be unbiased or that, at least, a range of biases be presented.

a.) The authors for the Public Health chapter (Chapter 33 of the DEIS) acknowledge that the EPA says "the weight of evidence indicates that DE [diesel engine exhaust] has the potential to pose a lung cancer hazard to humans at anticipated levels of environmental exposure," (emphasis added) but the authors of this chapter choose essentially to disregard this and other similar statements (Chapter 33, page 8) when they conclude, "none of the air quality, noise or odor impacts predicted in the DEIS are believed to be of public health significance" (Chapter 33, page 35). The authors object to the EPA considering something to be cause and effect when they can't prove that there is a cause and effect relationship. Nevertheless, the EPA does set the standards for the nation and if these authors want to challenge those standards, a chapter in a draft EIS for a particular city's waste management plan is not the place to do so. Furthermore, at least one of the authors of this chapter on public health has published elsewhere that there is a statistically significant association between mortality and acute exposure to an increase in concentration of PM10.5 in New York City (Green, Laura C. and Armstrong, Sarah R., "Particulate Matter in ambient air and mortality: toxicologic perspectives," Regulatory Toxicology and Pharmacology 38 (2003), page 328). While an association does not mean cause and effect (that's the DEIS authors' point), it is often used as the basis for

4

justifying further investigation and, in the case of public health, for justifying issuing protective guidelines, air quality standards, and warnings.

b.) In a similar vein, individual chapters on the various waste facility sites acknowledge (in small print footnotes): "some of the pollutants included in the group of non-carcinogenic pollutants, such as anthracene, benzo(a)anthracene and chrysene, may also have carcinogenic effects. As these pollutants do not have established unit risk factors, they were evaluated using the hazard index approach for non-carcinogens." (This example is from Chapter 5 Table 5.15-4 footnote 10.) The fact that the EPA has not set an acceptably safe level (or "a unit risk factor") for a certain pollutant is not a justification for ignoring any and all negative effects from that pollutant.

c.) Finally, the CEQR Technical Manual guidelines on Public Health include the following statement pertaining to precisely this issue: "Other actions, which might not exceed the preceding thresholds, but might nonetheless result in significant public health concerns, including projects such as . . . the NYC Comprehensive Solid Waste Management Plan. For some of these actions, there might be published, peer-reviewed, scientific literature suggesting an association between an exposure potentially caused by the action and potential health impacts" (emphasis added). Note, the CEQR Manual guidelines indicate that "association" of exposure and health impact is sufficient; the only place "cause" is relevant is whether or not the proposed action causes the exposure. It is doubtful that any of DSNY's sub-consultants would find a researcher willing to publish that diesel trucks do not cause elevation of diesel particulate matter.

3.) Environmental Justice Policy

DSNY states repeatedly that it has voluntarily decided to implement measures recommended by the State Environmental Justice Policy for ensuring that the populations affected by the proposals of the SWMP will have opportunities to voice their concerns as well as to be adequately informed about what the plans involve.

a) First, contacting community district managers is not the only way to identify stakeholders and other interested parties and is not "fair" across all community districts? The involvement of district managers is quite variable. District managers are not paid and they have almost no real power over what happens or does not happen in their district. They don't necessarily have the time to do all that DSNY might ask of them; further, some community districts are quite large and have distinct sub-populations and not every district manager is necessarily going to be interested in the well-being of district residents who live on the edge of the district or who don't fit the profile of the majority of the district's residents. Moreover, as there can be a language barrier between the district manager and the affected population such that suggestions with respect to popular newspapers where public notices should appear may not include newspapers read by sub-populations the district manager does not interact with.

b) Since you also count among stakeholders those who have attended one of the hearings, DSNY and Ecology and Environment are automatically sending a significant proportion of the flyers to people who are already aware of at least some of the issues.

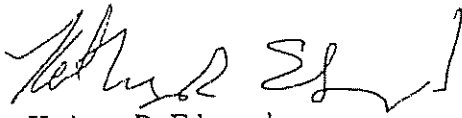
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c) Your tri-fold fliers, of which you have apparently sent very few compared to the total number of the people in all the primary study areas for the evaluated sites. Unfortunately I can only comment on the one announcing the December 20, 2004 Public Hearing for E. 91st Street. The drawing here is deliberately creating the impression that the new facility will have more or less the same height as the existing facility. The drawing purporting to be the land side view does not at all suggest that the new structure will be twice as tall as the current one and will rise to 100 feet. Also, it should be noted in the E. 91st St. pamphlet that the image appears to be reversed compared to images shown at the June 28 public hearing and that the perspective has shifted from one point to two point, thus making it all the more difficult to assess what has changed. In addition, as it is apparent that the actual plan is constantly evolving or that information about the plan is released in stages to the public, it is inconsistent with respect to EJ policy to send deceptive fliers.

In conclusion, I want to make clear that there are additional areas of concern that I cannot personally evaluate due to lack of time and to lack of appropriate knowledge. However, I believe that the comments here are valid and that they support the assertion that the methodologies used are inadequate and that the plan as a whole needs to be re-evaluated.

Thank you for your consideration of these comments.

Sincerely,



Kathryn R. Edmunds



COMMENTS OF MANHATTAN BOROUGH PRESIDENT
C. VIRGINIA FIELDS

on the
Draft Environmental Impact Statement for the
New Comprehensive Solid Waste Management Plan

New York Blood Center, 310 East 67th Street, New York, NY

Monday, December 20, 2004

Good afternoon officials of the Department of Sanitation, ladies and gentlemen. I am Richard Muller and I am pleased to deliver the comments of Manhattan Borough President C. Virginia Fields on the Draft Environmental Impact Statement (DEIS) of the New Solid Waste Management Plan (SWMP) of New York City.

While comments on all aspects of the SWMP DEIS have been solicited, the obvious focus of this meeting is the evaluation of impacts from the proposed demolition, rebuilding and operation of a new, expanded marine transfer station (MTS) at 91st Street on the East River. While Borough President Fields has supported the use of barge and rail as environmentally responsible ways of transporting our city's solid waste, she opposed the expansion of this and the other facilities when the administration released its plan because of concerns about local impacts.

The DEIS does not allay these concerns, and Borough President Fields remains opposed to the re-opening of this facility based on the densely residential character of this neighborhood and the access ramp that cuts through Asphalt Green.

Though the 91st Street Marine Transfer Station (MTS) is proposed to be built with a capacity of 4,290 tons per day (tpd), the DEIS bases its analysis on less than half that at 1,700 to 1,800 tpd. If this is the maximum amount proposed to be processed at this location, why is such a large facility necessary? It is hard to avoid the conclusion, in spite of assertions to the contrary, that capacity in excess of the residential stream will be taken up by commercial waste. The analysis of processing 4,290 tpd of proportionally attributed residential and commercial waste should be performed to comply with the reasonable worst-case requirement. Absent this analysis, it is

impossible to judge the acceptability of a facility that will operate day and night six days of every week.

Borough President Fields has consistently objected to the fact that access to the MTS cuts through Asphalt Green, and the DEIS does not address that issue beyond the assertion that there will some be form of noise barriers erected. Moreover, there are no drawings, illustrations or simulations that would allow a reader to get an idea of what the actual visual impact of the MTS will be on users of Asphalt Green, not to mention on residents in nearby buildings.

Whether or not it will be possible to actually avoid queuing of trucks on the nearby streets, it is also a matter of great concern to Borough President Fields that private commercial waste hauler trucks are incredibly polluting, so that it is of crucial importance to analyze the air-quality and noise impacts of these vehicles on the surrounding neighborhood in a reasonable worst-case scenario.

With regard to alternatives, the DEIS should disclose precisely the technical, legal and other parameters that have led the Department of Sanitation (DSNY) to plan on using East 91st Street and not West 135th Street. In addition, the Manhattan Citizens' Solid Waste Advisory Board (MSWAB) has used DSNY criteria to identify potential sites over and above the sites already evaluated. It appears DSNY has determined that none of the four additional sites evaluated in the Commercial Waste Study are suitable for export. However, the existing MTSs would also not be suitable were DSNY to apply the same criteria used to disqualify the other four. The DEIS should include an analysis of the feasibility of using the sites identified by MSWAB as well as a more complete investigation of the four in the Commercial Waste Study. The DEIS should have disclosed the technical, legal and other obstacles to their use in order for the public to be able to fully evaluate the various alternatives.

Borough President Fields believes that a more thorough and accurate analysis of the potential impacts of building a MTS for containerization of residential and commercial waste at East 91st Street would lead to the conclusion that there would be too many unmitigatable impacts for its construction to be considered acceptable.

Thank you for the opportunity to comment.

January 24, 2005

Harry Szarpanski, Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: New Comprehensive Solid Waste Management Plan

My name is Evan Firestone and I am writing this letter on behalf of my three children and my neighbors who will be negatively affected by the Solid Waste Management Plan ("Plan"). I appreciate the opportunity to comment on the Sanitation Department's ("Department") Plan. The Department performs a vital function in the collection and disposal of New York City's trash. The ability to manage this function into the future economically and with respect for all of the city's residents is an important goal for the Department and for the city as a whole.

My comments on the Plan relate to the proposed construction and deployment of a new Marine Transfer Station ("MTS") on the site of an existing MTS at 91st Street in Manhattan. I am opposed to this new facility for many reasons which are detailed below. The two main conclusions are: 1) a waste transfer facility should not be located in a densely populated residential area, and 2) the proposed MTS on 91st Street is not a refurbishment of an existing facility, but a complete demolition and replacement by new construction. A new facility does not meet current siting guidelines because of the characteristics of the surrounding neighborhood.

As previously stated, the community around 91st Street is a densely populated area. How populated? The Plan discussed that only two census tracts would be affected for a population of approximately 13,000 people. While this analysis follows the technical requirements of CEQR, it dramatically understates the affected community. Nine separate census tracts are either within one-quarter mile of the proposed site or will suffer increased truck traffic to the site representing **over 60,000 people**. In addition, Asphalt Green, which is adjacent to the site, draws children and adults from all over NYC to the neighborhood. An additional 15,000-20,000 people per year who live outside the immediate neighborhood use Asphalt Green, bringing the total affected population to **over 75,000 people**. The economic impact on a one-half-mile radius around the site is studied in the Plan. If additional census tracts were studied within a one-half-mile radius of the site, **the affected population exceeds 125,000 people**.

Some arguments have been made that opening an MTS on 91st Street is a fair allocation of NYC's disposal needs because other boroughs should not bear the burden of Manhattan's waste. However, according to the DEIS, existing residential waste from Manhattan is trucked directly to New Jersey. No other borough or community is affected by Manhattan's disposal needs. The "fair share" argument is therefore erroneous.

My specific objections to the new 91st street facility can be grouped into the following categories: health, safety, traffic, quality of life, and alternatives. The health effects on the surrounding population include truck emissions, vermin and odors which can also be categorized as quality of life issues. My three sons all have had asthmatic episodes and we live directly across the street from the proposed entrance to the site. The Department surely recognizes the studies that have concluded a strong link between truck emissions and respiratory problems.

The safety issues relate to increased truck traffic. Four separate bus lines drive past the entrance to the proposed 91st Street site. Asphalt Green and a New York City park are right next to the entrance as well. Many parents are concerned that any additional truck traffic will lead to accidents involving the many children in the area.

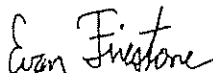
The truck traffic to the proposed site will cripple all traffic in the neighborhood. The Plan discusses 90th Street as one of the routes the trucks will take. The streets from 87th to 91st Street are 30 feet wide. With cars parked on both sides of the street, only 17 feet is left for vehicles to drive through. The width of a Sanitation truck is over 9 feet wide. If any other commercial vehicles are on 90th Street (oil truck, delivery trucks, moving trucks), there will not be enough clearance for both trucks and the street will become gridlocked. The same is true when the Sanitation trucks leave the MTS. The entire neighborhood will become gridlocked.

The DEIS discusses health and traffic issues, models them, and proclaims that all the negative effects can be mitigated. However, we have actual data from the time that the existing MTS was operational. The garbage odors and truck emissions caused parents to pull their kids from summer programs on Asphalt Green. Residents from that period recount long lines of trucks on York Avenue. The DEIS does not discuss these experiences. The proposed MTS is four times the capacity of the MTS when conditions in the neighborhood were disastrous. How can the situation not be even worse if the proposed MTS is opened?

Finally, the Department has not spent sufficient time investigating alternatives to a 91st Street location. Local Law 20 required NYC to disclose city-owned or leased waterfront properties. There are more than 300 sites on that list in Manhattan alone which might be suitable for a Marine Transfer Station. As one example, Randall's Island appears to be far more suitable than the 91st Street location.

Thank you for your time to evaluate the concerns of the community. We firmly believe that your goals can be achieved without a new MTS at 91st Street.

Sincerely,



Evan Firestone



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Social Services Committee

COMMITTEES
Children and Families
Higher Education
Environmental Conservation
Ways & Means

DEBORAH J. GLICK
Assemblymember 66th District
New York County

**Statement of Assemblymember Deborah J. Glick
on the City of New York "New Comprehensive Solid Waste Management Plan"
and the Proposal to Install a Waste Transfer Station for Recyclables at the
Gansevoort Peninsula**

January 21, 2005

Manhattan's Community Boards 2 and 4 rank last in the amount of park space in the entire city. The Hudson River Park Act was passed in 1998 to address this inequity. Now the City proposes to turn a major share of the Hudson River Park into a marine transfer station for recyclables -- fouling the Park air with exhaust from a potential of 190 diesel truck trips coming and going to Gansevoort Peninsula (Pier 52) each day. The proposal follows close on the heels of Community Boards 2 and 4's having been forced to accept that another area of the park, namely Pier 57, be turned over to commercial uses. Even more troubling is the fact that the Waste Transfer Station (WTS) would be on one of the few sections of the Hudson River Park that has the configuration and land mass necessary to provide for large green spaces, gardens, or a waterfront beach setting.

Although the inner portion of the Gansevoort peninsula is indeed intended to remain as a park, the truck route that would run along its perimeter is likely to destroy most of the park's healthful and recreational value. Despite assurances by the Department of Sanitation's (DSNY) that all trucks carrying recycled materials will use low sulfur diesel fuel, it seems inevitable that such a funneling of trucks into one area of the park will elevate diesel pollution to unhealthy levels. Since the trucks carrying recyclable materials would have to travel along the west side promenade, they would increase pollution all along the park, forcing joggers, cyclists and roller bladers using the bikeway/walkway, to inhale quantities of diesel fumes. This problem would be aggravated by the barges loaded with un-containerized garbage sitting in the river throughout the day, moved by tugboats burning the lowest grade, most polluting diesel.

Also of great concern is the fact that only 200 feet to the south of the WTS lies Pier 51, which is a heavily used toddler playground. The young children in this playground, who are particularly susceptible to the deleterious effects of toxic fumes, would be in close proximity to the fumes emanating from the trucks and the odors and pollution from the garbage on the barges.

Furthermore, it is obvious that sharing the park with a sanitation facility will fill the park with unpleasant smells and destroy the peace and quiet with loud noises. Though

moving the proposed facility to the north side of the peninsula would have the advantage of opening up view corridors, it would put the entire peninsula downwind of the facility.

The smells and fumes from the Sanitation trucks and the WTS will also affect the West Village and the new Gansevoort Market Historic District, which has recently developed a thriving cultural and commercial center. The strong winds that blow over Gansevoort heading east will bring smells of garbage into an area densely populated with retail stores, art galleries, restaurants, clubs, and hotels that offer outside dining. Indeed, according to Department of Sanitation figures, 30 to 40% of recyclable waste is contaminated with residues. Past efforts to mask the putrid smell of contaminants with an odor control system have proven unsuccessful. Masking the odor with another equally unpleasant petrochemical-based industrial perfume adds to respiratory problems and can cause allergic reactions.

Meanwhile, the sanitation trucks using the Gansevoort peninsula are likely to greatly increase traffic flow problems and aggravate the risk of accidents. Indeed, Route 9A was not planned with such a high volume of traffic coming and going from the peninsula. It is unclear how sanitation trucks carrying recyclable material on a curve in 35 mph traffic, will be able to abruptly slow down for a right-hand turn in order to enter the peninsula, without causing risks of accidents for the young children in strollers and the joggers, bicyclists, pedestrians, roller-bladers, etc, using the walkway/bikeway. Expected changes in use to areas such as for Pier 40 and the High Line will also result in alterations to current truck routes that would present problems for trucks attempting to approach the Gansevoort facility from other parts of Manhattan. For example, trucks coming from the East would have to cross local streets to reach it, causing congestion in the designated streets and creating the temptation to have recourse to local, less-traveled streets illegally.

Compounding these worries is the fact that community members are under the impression that the City has not been fully transparent about the number of trucks that will be using the facility at Gansevoort. Since the WTS at Gansevoort would be designated as the only transfer station for recyclable materials Manhattan-wide, and since the DSNY's Curbside Recycling Program includes collection of recyclable paper, metal, plastics and glass, not only from all residents in the City, but also from a number of other City, State, and Federal agencies, it is likely that this number will steadily increase. Already, the newly announced commercial paper recycling operation promises to add an additional 30 trucks to the projected 60 so far. If this trend were to continue, and to include other recyclable waste from the commercial sector, Gansevoort would grow to handle not 60 trucks a day as is being claimed now, but well over a hundred.

Similarly, there has been little transparency concerning the proposed financing of the park. Indeed, the community has received few details about how the plan proposes to

finance the park's operating costs and capital improvements. While it was suggested that the revenues provided by the DSNY could be used for capital costs associated with constructing that segment of the park, there was no specification of the amount. In addition, we were not told who would get the income if commercial contractors were to begin using the facility at night.

In fact, the argument made in favor of the WTS on grounds that it would allow the park to be developed more quickly is problematic. The park should be completed with existing funds. If the city and the state are prepared to encumber the taxpayers with \$600 million to \$1.2 billion for an unwanted stadium on the west side, they can find the \$200-300 million to complete the "world class park" previously promised to New Yorkers. And while it has been indicated that the recycling transfer station would be of educational value, other than the opportunity to view trucks dumping recycled material into barges, it is unclear what the WTS's learning value would actually be. Wouldn't the real educational opportunities exist at the opposite end in Brooklyn, where materials would be separated and processed?

In sum, I am not convinced that turning the Gansevoort peninsula into a WTS is appropriate. It would take away from the already sorely inadequate park space available to residents in Community Boards 2 and 4, and it would generate substantial health risks and pollution in one of the few spaces that has been dedicated to park uses in this neighborhood. The proposed WTS would also have negative impacts for neighborhoods downtown that have just seen an incredible revitalization as centers of arts, culture and entertainment.

While the argument has been made that the west-side and Gansevoort neighborhoods need to carry their share of noxious uses, like handling some of the waste stream, people should keep in mind that these neighborhood already provide a vital public service by accepting the huge influx of people from the city and beyond that make this area a hub of commercial and artistic activity every day. These neighborhoods also must deal with more than their fair share of street closings and other inconveniences that result from the filming industry, which frequently chooses to work in this neighborhood, and from which the city reaps huge financial revenue that is used for the city as a whole.

I thus urge the City administration and the DSNY to explore the possibility of either moving the proposed WTS for recyclables at Gansevoort away from one of the few green space sections of the Hudson River Park, or using more than one site for transferring recyclable materials so that not all of the burden would be placed on Gansevoort. Naturally, any consideration of this latter alternative would be dependent on other Manhattan neighborhoods doing their fair share. For example, unless the Upper East Side facility at East 91st street is in operation, the argument that the park-starved West Village must sacrifice any more of its essential green space is unacceptable. Additionally, the City should do everything it can to incorporate

measures that would address the waste problem at its root, by promoting waste reduction. For example, the City's waste management plan might include an educational component that would encourage the public to make a more efficient use of resources, as well as legislative initiatives to limit packaging, the use of plastic bags, and other significant contributors to the waste stream.



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Statement of Assemblymember Pete Grannis
Department of Sanitation Hearing on
New York City's New Comprehensive Solid Waste Plan's
Draft Environmental Impact Statement
CEQR No. 03-DOS-004Y
December 20, 2004

After reviewing the Draft Environmental Impact Statement (DEIS) for the New Comprehensive Solid Waste Management Plan (New SWMP), I believe that it contains significant deficiencies that must be addressed both in its generic scope and in its particular application to any proposed reopening and expansion of the 91st Street Marine Transfer Station (91MTS).

The fact that the DEIS boldly claims that this project will have no significant adverse impact on the community I find particularly troubling. I have seen this type of self serving assurance used repeatedly by city agencies pushing projects both in my district and elsewhere in the city, and have invariably found that upon completion or implementation, the project's impact on the neighboring community is significantly worse than the planners' assertions. My concerns and the issues that in my judgment are not properly addressed in the DEIS are set out below.

I. DEIS Inadequacies: Missing Analysis of Alternate Sites, Cost Benefit Analysis, Worst Case Scenarios

According to the DEIS, the New SWMP sets out a proposal for managing the city's solid waste over the next twenty years. I have found no description of the criteria used by the Department of Sanitation (DOS) in narrowing its selection to the four MTSs it is now proposing to reopen and redesign. (The original proposal called for eight MTS sites.) I strongly suspect that the residential nature of the neighboring communities was a significant factor influencing this decision. It is precisely for this reason that I find the decision to continue with the 91MTS so objectionable.

The DEIS, in section 6.8 Neighborhood Character's deft understatement, acknowledges that, "Unlike the other sites studied, this site is *within fairly close proximity to both residential and open space resources*, which are the two major factors contributing to the neighborhood character of the area." (emphasis added) In reality, as everyone familiar with the area knows firsthand and as even the most cursory observation makes obvious, the 91MTS facility itself and every conceivable vehicle access route are in the midst and pass through some of the most densely "residential resources" in the city, with its access ramp actually bisecting the Asphalt Green's campus, one of the community's most cherished open space resources.

I am certainly cognizant of the fact that we collectively and individually generate a lot of waste everyday. Mountains of household and commercial garbage and trash must be disposed of daily,



and no single community should bear the burden of this municipal responsibility or be sheltered from its consequences. It is with this recognition that I find one of the most glaring deficiencies in the DEIS to be its failure to undertake any comprehensive analysis of strategies to reduce waste from the outset or limit its inclusion in the ordinary waste stream. Nowhere is there any mention of city plans or initiatives for aggressive waste reduction such as limiting excess packaging, expanding the scope of the returnable container law, encouraging installation of garbage disposal units in personal residences and businesses or even enforcing much less expanding the recently revived recycling program. Surely, a responsible DEIS should have to cover these strategies.

Under the city's plan, four of the eight existing MTSs would be re-designed to handle vastly more garbage per day than the figures listed as expected Average Peak Day (APD) deliveries by the Department of Sanitation. The 91MTS is targeted for a maximum capacity of 4,290 tons per day (tpd) of waste (or up to 5,280 tpd according to DOS's solid waste permit application). This is *two and a half times* the expected APD delivery of 1700 -1800 tpd of residential and commercial waste planned to pass through this facility. Since this vastly expanded potential capacity is clearly contemplated for accommodating increased residential and possibly commercial waste in the future, it is irresponsible not to account for the possibility of this worst case scenario in the DEIS, with due attention to the accompanying added traffic, noise and environmental impacts on the surrounding community. In addition to being a shortcoming of the DEIS, I believe that the absence of such an analysis might well constitute a clear violation of the State Environmental Review Act (SEQRA).

The DEIS also fails to include a cost benefit analysis of the city's proposals regarding the MTSs in comparison to the existing or other methods of disposing of the city's waste. In addition to covering residential collections, this analysis should also look at the possible inclusion of commercial, recycling and other waste streams that might be transported to MTSs as part of a legitimate environmental review of the New SWMP.

II. East 91st Street Marine Transfer Station

Absence of Commercial Buffer Zone Exacerbates Adverse Impacts

The DEIS acknowledges that commercial, manufacturing and industrial areas that are M zoned districts "often serve as buffers" to shield adjacent residential and commercial districts from the adverse impacts of MTSs. However, as DOS well knows, the 91MST has no such protective zone to shield the residents of this heavily residential community or the thousands of people using the adjacent children's playground/park and the Asphalt Green's recreation facilities from the adverse health and environmental impacts of this garbage processing facility.

While the Asphalt Green recreation center fully occupies a small M1-4 zone adjacent to the 91MTS, this is clearly not the type of commercial buffer that can protect the public. The blocks on the western and southern borders of the Asphalt Green and those along any possible vehicle access routes to the 91MTS are fully developed high-density R7-2 and R10A residential districts, home to thousands of residents. The Asphalt Green itself is heavily used by people of all ages seven days a week, including hundreds of groups of school children throughout the school day.

and on weekends. The DEIS acknowledges that this acclaimed facility sits a mere 100 feet from the 91MTS. There is simply no way that such a miniscule buffer zone can serve as any kind of mitigation for the health and environmental impacts attendant to the operation of a reopened 91MTS.

Adding to my concerns about the health and safety risks associated with the reappearance of lines of garbage trucks queuing for blocks along York Avenue and accessing the 91MTS on a ramp bisecting the Asphalt Green's facility is the proximity of the children's playground in DeKovats Park just steps to the north of the ramp and the AG's playing field bordering the ramp on the south. Also, nearby Carl Schurz Park, bordering the East River and the site of the landmarked Gracie Mansion, is a major recreation destination for people living west of York Avenue and an invaluable community open space resource. The park begins only 200 feet to the south of the 91MTS, and will most certainly be affected, as it was in the past operation of the 91MTS, by foul odors, noxious fluid leakage, noise and congestion from a reopened facility. This park, along with the Asphalt Green and DeKovats Park, most certainly can and should not be considered adequate buffer zones.

While the idling garbage trucks that will queue along the York Avenue side of the Asphalt Green's playing field will be at street level, there needs to be added focus in the DEIS on the exhaust and other discharges of the trucks that will line the access ramp on the health, well-being and safety of the children and adults using the adjacent playing field and city park.

Insufficient Vehicular and Pedestrian Traffic Studies

The DEIS's casual dismissal of the need for weekend traffic analysis because the volume of DOS trucks and other traffic is less than the weekdays is another glaring and unacceptable shortcoming. Since the city plans to operate the 91MTS on Saturdays, vehicular and pedestrian traffic studies must take this into account. I suggest that the needed study should be developed in consultation with knowledgeable local agencies, officials and businesses, including the Asphalt Green, the City Parks Department and the array of local high-volume retail businesses such as the Vinegar Factory and nearby car rental agencies to determine weekend usage patterns.

Since the DEIS does not contain detailed design information and specifications of the expanded 91MTS, it is impossible to determine whether the number of trucks delivering waste could possibly be accommodated on site or will end up filling the ramp and stretching south on York Avenue, as was the case in years gone by and is the most likely scenario. In the period before its closure, with daily capacity well below that contemplated in the DEIS, idling trucks leaking the noxious detritus of their loads regularly lined York Avenue, at times reaching well south of 86th Street.

The issue of queuing garbage trucks blocking access and view lines to the sidewalks dominating a full traffic lane takes on particular significance in terms of pedestrian and traffic safety for the surrounding community. The vast majority of the children and adults visiting the Asphalt Green, DeKovats and Carl Schurz Parks arrive on foot, traveling along or crossing York Avenue. In addition to significant daily private passenger and foot traffic, four heavily used Transit Authority bus routes run on York Avenue between 86th Street and the entrance to the 91MTS —

M86, M31, X90 and X92- each with various stops along this stretch. Adding to this mix are the numerous buses transporting young people to the Asphalt Green, a private bus service for residents of a high-rise building facing the Asphalt Green's playing field, legions of people walking to the surrounding residential buildings and businesses and scores of children walking to and from local schools and programs. Today, without the introduction of lines of garbage trucks, this regularly puts the safety of both pedestrians and drivers at risk and hinders traffic using York Avenue to access or exit the FDR Drive.

This already intolerable traffic conglomeration puts into serious question the conclusion in the DEIS that the 91MTS poses no risk of a major traffic impact except at the intersection of York Avenue and 91st Street, and that this can be addressed by simply adjusting the timing of the traffic signals. Clearly, the potential impacts of this scenario must be more thoroughly taken into account in evaluating the environmental consequences of this project. In my statement on the DEIS's scoping document, I called for the inclusion of clear directives and consideration of strict enforcement guidelines to ensure that trucks queuing to deliver their loads to the 91MTS not blocking access to available bus stops. From my analysis, this apparently was not done.

Insufficient Focus on Increased Noise, Air Pollution and Noxious Spillage

Along with the queuing of trucks along York Avenue will come increased pollutants from exhaust emissions - no matter how clean the fuel or the effectiveness of their pollution control technology. The idling engines of trucks waiting to dump their loads 24/6 will exacerbate this problem, as they are notoriously more polluting than moving vehicles. As I noted in my statement on the Scoping Document, I live in an apartment facing York Avenue and can offer personal testament to the noise, exhaust fumes and the obnoxious, foul nature of the liquid that leaked from virtually every truck waiting in line beside our apartment building when the 91MTS was last in use. Thinking that the potential problems of odor from the DOS trucks could be mitigated by keeping the trucks clean and preventing liquid residue spills and leakage as envisioned in the DEIS is ludicrous. No matter how good the technology and careful the maintenance, large idling trucks will be noisy, their exhaust will pollute the air - and they will leak. And how will this mitigation apply to commercial haulers that do not fall under DOS's jurisdiction?

The assumption in the DEIS that excessive noise will be reduced by placing restrictions on the number of trucks transporting *commercial* waste to the 91MTS between 8pm to 8am provides no comfort. All this strategy will do is to shift the loads needed to accommodate this waste stream, and in fact this traditional nighttime collection activity, to traffic-challenged daytime hours, commencing, by the way, in the midst of the morning rush hours.

Insufficient Focus on Community Impacts

The impact of this project on the day-to-day operations of the Asphalt Green is not scrutinized closely enough in the DEIS. In addition to the health and safety concerns, the daily presence of lines of city and private garbage trucks dripping noxious liquid waste and spewing exhaust fumes, along with normal parental concerns over the possible health impacts of this situation and

the well-being of their children may encourage parents to pick programs in other locales. The numerous schools, teams and community residents that use the AG's facilities may well not want to accept exposure to such unpleasant conditions. This could result in crippling economic losses to both the Asphalt Green itself and surrounding businesses

In addition to the possible implications for the AG, the DEIS must take in consideration the possible impacts on nearby Carl Schurz Park, whose northern border is just a block below the 91MTS. As noted earlier, this magnificent jewel of a park is heavily used by community residents of all ages. I also can find no analysis in the DEIS of any possible impact of this project on the two major New York City Housing Authority developments within the project's impact study zone - the Stanley M. Isaacs and John Holmes Houses. The five buildings that comprise these complexes house a sizable number of both senior citizens and families with young children, both of whom rely heavily on the buildings' extensive outdoor seating and play areas

Conclusion

For the reasons cited in my statement, I firmly believe that the 91MTS's location in the midst of a heavily residential community, abutting one of the few recreational playing fields on the whole of Manhattan's East Side and lacking a viable commercial buffer zone, makes this site unacceptable for accommodating hundreds of truck loads of city and commercial trash on a daily basis. Accordingly, I urge you to heed the pleas of Manhattan's Community Board 8, local elected officials, and the concerns voiced by residents, community organizations and local businesses as the admittedly difficult process of developing a long-term solid waste management plan evolves. At the same time, I renew my call on the Department of Sanitation and city officials to aggressively pursue additional recycling and waste reduction efforts, including steps to reduce excess packaging, expanding the scope of the returnable container law and other conservation measures

Contact: Anthony Morenzi 212-860-4906

Jun. 24, 2005

Vicki Grubman
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Harry Szarpanski
Assistant Commissioner
NYC Department of Sanitation
44 Beaver Street, 12th floor
New York, NY 10004

Fax: 212-269-0788

**Re: Comments on the Draft Environmental Impact Statement concerning the
Proposed Marine Transfer Station at the Southwest Brooklyn former
Incinerator site**

Dear Mr. Szarpanski:

I am writing this comment letter under protest, as I have requested an extension of the comment period, because I only learned about this issue last week due to unpublicized notices and hearings on this matter. I am again reiterating this request, since I and other community residents who will be directly impacted have not had the opportunity to make an adequate study of the pertinent documents.

I am a resident living in very close proximity to the site of the proposed converted Marine Transfer Station in Southwest Brooklyn. The site of this proposed Marine Transfer Station -- within several blocks of many high-rise residential buildings; several nursing homes and senior citizen residences; a school for special children; multi-use parks, ballfields, bike paths and recreational facilities -- does not belong in this residential area or any residential area. The DEIS is deficient in that it does not realistically nor adequately address the severe impacts the proposed Marine Transfer Station (MTS) will have on the quality of life and the health of this neighborhood.

- **Dredging:** The dredging activity that the Dept of Sanitation (DOS) maintains is necessary to construct the proposed MTS will dredge up the underwater sediments that have been grossly contaminated by decades of toxic incinerator emissions. The contaminants in this soil, which include lead and arsenic among others, will severely pollute the water, the air, and cause significant harm to people as well as marine and bird life. Comprehensive studies must be made of the potential adverse effects of dredging on human beings, as well as on each species of fish and bird life living in or traveling through this area, and the surrounding waters.
- **Traffic:** The huge numbers of sanitation trucks the proposal forecasts going to and from the proposed MTS will cause disruption on Bay Parkway, Cropsey Avenue, and

Shore Parkway, which are already heavily used thoroughfares serving two bus routes, an entrance/exit to the Belt Parkway, and traffic to and from Caesar's Bay Shopping Center. A realistic traffic analysis taking into account existing problems and conditions, and the potential higher end number of sanitation trucks must be done.

- **Air Pollution:** The hundreds of trucks per day -- which may at times be idling waiting to dump their contents-- as well as tug boats, will add noxious fuel emissions into the air. A DEIS must adequately measure the adverse cumulative health effects this air pollution will have over significant time periods on a population already exposed to heavy traffic fumes from the highway and a bus depot, a population which includes many senior citizens in ill health, and which is a populace that has been poisoned for several decades from the incinerator smoke at this site. The current DEIS is totally inadequate.
- **Water Pollution:** The coastal ecosystem, which had been on the road to recovery recently, would surely be degraded once more by the proposed MTS. An analysis of the proposed MTS's possible leakages, runoff, discharges of chemicals, construction pollution, accidental garbage spills, must be done.
- **Odors:** The so-called odor containment measures at the proposed facility do not address the odors of the garbage while it's being transported in the trucks. The DEIS does not realistically or adequately address the quality of life issue of having hideous garbage odors permeating our streets from the trucks and from the proposed MTS in various weather conditions, and this must be done.
- **Noise:** The proposed facility would bring significant noise pollution from various sources -- truck traffic, construction, dredging, dumping, loading and unloading of containers. The cumulative effect of all of these noise sources added to any already noisy area must be addressed and analyzed.
- **Vermin/Insects:** Huge amounts of garbage attract vermin and insects. Besides the obvious unacceptable quality of life issues, there are health hazards associated with these pests which have yet to be adequately addressed.
- **Hazardous Chemicals:** To control odor and pests, what pesticides and other chemicals will be used? These substances will most certainly have a negative impact on our health. A study of all potential chemical usage and their adverse effects on human, animal, and the surrounding environment must be made.
- **Socioeconomic Effect:** All of these issues will have a severe and drastic impact on the quality of life and health and well-being of residents of this neighborhood individually and collectively. The DEIS does not adequately address the potential erosion of the community as a whole.
- **Alternatives not Adequately Explored:** The DEIS has not adequately explored other sites; there are many purely industrial areas where an MTS could be located without affecting a densely populated area such as Bensonhurst/Bath Beach/Gravesend Bay.

Additionally, the DOS has not even tried to reduce the waste stream by limiting excess packaging for example, or by heavily promoting recycling.

For all of the above reasons, the DEIS is unacceptable, and the proposal to build an MTS at this Southwest Brooklyn site is unacceptable and dangerous to the health of all of Southwest Brooklyn.

Very truly yours,


Vicki Grubman

SAVE THE PIERS

January 2005

Re: New Comprehensive
Solid Waste
Management Plan

CEQR#: 03DOS004Y

Mr. Harry Szarpanski
Assistant Commissioner
NYC Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

This letter and the attachment are submitted as comments regarding the DEIS for the above-identified solid waste management plan.

An important part of New York City's environmental future will be advanced, or obstructed, by the new solid waste program. Special care is essential if New Yorkers are to have the quality of life that is needed.

The initial comments relate to finding the best place to build a Manhattan marine transfer station for recyclable materials. That is followed by comments about the city-wide recycling program. In both cases, specific issues are listed in this letter, followed with more detail in the attachment.

1. Figure 3.4-2, Volume V of the March study (the figure), has the proposed MTS superimposed on an outdated map/site plan, showing conditions that existed a half century ago. The elevated Miller Highway in the figure has been removed, and the marginal street is now parkland.

2. Instead of a wide, straight section of roadway leading to the entrance for the proposed MTS, the redeveloped Route 9A Highway is now at ground level with a curve leading into that entrance. Five feet from the highway is a bikeway, adjacent to historic structures that remain of Cunard Piers 53 and 54 (with a heritage of arrivals and departures that helped shape the first half of the 20th century: immigrants; Titanic survivors; an event that led to America's entering WW I; soldiers leaving and returning home from both World wars). The southern archway of these piers is to span the existing Hudson River Park's pedestrian esplanade. It is ten feet from the bikeway. Neither of these two corridors is shown in the plan, and apparently not considered by the consultants when evaluating access.

3. If the plan were corrected to show the bikeway and esplanade,

and the existing highway curve, one could see that adding an exit lane for trucks to leave the highway in 35 mph traffic would be impossible.

4. If a person were on the bikeway at the intersection, the truck could not enter. And if it stopped on the highway in traffic going 35 mph, there could be a pile-up.

5. However, a statement by the architecture and engineering consultants that developed the plan confirms hazards from trucks (numbering in the tens of thousands each year) that would deliver to the peninsula: "Technical/operational considerations" of the figure states that "Traffic signals will be needed to allow for outbound traffic to enter the highway." But adding traffic signals to a curve of the existing highway would produce insurmountable problems. Even if it were safe, trucks needing to enter the peninsula would have to be at the intersection when the light turned red, so they could leave the highway at the next light cycle, before traffic speed became too great for a safe exit.

6. The figure also shows a roadway that is 250 feet wide for local use, plus an elevated 70-foot wide highway for separated express traffic. This is radically different from existing conditions.

7. If a truck were able to leave the highway with light traffic when no bikes were nearby, it would then need to improperly stop on the bikeway and the ten-foot space that precedes the esplanade. There the driver would have a somewhat limited view to see if pedestrians or runners would create problems.

8. When leaving the peninsula, problems are reversed. First a stop to check the esplanade.

9. Then a stop on the esplanade and the 10-foot wide space to see if a speeding bike is near the intersection.

10. A third stop on the bikeway would allow drivers to check for highway traffic coming around the curve from the north. Would drivers be able to squeeze into 35 mph traffic? The consultants for this study say no.

11. This analysis was also confirmed at the January 3, 2005 public hearing. Those in charge of planning said that trucks could not enter with traffic, and that various ideas had been considered trying to solve problems, but nothing worked.

12. No truck driver could be expected to make such an unusually high number of consecutive, unexpected stops for a delivery. Drivers now using this access speed by obstructed problems, apparently without awareness or concern. The number of people using these corridors can be expected to be much higher when the park is finished. Following waterfront events, crowds of people will be

passing through. Yet, current plans would have trucks coming and going, day and night. This will be with various road and weather conditions, including times when a blinding sun obstructs vision. Trucks could arrive and depart with an average of 1.7 minutes between vehicles. In practice, the trucks would be bunched. And in spite of intentions to have waiting trucks inside the MTS structure, a significant percentage of the proposed 65 trucks arriving at the same time could back up onto the peninsula, and perhaps into the highway.

13. The figure shows that the consultants recognized a need to use the entire Gansevoort Peninsula (and more) to facilitate an MTS. That would have eliminated the park, esplanade, and bikeway that are required by state legislation. A series of ramps are shown extending from a structure that is more than 200 feet wide and 560 feet long. It would reach 85 feet further into the river than the abandoned MTS. Arrival ramps would have two lanes, as would departure ramps. Yet, later in 2004 the community was shown layouts with a comparatively small, off-shore structure to transfer recyclables that is perhaps the size of the abandoned MTS. But if the intention to contain all trucks and an educational facility in the MTS structure is carried through, why is the latter building so much smaller than the first? Is this trying to stuff a size 13 foot into a size 4 footprint? Two barges are shown that are approximately 50 feet wide and 160 feet long in the first plan. Would the barges now be smaller? Or would there be a single barge?

14. How many trucks per hour were anticipated with the two-lane ramps (shown in the figure)?

15. The same figure misrepresents the bulkhead's position for the Cunard Piers. It is adjacent to the roadway, not at the western edge of where the headhouses once stood.

16. Other problems that have been raised include pollution from diesel trucks.

17. Noise from dumping recyclables into barges is a recognized problem for a state/city park. Questions also need to be asked about noise from the proposed mechanical track system which is massive enough to move a series of trucks.

18. Acknowledged smell from recyclables is another problem, especially on the windward side of the park.

19. At the January 3rd public hearing regarding the current MTS concept, the reason given for choosing the Gansevoort Peninsula was that approval would be easier if an MTS previously operated there. But this answer raises serious questions, especially with confirmed hazards that the facility would create. Why is "easy" approval of this particular site a higher priority than public

safety? Is there an assumption that the agency would approve the site, if it were aware of the problems? If so, could efforts be taken to make corrections?

The preface of Volume V reports that the Commercial Waste Management Study Final Scope of Work requires an investigation of potential sites for truck-to-barge or truck-to-rail transfer stations in lower Manhattan, and to "identify any sites that conform to criteria." This does not state "any sites where an MTS has previously operated that conform to criteria." As with Gansevoort, attempts at "easy" approval can backfire where major changes have occurred. "Any sites that conform to criteria" could indeed include a range of options for MTS sites.

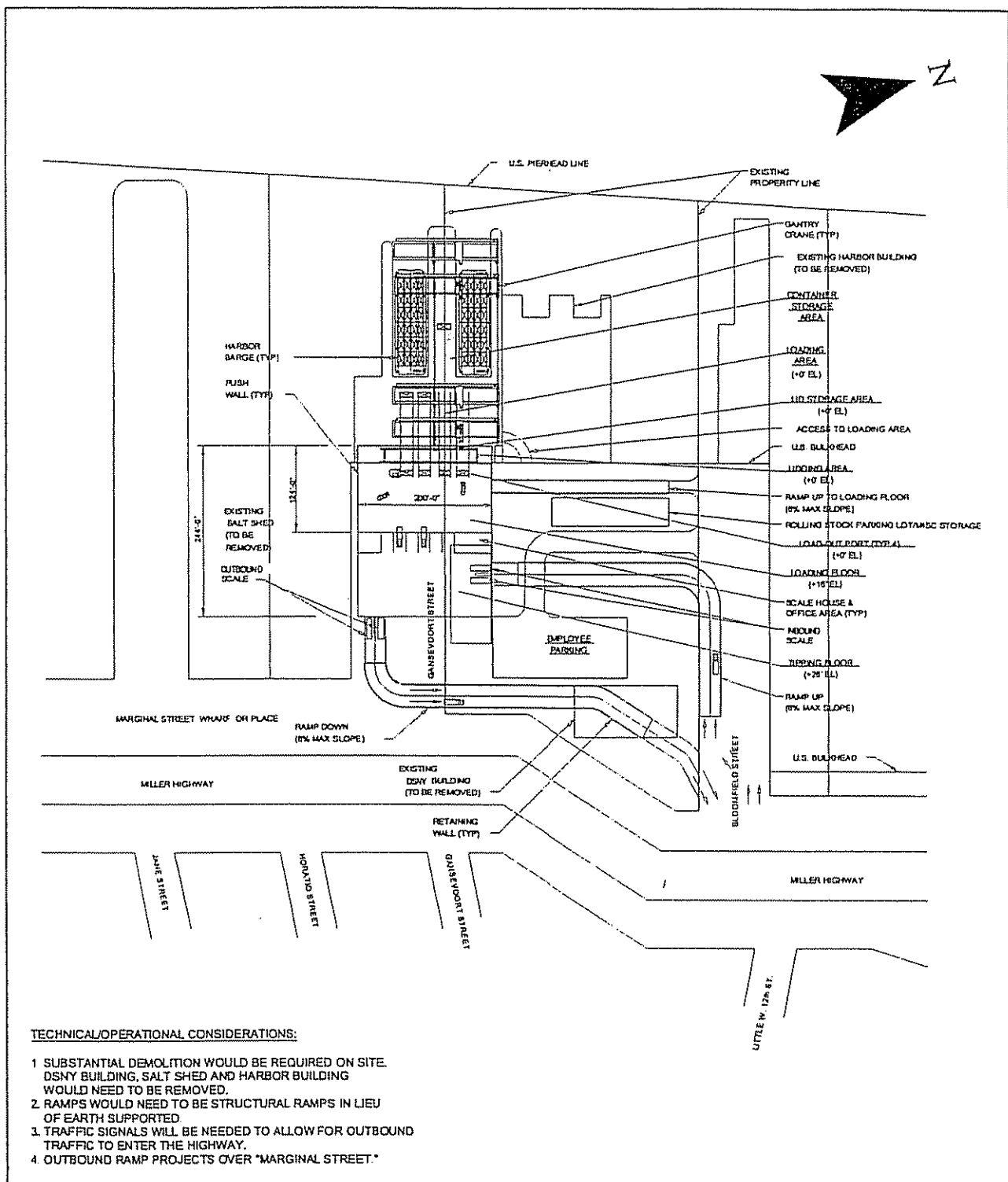
However, a single site for transferring recyclables in each borough would produce excessive mileage, waste fuel and labor, intensify congestion, increase air pollution, raise noise levels, and expand traffic hazards throughout the city. This does not sound like an acceptable future for the city when (i) better options are requested by the Commercial Waste Management Study Final Scope of Work, and (ii) are available in the five boroughs.

As pointed out in the attachment, rail sidings in out-of-the-way places could have safe, simple facilities without the elaborate architecture and extensive landscaping that would be used at prominent waterfront park sites. Some rail sidings may be below street level, out of sight, with less apparent noise. All could be isolated from bikeways and esplanades. Such a system could make use of the rail networks that are available in the five boroughs, while providing connections for exporting recyclables to a broader range of markets than with ocean-going tugs and barges (another financial advantage).

A comprehensive study for a rail-based recycling program is essential if the city is to avoid needlessly running trucks from one end of a borough to the opposite end.

Questions:

- (a) What truck mileage would be required for NYC's total recycling program, with a single MTS in each borough?
- (b) How much truck mileage could be saved by using three or four simple, well-placed rail transfer sidings in each borough?



HDR



Figure 3.4-2 West 13th Street (Gansevoort Property) - Site Plan

CITY OF NEW YORK
DEPARTMENT OF SANITATION



A GANSEVOORT PARK — WITH A TRUCK ROUTE ?

Evidence is piling up, showing that operating a marine transfer station at the Gansevoort Peninsula would create unacceptable problems. The latest came at a January 3rd public hearing, directly from officials who are planning the project.

How could sanitation trucks, carrying recyclable material on a curve in 35 mph traffic, abruptly slow down for a right-hand turn to enter the peninsula? The answer — planners are aware of the problem, but have no solution. Various ideas have been considered, but nothing worked.

Besides that, the bikeway is only five feet from the highway. If a bike is in the way, a truck could not enter. But if the truck stopped at the curve in heavy traffic, there could be a pile-up. And ten feet beyond the bikeway is a blind spot where joggers could suddenly run in front of the truck.

So why is a place with hazardous access being considered for a marine transfer station (MTS)? The answer given at the hearing is that the Gansevoort Peninsula previously had an MTS, and that makes approval of a new one easier.

The ease of site approval cannot be allowed to override more critical issues, especially when public safety is at risk. This suggests that changes may be required in the approval process.

Meanwhile, a closer look shows more problems, while raising questions about the overall program.

Background

The Gansevoort Peninsula is a vivid example of how the waterfront evolved. In 1837 a decision was made to extend landfill development into the Hudson River to what would be called 13th Avenue. But by the end of that century, ships were longer and that required longer piers, at a time when shipping was the city's vital activity. To protect access for maritime use, the federal government refused to allow piers to extend beyond the pierhead line. And with resistance from shipping lines to having an isolated facility further uptown, the city condemned many blocks of property, excavated the earlier landfill, and returned the shoreline to where it had been during earlier generations. The West Washington Market, located north of Gansevoort Street, was left as an exception and thus became a peninsula.

By the 1950s, a traffic viaduct called the Miller Highway moved express traffic above the corridor to provide greater access and increase space at the waterfront. Then, buildings of the West Washington Market were demolished and replaced with an incinerator and MTS. Sanitation trucks had blocks of space near the shoreline to wait in line, enter from the southern edge of the peninsula, drive up a ramp along the remains of 13th Avenue, access the MTS, and leave from the peninsula's northern edge.

The Site Today

Because an MTS operated there before, various organizations have apparently decided that building another one at the peninsula would be no problem. But instead of express traffic using an elevated highway, vehicles now rush by, hopefully not exceeding the speed limit at ground level. There is no turning lane to enter the peninsula, and no space to build one. A bikeway and pedestrian esplanade are squeezed against the remains of historic Cunard Piers. To accommodate meat market trucks to the east, the highway was moved to the west, with a curve where traffic approaches the peninsula. Waterfront space where sanitation trucks once lined up is now a park.

There are still two vehicular entrances at Gansevoort, but the one at the southern edge is to be removed to accommodate the park. And adding a signal light to stop highway traffic at a curve would be asking for the worst.

Complications for Trucking

In addition to acknowledged hazards with trucks turning into the peninsula, more problems follow. Without adequate space, the truck would need to inappropriately stop on the bikeway and narrow space beyond, to see the esplanade to the north. Otherwise, there could be hazards with pedestrians and joggers.

When leaving the peninsula, the ritual is basically reversed. There would be space to stop and check the esplanade. Then stop on the esplanade and space next to the bikeway to avoid bikers from the north. The driver could then inch forward and stop again on the bikeway for an adequate view of highway traffic, before gunning the engine to enter any opening between fast-moving vehicles. Truck drivers now using this entrance zip across the bikeway and esplanade without time to consider unseen hazards. This would also be expected when the park is finished, with considerably greater park activity. The number of consecutive stops and care to avoid problems is far beyond practical use, especially for 56,000 trucks coming and going each year. On average,

trucks could arrive and leave every 1.7 minutes. In reality they would arrive in bunches, perhaps large enough to create their own line of traffic, and the number could increase to 220,000 trucks with additional shifts. The MTS is to operate day and night, in all types of weather, at times when drivers will be facing a blinding sun.

Ideas that have been suggested to reduce traffic hazards include a bikeway ramp. But it would need to extend about a block and half in both directions, obscuring views of the park. It could also block views and circulation at the historic Cunard Piers, where survivors of the Titanic landed. The ramp would produce its own hazards during wet and icy weather, and could be a turn-off for all but teenagers who are bike enthusiasts.

An extension of the esplanade and/or bikeway to the west would presumably pass under truck ramps near the western edge of the peninsula. A walkway should be at the perimeter for people to use, but a bikeway on three sides would restrict other uses, and diminish the bikeway as an effective north-south connection.

Trucks leaving the peninsula would need to continue to the first left-turn, about a mile to the south at Clarkson Street. If trucks left the highway at Pier 40 to turn around, it would impact that portion of the park. Canal Street is the next left turn, but trucks could get stuck there in Holland Tunnel traffic. Trucks that are garaged above 14th Street would likely use one of these streets.

Proposed Amenities

Park plans previously considered for the peninsula would demolish the ramp and building of the abandoned MTS. The pier substructure that remains could provide docking for historic vessels, or perhaps be covered with a platform as an island for park use. A bridge would link to the peninsula.

The proposed MTS would be moved to the north and be large enough to contain waiting trucks. Rather than being an amenity, it would be far more obtrusive than with other plans.

A suggested facility that would explain recycling to school groups has been questioned because only a single activity that is relevant to the process could be seen at this MTS.

Besides these items, suggestions have been made that accepting the MTS could help pay for the park, or make the peninsula available to the public at an earlier date. However, the planning and construction schedule would require at least seven years. A more convincing argument would be not compromising the incredible

potential of the Gansevoort Peninsula. The historic setting was a focus of the most active port on earth, and the adjacent bulkhead is a landmark. This place could become the highlight of the Hudson River Park. Interim, low-cost features could provide access much sooner than seven years.

Efficient Alternatives

"Trash and the City," a 2004 publication of Environmental Defense, states that trucks travel 7.8 million miles each year to move Manhattan's garbage, a distance that is comparable to 312 trips around the earth. (The distance would also equal more than 30 trips to the moon. Or a trip to the sun in less than 12 years.) The publication goes on to state: "In addition to garbage, each of those trucks carries huge health and economic costs: They worsen traffic congestion, add to noise and increase air pollution, exacerbating the city's already severe asthma problem."

Now consider what mileage would be required to collect and deliver all of the city's recyclable material, with the trucks limited to a single delivery site in each borough. As currently proposed, trucks would be required to go from far corners of a borough to a distant shoreline for delivering recyclables.

The January 3rd public hearing audience was told that a site in upper Manhattan has been considered for using a rail transfer facility (instead of an MTS). But the potential for a single rail pick-up within a system designed for barges would produce complications instead of benefits.

Cities in Europe use subway lines to move more than people. Various materials can be moved in special cars, operated during off-peak hours.

Along most of Manhattan's length, a west side rail line operates with few trains. Rail service could continue through the Bronx, Queens, and Brooklyn. Instead of elaborate architecture for conspicuous waterfront sites, out-of-the-way rail sidings could be used. And without limiting options to where an MTS once operated, more than a single site could be used for collecting recyclables.

But with the proposed plan, Manhattan truck crews would collect material at Inwood, continue past various places where rail transfers could be established, struggle through midtown traffic, and wind up at an MTS in lower Manhattan.

On Staten Island, rail lines could provide a range of options where trucks could be unloaded, extending from St. George to Tottenville at the island's southwest corner, and

to a New Jersey crossing at the northwest corner. Again, existing plans would have a single MTS where material would be barged to Brooklyn to be sorted. Then what? Use costly ocean-going tugs and barges for delivering material to whatever market for recyclables that would have access for barges? Why not capitalize on direct rail connections from Staten Island to a much wider range of inland and coastal markets. If complications develop with any aspect of a rail concept, variations could be explored.

The Opportunity

Even though plans for an MTS at Gansevoort have unacceptable problems, strong support continues for an effective recycling program. The public meetings have been very productive. Hopefully this dialogue will continue.

Other places can be found for an MTS with safe access. However, with only five places in the city for trucks to deliver recyclables, the program would still produce far more truck mileage than is necessary.

That problem could also be addressed with a recycling program that is planned to take advantage of the city's rail network. A comprehensive study could evaluate a range of options and potential savings with a rail-based alternative. Such a study is critical if New York's recycling program is to meet environmental needs.



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January 24, 2005

Via Facsimile & Mail

Assistant Commissioner Harry Szarpanski
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004
212-269-0788

**RE: Comments on the Draft Environmental Impact
Statement for New York City's New
Comprehensive Solid Waste Management Plan**

Dear Commissioner Szarpanski:

On behalf of the Organization of Waterfront Neighborhoods (OWN), New York Lawyers for the Public Interest (NYLPI) submits the following comments on the Draft Environmental Impact Statement (DEIS) for the New Comprehensive Solid Waste Management Plan (SWMP).

OWN is a citywide coalition of community-based groups from low-income neighborhoods and communities of color established 8 years ago in response to the critical need for an economically efficient, environmentally sound, and equitable solid waste management plan for New York City. OWN represents neighborhoods that are disproportionately impacted by the existing solid waste management system with over 80% of the citywide waste stream handled through land-based transfer stations in its neighborhoods.

NYLPI is a not-for-profit civil rights law firm that provides technical and legal assistance to OWN. NYLPI's staff attorneys, community organizers, and advocates engage in advocacy and impact litigation in the areas of environmental justice and community development, disability rights, and access to health care. Our comments are drawn from NYLPI's extensive experience advocating for an equitable solid waste management system in New York City, including our role as plaintiffs' counsel in Neighbors Against Garbage (NAG), et. al. v. Doherty, Index No. 109023/96 (Sup. Ct. N.Y. Co., March 16, 1997), aff'd NAG, et. al. v. Doherty,

245 A.D.2d 81, 665 N.Y.S.2d 640 (1st Dep't 1997) and OWN v. Carpinello, Index No. 103661/99 (Sup. Ct. N.Y. Co., Oct. 18, 2001).

Comments

Our comments primarily address the question of whether this DEIS complies with the New York State Environmental Quality Review Act (SEQRA) and its regulations.¹ We are specifically concerned by the DEIS' segmented environmental review of the draft SWMP. This DEIS, for example, excludes from environmental review both the existing and proposed commercial waste management system addressed in the draft SWMP. We are also concerned by this DEIS' failure to include any cumulative impact analysis in the DEIS. We urge DSNY to address these deficiencies, discussed in detail below, in the final EIS of the SWMP.

I. DSNY's Environmental Review of the Draft SWMP Must Include a Detailed Review of the Integrated Solid Waste Management System Proposed by the SWMP.

This DEIS excludes significant parts of the draft SWMP. As required by federal and state laws and regulations, this SWMP addresses an *integrated* solid waste management system.² "All solid waste ... that poses potential adverse effects on health or the environment ...," including "existing and proposed facilities," as well as "residential and commercial solid waste" is part of that *integrated* system. As one *integrated* system proposed by one plan, it must be subject to one comprehensive environmental review.³

This *integrated* plan addresses both existing and proposed facilities, as well as both residential and commercial waste. For example, it addresses existing facilities by proposing to eliminate the City's reliance on an existing network of land-based transfer stations, to strengthen regulations and increase enforcement at existing commercial transfer stations, and to redistribute commercial waste capacity from communities with the greatest number of existing transfer stations.⁴ It also addresses proposed facilities by proposing to implement the City's long

¹ ECL §§ 8-0101 *et seq.*

² 42 U.S.C. § 6942(b); 40 C.F.R. § 256.02(a)(1)(ii); ECL § 27-107; 6 NYCRR § 360-15.9.

³ ECL §§ 8-0109; 6 NYCRR Part 617.

⁴ Draft SWMP ES-8-10, Ch.4.

term export program and to develop the eight marine or rail transfer stations equitably located throughout the five boroughs.⁵ Finally, it addresses both residential and commercial waste by proposing to reserve capacity for barge export of commercial waste from the City at the W.59th Street Marine Transfer Station in Manhattan, to leverage DSNY export contracts for barge and rail export of commercial waste, and to allocate "responsibility for the City's waste management system" -- including both commercial and residential waste -- "equitably throughout the City, in each of the five boroughs."⁶

Although the draft SWMP explicitly addresses existing and proposed commercial waste initiatives, the DEIS currently excludes these critical initiatives, as well as others, from its environmental review.⁷ Specifically, it excludes the existing commercial waste management system, the existing network of commercial waste transfer stations, and the recently promulgated siting and operational regulations for these transfer stations.⁸ It also excludes the new initiatives addressing both the existing and proposed commercial waste

⁵ Draft SWMP ES 5-7, Ch.3, and Ch.4. It is not equitable, however, for the City to award two contracts to private marine or rail facilities in Brooklyn community district 1 and Bronx community district 1, respectively. Both of these community districts are already overburdened by land-based transfer stations. For example, Brooklyn 1 has approximately 25% of the City's waste transfer stations handling about 40% of the City's waste capacity, and Bronx 1 has approximately 10% of the City's waste transfer stations handling about 10% of the City's waste capacity. It, therefore, would be inequitable for the City to award two private sites instead of an MTS in these districts.

⁶ Draft SWMP, ES-2; DEIS, 1-2.

⁷ DSNY justifies these exclusions based on various reasons. Generally, the DEIS states that that: "the Draft New SWMP sets forth a plan for the long-term management of the City's solid waste in a cost effective and environmentally responsible manner and, in addition to the Proposed Action, *incorporates by reference* the Existing SWMP to support existing programs, including New Initiatives described in the draft new SWMP. *These existing programs and new initiatives, approved pursuant to the Existing SWMP, are, therefore, not part of the proposed action that is subject to environmental review of this DEIS.*" DEIS, ES-3, 1-3 (emphasis added). Specifically, the DEIS states that with respect to the "several other related actions that DSNY has taken, or will be taking, with respect to the private transfer station industry and Commercial Waste management that form an important part of the New SWMP, *although environmental review necessarily has been or will be conducted separately*, because these measures have independent utility or are the subject of ongoing litigation. DEIS 1-24.

⁸ DEIS 1-25-1-26.

management system that were first introduced by the draft SWMP. With these exclusions, DSNY has clearly segmented its environmental review of the draft SWMP.

This type of segmentation is prohibited under SEQRA.⁹ Segmentation is "the division of the environmental review of an action such that various activities or stages are addressed ... as though they were independent, unrelated activities, needing individual determinations of significance."¹⁰ It is prohibited because a decision involving review of an earlier action should not be 'practically determinative' of a subsequent action.¹¹ It is also prohibited because a project that would otherwise have a significant effect on the environment should not be separated so it can fall below the threshold requiring any review.¹²

DSNY's justification for this segmented review is unacceptable. First, DSNY states that existing programs and new initiatives were approved pursuant to the Existing SWMP and, therefore, are not subject to environmental review in this DEIS.¹³ These new initiatives, however, were not approved pursuant to the 1992 SWMP because they were first introduced by this draft SWMP. Moreover, any environmental review of existing programs related to the 1992 SWMP is about thirteen years old – much too old to be "incorporated by reference" into the draft SWMP, as stated by DSNY.¹⁴

Additionally, DSNY states that the commercial waste initiatives proposed by the draft SWMP have been or will be subject to environmental review "separately" because these measures are "independent."¹⁵ These measures, however, are clearly not independent. Not only are they explicitly part of the proposed action under review, they are also required to be addressed, reviewed,

⁹ ELC § 8-0109.

¹⁰ 6 NYCRR § 617.2.

¹¹ City of Buffalo v. New York State Dept. of Environmental Conservation, 707 N.Y.S.2d 606 (2000); In the Matter of Tri-County Taxpayers Association, Inc., et al., v. Town Board of the Town of Queensbury, 447 N.Y.S.2d 699 (1982).

¹² Matter of Concerned Citizens for Env't. v. Zagata, 672 N.Y.S.2d 956 (1998).

¹³ DEIS, ES-3, 1-3.

¹⁴ DEIS, ES-3, 1-3.

¹⁵ DEIS 1-24.

and potentially adopted as part of the SWMP.¹⁶ Nonetheless, as previously stated, SEQRA regulations explicitly prohibit “the division of the environmental review of an action” in various stages “as though they were independent, unrelated activities, needing individual determinations of significance.”¹⁷ However, that is exactly what DSNY has done in this DEIS.

Finally, SEQRA regulations emphasize that considering only a part or segment of an action is contrary to the intent of SEQRA. If DSNY believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment.¹⁸ However, the reasons provided by DSNY, as discussed above, do not satisfy SEQRA.

II. DSNY’s Environmental Review of the Draft SWMP Must Evaluate Cumulative Impacts.

The DEIS also fails to analyze the cumulative impacts of the City’s Solid Waste Management system. In doing so, it fails to fully consider the impacts of the current system of solid waste management, of the “Proposed Actions,” and of the other actions and initiatives considered in the Solid Waste Management Plan. The Final EIS must address cumulative impacts, as required by SEQRA and CEQR, including the impacts of those actions that were improperly segmented from the current DEIS.

SEQRA requires that environmental impact statements include “a statement and evaluation of the environmental impacts of the proposed action, including the reasonably related short- and long-term effects, cumulative effects and other associated environmental effects.”¹⁹ The SEQR Handbook defines cumulative impacts as “impacts on the environment that result from the incremental or increased impact of an action(s) when the impacts of that action are added to other past, present, and reasonably foreseeable future actions.”²⁰

¹⁶ DEIS 1-20; 42 U.S.C. § 6942(b); 40 C.F.R. § 256.02(a)(1)(ii); ECL § 27-107; 6 NYCRR § 360-15.9.

¹⁷ 6 NYCRR § 617.2.

¹⁸ 6 NYCRR § 617.3(g)(1).

¹⁹ 6 NYCRR § 617.9(b)(5)(iii)(a).

²⁰ SEQR Handbook at 41.

Similarly, CEQR requires that environmental impact assessments include the "evaluation of the short and long term, [and] primary and secondary environmental effects of an action."²¹ Cumulative impact analysis is appropriate where there is a nexus between the various actions being considered and where the effects of the various actions are related. Where cumulative impact analysis is required, such analysis should inform the entire EIS.²²

As discussed above in the context of segmentation, there are a number of actions that are included in the SWMP and that are part of the City's overall solid waste management system that have not been assessed in the DEIS. These actions should be included in the DEIS not only because they fall within the scope of what is required of a Solid Waste Management Plan, but also because their effects are clearly related to the effects of those Proposed Actions included in the current DEIS.²³ Specifically, in requiring a consideration of cumulative impacts, SEQRA requires that the SWMP EIS consider the impacts of the proposed actions in conjunction with the impacts of the current system for handling commercial waste. Thus, the impacts of specific proposed facilities should be assessed in conjunction with the impacts of the existing waste transfer stations, if any, in the area where each facility is to be sited. This should also include an assessment of those changes that will foreseeably result from the new transfer station siting and operational regulations, and this assessment should also include alternatives to these proposed regulations. Moreover, the EIS should include an assessment of the impacts of those future actions that the SWMP envisions--including moving commercial waste through the West 59th Street MTS and moving recyclables through a facility at the Gansevoort Peninsula--and of the impacts that would ensue should these future actions not be undertaken.

III. Recommendations

The final EIS must incorporate an analysis of the existing network of commercial waste transfer stations included in the draft SWMP. State regulations require that a SWMP identify "proposed or existing solid waste management facilities ...their expected life and current operating status."²⁴ It also requires that a

²¹ 62 RCNY §6-02(g).

²² See e.g., *In re Kozy Hollow Campground-Marina* (DEC Comm'r Decision, Dec. 13 1982); *Poquott v. Cahill*, N.Y.L.J. Nov. 25 2002 (Sup. Ct. Suffolk Co.).

²³ Note that each of these bases is independently sufficient to compel inclusion in the Environmental Impact Statement for the SWMP.

²⁴ 6 NYCRR § 360-15.9 (c) (emphasis added).

SWMP include “a timetable ... to close existing inadequate solid waste management facilities or bring them into conformance with appropriate statutory and regulatory requirements, and to identify major events and milestones to achieve implementation.”²⁵ These requirements directly address the existing network of commercial waste transfer stations and the regulations related to them. State and City requirements for consideration of cumulative effects in environmental impact assessment also compel that the inclusion of commercial waste in the EIS. Thus, the existing commercial waste transfer stations, as well as proposed changes to the system of commercial waste management, should be fully analyzed as part of the environmental review in the final EIS of the SWMP.

To the extent that the Commercial Waste Study (CWS) is referenced in the DEIS to imply that a previous review was conducted of the existing network of commercial waste transfer stations, that review was completely inadequate.²⁶ Unlike the analysis of the existing commercial waste transfer stations in the CWS, an assessment of the existing commercial waste management system and related initiatives proposed by the SWMP must be subject to a full Environmental Impact Assessment that meets the requirements of SEQRA. As community residents and the elected officials have repeatedly stated, the CWS is fundamentally flawed and is not SEQRA-compliant.²⁷

The final EIS must also incorporate the siting regulations and the operational regulations included in the SWMP. State regulations require that a SWMP identify “any new local laws, ordinances, regulations, or amendments to

²⁵ 6 NYCRR § 360-15.9(j) (emphasis added).

²⁶ DEIS 1-21.

²⁷ For example, the CWS analyzed the existing network of commercial waste transfer stations through a flawed “geographic proximity” analysis found in Volume I of the CWS. Among its many deficiencies, the analysis: defined study areas in a manner that ignores numerous sensitive receptors (homes, schools, parks, etc.) affected by adverse transfer station impacts; used one narrow study area for all types of impact, rather than study areas tailored to the full range of each impact; averaged in the assessment of the impact of clustering even though the CEQR Technical Manual clearly states that worst case scenarios are to be used to assess projected impacts; based its assessment of clustering on proximity” analysis found in Volume I of the CWS. For a more detail discussion of the flaws of this CWS, please see the attached report: ARC Engineering and Construction, P.C., Analysis of the Department of Sanitation of New York Commercial Waste Study, August 2004.

existing local laws, ordinances, or regulations that may be required to fully implement the integrated system.²⁸ Regulations related to how transfer stations within the city are sited and operated are clearly part of this integrated system of waste management that should be subject to the same environmental review as the SWMP. They are also clearly within the scope of what is contemplated by the cumulative impact requirements of SEQRA.

The final EIS must also incorporate an analysis of the new commercial waste initiatives included in the draft SWMP. State regulations require that a SWMP "select an integrated system for managing each of the various types of solid waste..., including commercial waste."²⁹ Therefore, the new initiatives proposed such as redistributing capacity in the communities with the greatest concentration of transfer stations; performing a traffic analysis to reduce transfer trailer traffic on selected truck routes; increasing and restructuring fees associated with transfer station permits, with proceeds to be used for training and enforcement of new regulations; reserving the West 59th Street MTS for commercial waste; and leveraging DSNY export contracts for barge and rail export of commercial waste -- are clearly part of this integrated system of waste management that should be subject to the same environmental review as the SWMP.

IV. Neighborhood Specific Comments

As noted above, OWN represents neighborhoods currently disproportionately impacted by the existing solid waste management system in NYC. Over 80% of the citywide waste stream is handled through land-based transfer stations in Greenpoint/Williamsburg, Southeast Queens, and the South Bronx. These neighborhoods will also host marine and/or rail based transfer facilities proposed by the draft SWMP. Specifically, two marine and/or rail transfer stations are proposed in both Greenpoint/Williamsburg and the South Bronx. In addition, a marine transfer station and a recycling facility are proposed in Sunset Park. Accordingly, these neighborhoods have specific comments related to how these existing and proposed solid waste facilities should be assessed in the final EIS of the SWMP.

²⁸ 6 NYCRR § 360-15.9 (h) (emphasis added).

²⁹ 6 NYCRR § 360-15.9 (h).

Sunset Park

Sunset Park is proposed to host the Hamilton Avenue MTS. However, as proposed, this Hamilton Avenue MTS will have a significant adverse impact on the environment and surrounding community. First, it will handle too much waste. It will handle 3,554 daily tons of residential and commercial waste, compared to 2,216 daily tons at the SW Brooklyn MTS and 1,873 daily tons at the E.91st Street MTS. It also will serve 10 CDs in Brooklyn, compared to 4 CDs at the SW Brooklyn MTS, 4 CDs at the E. 91st Street MTS, and 7 CDs at the North Shore MTS. Second, as proposed, the Hamilton Avenue MTS will generate too much traffic. It will generate about 260 trucks on a peak day, and about 180 trucks on a non-peak day. Other facilities in the area such as Home Depot, the Gowanus Expressway, and a commercial waste transfer station handling 1,000 tons per day also generate significant traffic. The adverse impacts related to these existing facilities and the proposed Hamilton Avenue MTS must be assessed and mitigated in the final EIS.

Sunset Park is also proposed to host the Hugo Neu recycling facility. Given the surrounding development associated with solid waste facilities and its related traffic, the final EIS should propose more extensive mitigation strategies for the Hugo Neu facility. The Hugo Neu facility should not generate more than 25 total trucks per day throughout their 20-year lease-term. The Hugo Neu facility should also receive all other borough's recyclable materials, including Manhattan's, by barge throughout their 20-year lease-term.

Finally, according to the DEIS, Sunset Park may also host the 52nd Street Barge Staging Area and the 65th Street Intermodal Yard to serve as a support facilities for the Hamilton Avenue MTSs. These facilities are not proposed in the draft SWMP, however. DSNY should clarify whether these facilities are part of the proposed action or alternative actions. In addition, DSNY should assess the cumulative impacts related to these facilities, as well as propose adequate mitigation strategies for them in the final EIS.

Southeast Queens

Southeast Queens hosts a cluster of land-based commercial waste transfer stations located directly next to residences. As noted above, the DEIS did not assess these transfer stations, nor any other existing or proposed commercial waste facilities and initiatives. All existing and proposed commercial waste related actions must be fully assessed in the final EIS.

In so far as DSNY relied upon the Commercial Waste Study (CWS) to assess the existing commercial waste transfer stations, that assessment is flawed. The CWS, for example, studied theoretical stations, instead of real stations. Many of the major impacts and real concerns of those living amongst these stations were missed.

Without an adequate assessment by either the CWS or this DEIS, cumulative impacts associated with existing land-based transfer stations have never been considered in Southeast Queens or elsewhere in the City. Land-based waste transfer stations in Southeast Queens, for example, were allowed to establish in violation of the zoning resolution. These stations are located in close proximity to "sensitive receptors" (i.e. residences, including senior residences; parks; elementary schools; hospitals). The trucks used to haul waste to these transfer stations, which is not generated from the immediate area, but from other locations, adversely impact air quality, water quality, as well result in noise, odor, increased traffic, litter, and vermin. Trucks queuing, and extended idling contributes to adverse health impacts of the many senior homeowners and children living in the area. These serious problems were not considered in the CWS or this DEIS. They must be assessed and mitigated in the final EIS.

Williamsburg-Greenpoint

There are currently 16 waste transfer stations in Williamsburg-Greenpoint handling over a third of the City's waste. These stations generate, among other things, overwhelming amounts of truck traffic causing constant noise, odor, and air pollution. The neighborhood is also home to two large garages operated by the Department of Sanitation. In addition to all of this, the SWMP proposed adding up to two private "MTS alternatives."

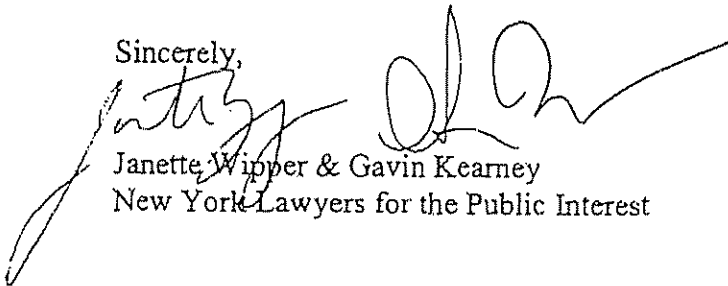
Unlike the DEIS, the final EIS should consider the impacts of these proposed facilities in conjunction with the numerous facilities that already exist in the neighborhood. This analysis should specifically consider measures for mitigating the impacts of this system including those measures available to achieve the equitable redistribution of transfer stations envisioned in the SWMP. In particular, this assessment should consider the impacts of a plan that would open the MTS alternatives in Williamsburg-Greenpoint prior to the closure and/or redistribution of existing private waste transfer stations. It should also consider the relative impacts of opening one or two private MTS alternatives. Because of the disproportionate burden already borne by Williamsburg-Greenpoint, residents are adamantly opposed to the opening of two such facilities, particularly in the absence of a firm commitment to close existing land-based transfer stations.

South Bronx

Like other OWN neighborhoods, the South Bronx already contains a disproportionate share of the City's waste transfer stations and, under the SWMP, is slated to receive up to two "MTS alternative" stations. The SWMP, while expressing a commitment to equity and borough self-sufficiency, also envisions the opening of an Intermodal Facility at the Harlem River Yards. As stated in the discussion of other OWN neighborhoods, for the South Bronx the final EIS must consider the impact of these proposed actions in conjunction with those facilities that already exist in the South Bronx. In addition, DSNY must consider all available mitigative strategies for reducing impacts to the greatest extent possible. This should include an analysis of the proposed operational and siting regulations and of more protective alternative regulations that may exist to mitigate impacts related to, for example, traffic and air emissions.

Thank you for your consideration of these written comments. Please supplement OWN's testimony provided during the December 2004 public hearings with these written comments for the record. If you would like to discuss our comments further, please contact us at 212-244-4664, ext. 306.

Sincerely,



Janette Wipper & Gavin Kearney
New York Lawyers for the Public Interest

KONHEIM & KETCHAM

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January 20, 2005

Mr. Harry Szarpanski
Assistant Commissioner
NYC Department of Sanitation
44 Beaver Street
12th Floor
New York, NY 10004

Re: CEQR # 03DOS004Y

Dear Harry:

I can see your hand in many of the creative initiatives of the "New SWMP," but the DEIS is a far cry from what we together produced more than a decade ago. The enclosed are my personal observations and do not represent the positions of any of our clients.

Sincerely,



Carolyn S. Konheim
President

KONHEIM & KETCHAM

175 Pacific Street, Brooklyn, New York 11201 (718) 330-0550 FAX (718) 330-0582

Omissions of the NYC Draft Comprehensive Solid Waste Management Plan (New SWMP) and Draft Environmental Impact Statement (DEIS)

Carolyn S. Konheim

1/12/04

While the New SWMP contains many potential beneficial initiatives, the plan documents fail to present a comprehensive analysis or an integrated environmental assessment, specifically:

No Assessment of Cumulative Traffic Impacts of All Facilities or of Changed Flows

- The traffic analyses are for each facility independently and are based on only on a half-mile around each facility, without showing the overlay of trips from all facilities and their interactive effects (as was done in the 1991 SWMP/DEIS). The small study area also excludes consideration of traffic being generated by major development just outside the half-mile cordon, e.g., the effect of 40 million square feet of new development in and around Downtown Brooklyn on Hamilton Avenue and the Gowanus/BQE.
- It is particularly incumbent on DSNY to examine the cumulative effects of reassignment of truck trips--the largest number of which operate in the AM peak period—on western Brooklyn roads that are already constrained and will be more so with developments such as Ikea and Downtown Brooklyn, the activation of the Hamilton Avenue Marine Transfer Station, the Southwest Brooklyn MTS and the Hugo Neu plant in Sunset Park, which is expected to take paper recyclables by truck from southern Brooklyn beginning in 2011.
- The analysis years, e.g., 2006 for the Hamilton Avenue Converted MTS further omits consideration of approved development which follow shortly thereafter, e.g., a cruise ship terminal in Red Hook, or such complicating factors as the reconstruction of the Hamilton Avenue Bridge in 2008 and the decade of reconstruction of the Gowanus Expressway.
- The traffic analysis method which examines each intersection in isolation does not accurately disclose real world operations of a traffic network in which a significant delay from added truck traffic on a major congested road can cause miles of spillback delay.
- There is no analysis of the turnaround time of deliveries at each facility and the queuing potential at facility entrances.
- Many severe traffic impacts remain unmitigated and the token efforts to reduce their severity (increasing green time for one direction) worsen conditions on adjacent roads.
- All these analyses omit any evaluation of the principal initiative to reduce the adverse impacts of commercial transfer stations by opening up the four converted MTSs to commercial waste between 8 p.m. and 8 a.m. This would add hundreds of trucks, with enough in the 8-9 a.m. peak hour to push the facility peaks from 9 -10 a.m. to 8-9 a.m., increasing the very high impacts that are reported, albeit underestimated, in the DEIS.

No Environmental Assessment of Current and Future Changes in Paper Flows

- Chapter 2, Waste Prevention and Recycling describes a wholesale change in the flow of paper. In Table 2.1-1, Proposed Plan Facilities and Alternatives, only four recycling facilities are listed (Gansevoort and the three Hugo Neu Corporation (HNC) facilities—those in Sunset Park, Long Island City and the Bronx) compared to the 10 locations in Existing Program Facilities in Table 2-3.1, without examining the impact of the change.
- Paper is the second largest component of municipal waste; however, the DEIS contains no analysis of the HNC plant or the change in paper flows.

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- The significant changes in the reallocation of recyclables should be examined in the same way that the 19 other existing facilities that are undergoing change in material flows are examined in the SWMP/DEIS. The environmental review of the Visy plant was based on its entire waste stream arriving by barge from Manhattan and by truck from Staten Island only. Yet, DSNY amended the Visy agreement in October 2003 to re-designate paper from seven western Brooklyn Sanitation Districts to be trucked to Staten Island. DSNY has recently added the two districts from southwest Brooklyn and may soon add others.
- This change of operations at Visy should, as for the other 19 facilities in the New SWMP, be assessed in the DEIS, or at the very least as for some of the other facilities, reference the sections of a supplemental environmental review that addresses each CEQR element.

Major Omissions in Commercial Waste and Use of Marine Transfer Stations

- There is no comparison of facility need and only the most vague statement of seeking ways to reduce needless commercial transfer stations. A comparison of the quantities in the SWMP Appendices IV and IX suggests that there is about three times the capacity of permitted putrescible waste transfer stations as the 7,248 TPD of waste generated.
- The discussion of the existing system notes that about 27% of putrescible waste is recycled. However, there is no discussion of the huge amount of separately collected paper that is recycled which should be considered in a comprehensive material analysis.
- The proposal to attract commercial putrescible waste to MTSs instead of exporting it by truck neglects to account for the lack of incentive for integrated waste management companies to forego their favorable disposal costs at their own landfills or that if the MTS rates are attractive, they will likely forego dual processing of waste to recover recyclables.
- And as reported above, the omission of considering commercial traffic to the MTSs.

Omission of Waste Generation Factors Need for Reliable Projections

Throughout the voluminous documents, critical basic information is missing;

- There is no quantification of waste or recyclables generation by individual, household, type of business or even by borough and no explanation of their relationships to demographic characteristics, except for a reference to population and employment forecasts by the New York Metropolitan Transportation Council (NYMTC).
- The SWMP is not based on the latest NYMTC forecasts, which are very much higher, suggesting there is a significant shortfall of capacity in the SWMP. Thus, without more facilities, the flows to each facility will be approximately 10% greater than reported.
- The omission of borough residential waste quantities is particularly serious with such differing population growth rates from one borough to another, depriving the reader of an understanding of the effectiveness and equity of facility locations.

Economic Impact Analysis is Missing Altogether for Escalating City Budget Item

- There is no information on the capital or operating costs of the proposed facilities.
- There is no discussion of the fiscal impacts of proposed arrangements.
- There is no evaluation of the employment impacts.
- The proposed SWMP/DEIS contains none of the analysis that was in the 1992 SWMP/FEIS of the hidden social costs of transport (traffic delay, accidents, energy use, air and noise impacts) to evaluate options.
- There is no discussion of alternative uses or economic development potential of the proposed sites.
- There is no consideration of the cost-effectiveness of promoting increased use of food waste disposers to redirect some of the largest component of the waste stream to sewage, which is composted aerobically, reducing the greenhouse gases produced by landfills.

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January 24, 2005

BY HAND

Mr. Harry Szarpanski, P.E.
New York City Department of Sanitation
44 Beaver Street
12th Floor
New York, New York 10004

Re: Comments of the Gracie Point Community Council on the
DEIS for the New York City Department of Sanitation
Proposed Comprehensive Solid Waste Management Plan

Dear Commissioner Szarpanski:

We submit these comments to the October 22, 2004 Draft Environmental Impact Statement ("DEIS") for DSNY's proposed New Comprehensive Solid Waste Management Plan (the "SWMP") on behalf of our client, the Gracie Point Community Council ("GPCC"). GPCC is an association of individuals who live, work, provide services and run institutions near E. 91st Street and York Avenue, where DSNY has proposed to locate a new marine transfer station ("MTS") as part of the SWMP. GPCC has retained two environmental consultants, Ferrandino & Associates and Vanasse Hangen Brustlin, Inc., who have reviewed the DEIS. Our consultants' comments on the DEIS are annexed hereto as Exhibit A and are incorporated herein. These written comments supplement my testimony on GPCC's behalf given at the December 20, 2004 hearing on the DEIS.

General Comments

1. The DEIS is Unacceptably Conclusory and Vague

As an initial matter, we point out that the DEIS for the 20-year Citywide draft SWMP is of a quality that, if submitted by a private developer or non-profit organization, would have never been accepted as complete by any responsible lead agency. The DEIS is replete with conclusory statements masquerading as facts and assumptions that are completely unsupported. Its analyses are internally inconsistent (see, e.g., discussion of odor, open space and noise

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 2

analyses below), and the document does not provide even the most basic description of what each MTS facility will look like and how it will operate.

DSNY has presented some additional information regarding the SWMP and the operations and environmental impacts of the proposed MTS on E. 91st St. in various public relations materials that it has made available at public meetings and hearings held since DSNY issued the "Notice of Completion of Draft Environmental Impact Statement" on October 22, 2004. The information contained in these public relations materials, whether in the form of display boards, power point presentations or written handouts, further diminishes the veracity of the already highly suspect DEIS and demonstrates that DSNY is making things up as it goes along, perhaps in an ill-advised attempt to appease whichever audience it is addressing at the time. While there is no doubt that the DEIS is incomplete and insufficient due to a lack of crucial information in any number of areas (as discussed throughout this letter and in Exhibit A), the DEIS cannot be cured with PR materials haphazardly disseminated at public meetings. These materials are outside the CEQR record, which is supposed to provide DSNY itself, other involved and interested agencies and the general public with a complete picture of the proposed action and all of its resulting impacts. See Sierra Club v. United States Army Corps of Engineers, 701 F.2d 1011, 1034 (2d Cir. 1983) ("[o]nly if [a comprehensive EIS] is forthcoming can the public be appropriately informed and have any confidence that decisionmakers have in fact considered the relevant factors and not merely swept difficult problems under the rug").

2. The DEIS Improperly Segments Environmental Review of the Construction of 4 New MTSs from the Transport and Disposal of Containerized Waste

While DSNY's stated goal in spending at least \$320 million to build 4 new MTSs is to have facilities that are capable of containerizing waste, neither the SWMP nor the DEIS provides any concrete information as to what will happen to the containerized waste once it leaves each MTS. Where will the containers go? Will the City develop enclosed barge unloading facilities (EBUF)? How many will be necessary to avoid barge backups at each MTS? At what cost to the City (and taxpayers)? Will the MTSs simply lay idle until such facilities are developed? What is the ultimate destination of the containerized waste? How will it be transported there and at what cost? At the CB 8 ULURP hearing on January 12, 2005, the Commissioner made it clear that these questions remain wholly unanswered when he admitted that DSNY still doesn't know where the containers are going to go and how they are going to get there.

The transport and ultimate disposal of the containers are essential elements of the plan to containerize waste, and DSNY's failure to address those elements in the draft SWMP or the DEIS presents a classic example of segmentation, which is absolutely prohibited under SEQRA. See Village of Westbury v. Department of Transportation, 75 N.Y.2d 62, 69, 550 N.Y.S.2d 604, 607 (1989) (where actions share a common purpose, the design of each is dependent on the other, and each has no independent utility without the other, SEQRA requires consideration of the actions' combined effects); Town of Coeymans v. City of Albany, 284 A.D.2d 830, 835, 728 N.Y.S.2d 797, 802 (3d Dep't), leave to app. denied, 97 N.Y.2d 602, 735 N.Y.S.2d 491 (2001) (where one action is a "fundamental and necessary prerequisite" to another, both actions "must be viewed as an integral part of a single project rather than as an independent action"). Again,

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 3

this is something that a private developer could never get away with or that a responsible lead agency would tolerate, let alone certify as "complete and adequate for public review."

Without any concrete information about the method of transport and disposal of the containerized waste, DSNY cannot possibly know the cost associated with that aspect of the plan, which is likely to be at least as much as, if not more than, building the 4 new MTSs. Perhaps this explains why the DEIS contains absolutely no cost benefit analysis to support why the containerization plan is preferable, from an economic perspective, to the current export plan. Indeed, there is no evidence in the DEIS that the plan to construct 4 new MTSs capable of containerizing waste (at a cost of at least \$85,000,000 per facility) makes any economic sense. The DEIS offers only a series of unsupported conclusions hailing the plan as economical and efficient.

3. The DEIS Arbitrarily Limits the Analysis of the Environmental Impacts of the 4 New MTSs Based on an Artificially Low Estimate of Throughput

In terms of its purported assessment of environmental impacts, the most glaring flaw in the DEIS with respect to all of the proposed new MTSs, including the MTS at E. 91st St., is the analysis of an artificially and arbitrarily limited amount of throughput, which results in a significant underestimation of the true impacts that will result from the facilities' operations. For example, the DEIS only analyzes the environmental impacts resulting from the processing of 1700-1800 tons per day (tpd) at the E. 91st St. MTS. Yet, according to the DEIS, the facility will have the capacity to process 4,290 tpd of waste. And according to DSNY's November 15, 2004 solid waste management permit application to the NYSDEC, DSNY is seeking a permit to construct and operate a facility with a capacity of 5,280 tpd. This shockingly larger number is nowhere to be found in the DEIS, the SWMP, the Department's press releases, or any other materials presented to the public.

Once the permit for the E. 91st St. MTS is issued, no further discretionary approval will be required to increase the amount of waste processed at the facility from the purportedly studied 1700-1800 tpd to the maximum of 5,280 tpd and, therefore, there will be no further opportunity to review the environmental impacts arising from use of the full capacity of the MTS. The primary purpose of a DEIS is to inform the public and public agencies as early as possible about proposed actions that may significantly affect the quality of the environment, and to solicit comments which will assist the lead agency in determining the environmental consequences of the proposed action. ECL § 8-0109(4). Here the DEIS does not inform DSNY, the public or involved and interested agencies as to the full environmental consequences of the proposed action. Instead the DEIS analyzes potential (or purports to analyze) environmental impacts arising from the processing of throughput based on the facility's operations 7 years ago. The DEIS must analyze a reasonable worst case scenario, which in this case is clearly the operation of the facility at its permitted capacity. See Neville v. Koch, 79 N.Y.2d 416, 424, 427, 583 N.Y.S.2d 802, 805, 807 (1992) (lead agency discharged its statutory responsibility under SEQRA for environmental review of the rezoning of a City block by studying four hypothetical "worst case" scenarios, which represented the reasonable "full-build" uses for the rezoned site, "thus covering the full range of environmental impacts, including the most environmentally

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 4

destructive uses to which the property could be put"); Jackson v. New York State Urban Development Corp., 110 A.D.2d 304, 310, 494 N.Y.S.2d 700, 704 (1st Dep't 1985), aff'd, 67 N.Y.2d 400, 503 N.Y.S.2d 298 (1986) (holding that an EIS for an office tower, hotel, retail and theater development on 42nd Street was sufficient in its assessment of traffic and air quality because the lead agency adopted a "worst case" analysis, "which included assuming peak hour traffic, simultaneous full use of all theaters, no diversion of traffic to less congested streets, and no increased enforcement of traffic regulations to arrive at a very conservative model"). See also Fisher v. Giuliani, 280 A.D.2d 13, 21, 720 N.Y.S.2d 50, 55 (1st Dep't 2001) (SEQRA requires a lead agency to examine environmental consequences into the foreseeable future).

DSNY's disingenuous attempt to understate impacts by assuming that the MTS would operate at a mere fraction of its permitted capacity taints the DEIS's analysis in most of the impact categories studied. This blatant underestimation of the facility's throughput leads to improper and substantial underestimation of traffic and air quality impacts, among others. As described in Exhibit A, an analysis of traffic using the correct amount of throughput reveals significant adverse impacts at two different intersections, which were not disclosed in the DEIS. This omission is inimical to the purposes of SEQRA, i.e., the full public disclosure of impacts and proposed mitigation and an opportunity for the public to comment thereon. See 6 NYCRR § 617.2(n) ("[a]n EIS provides a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation").

DSNY's approach is tantamount to a private developer proposing to build a 400 rental unit apartment building, but presenting a DEIS to a lead agency that only studies the impacts of renting out 200 of those units. No responsible lead agency would accept and certify the developer's EIS. If the lead agency were to do so, courts would call it "arbitrary and capricious." Here, DSNY's understating of the impacts of a 5,280 tpd facility first by falsely describing the facility as a 4,290 tpd facility, and then by arbitrarily limiting the analysis to 1800 tpd (including commercial waste), is not only arbitrary and capricious, it is disgraceful and bordering on fraudulent. DSNY should abandon the DEIS and begin its environmental review again, using a reasonable worst case scenario -- the operation of the MTS at full capacity -- to analyze properly the environmental impacts arising from adoption of the SWMP.

If it is indeed DOS's plan to use the E. 91st St. MTS to handle only 1700 to 1800 tpd (or 1500 tpd, according to Commissioner Doherty's statements at the CB 8 ULURP hearing on January 12, 2005), then it is unclear why DSNY has asked NYSDEC for a permit for, and is proposing to spend at least \$85 million dollars to build, a facility that can process 4,290 or 5,280 tpd -- which is more than 2 times or almost 3 times the needed capacity. According to the DEIS, the boroughs of Manhattan and Staten Island combined generate only 3,250 tpd of residential waste. Even if it is necessary to build some "redundancy" into the system, the E. 91st St MTS by itself would be large enough to handle over 1000-2000 tons per day more than all the garbage generated by Manhattan and Staten Island combined, even though according to the SWMP, a significant portion of that waste (from CDs 1, 2, 3, 4, 7, 9, 10 and 12) is slated to continue to go to New Jersey. This is taking redundancy to ridiculous extremes. (It also casts considerable doubt on DSNY's bold yet unsupported statements that the new SWMP is economically efficient.) As stated above, if DSNY is going to build a 4,290 tpd, or even worse, a 5,280 tpd

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 5

facility, it is obligated under SEQRA to study the impacts and costs of that facility operating at full capacity.

4. Alternatives

Alternatives have been described as the "heart of SEQRA," as a real analysis of alternatives allows the lead agency to determine whether the proposed action is, in fact, the best project. Shawangunk Mountain Env'tl. Ass'n v. Planning Bd. of Town of Gardiner, 157 A.D.2d 273, 276, 557 N.Y.S.2d 495, 497 (3d Dep't 1990). This DEIS contains no real analysis of alternatives. For example, there is no real analysis of alternate sites for the MTSs. We understand from Commissioner Doherty's statements at the CB 8 ULURP hearing that, "quite frankly, we haven't looked at much else ..." in terms of alternate sites. Thus, it is no wonder that the criteria used to determine why the four proposed MTS sites were chosen and why other MTS sites were ruled out is not spelled out.¹ DSNY obviously selected the proposed MTS sites because it controls them. However, because (a) the existing MTSs at each proposed site will be demolished and completely new MTSs will be built in their place, and (b) DSNY has to go through a ULURP site selection process for each site, it is clear that the proposed sites are actually no more desirable than any other waterfront property in the City. The DEIS must consider other waterfront sites as alternatives, particularly those waterfront sites that are located in non-residential neighborhoods and not directly adjacent to a number of City parks. DSNY must also consider sites located south of 59th Street, where much of the garbage in Manhattan is generated.

We understand from the DEIS that delivery of waste in DSNY collection trucks to regional WTE facilities is a good alternative to the long-distance transport of waste in tractor trailers, and, again according to the DEIS, would achieve an approximately 75% reduction in the volume of waste disposed in landfills and reduce the potential impact of landfill price inflation. At the CB 8 ULURP hearing Commissioner Doherty confirmed this, stating that WTE facilities are the best way to dispose of garbage. Given this, it is unclear why the DEIS did not study transporting more waste to WTE facilities. Export of more garbage to additional WTE facilities should have been studied as an alternative to constructing new MTSs, which at the end of the day provide only a way to transport garbage, but no way to dispose of it.

The DEIS should also have considered the continuation of the DSNY-vehicle transport of the E. 91st St. MTS wasteshed to New Jersey as a legitimate alternative to constructing the new MTS. One of the stated goals of the long-term export program in the proposed SWMP is to reduce the City's dependence on transport by tractor trailer to waste disposal sites. According to the DEIS, however, all of Manhattan's residential waste is currently transported in DSNY collection vehicles, not tractor trailers, to three different facilities in New Jersey. Thus, constructing a new MTS on E. 91st St. does not reduce dependence on tractor trailers, as none of

¹ We applaud DSNY for dropping the site at W. 135th Street from the SWMP, as the site is located in the midst of a densely populated residential neighborhood. If that site was deemed unsuitable for a new MTS, surely the E. 91st St. site should have been dropped as well.

Mr. Harry Szarpanski, P.E.

January 24, 2005

Page 6

the waste in the proposed watershed for the facility is currently transported to disposal sites in tractor trailers.

5. The DEIS Manipulates Data and Misrepresents Facts to Enable DSNY to Conclude that the Construction of 4 New MTSs Will Result in no Significant Adverse Environmental Impacts

Beyond the gross understatement of throughput, there are many other instances throughout the DEIS in which "facts" have been misrepresented or data have been manipulated to enable DSNY to conclude that E. 91st St. MTS will result in no significant adverse impacts. The DEIS's open space analysis is a perfect example. That analysis expressly relies on the results of the DEIS's odor analysis to conclude that the new MTS on E. 91st St. will have no significant adverse open space impacts. DEIS at 6-27. That statement is utterly false, as the odor study did not analyze a single open space receptor for odor impacts, despite the fact that there are three public parks that abut, or nearly abut, the site. Rather, the receptors studied in the odor analysis were limited to residences, the closest of which is reportedly 360 feet away from site. *Id.* at 6-131. Had the odor analysis actually analyzed open space receptors, significant odor impacts would have been obvious and DSNY could not have relied upon that analysis as the basis for a conclusion that there are no significant adverse open space impacts.

Another example of data manipulation in the DEIS is the use of different facility operating assumptions depending on which analysis is being performed. For the air quality analysis, it is assumed that the MTS will operate with 2 shifts per day, whereas for the analyses of traffic and noise, it is assumed that the MTS will operate with 3 shifts per day. Not surprisingly, using the 2 shift per day assumption, the air quality analysis reveals no significant adverse air quality impacts.

The DEIS's analysis of truck noise provides another example of data manipulation to achieve the desired result of no significant adverse impacts. Instead of using a federal standard to assign noise levels to trucks, DSNY used a "default" standard supposedly derived from measuring DSNY-specific vehicle noise. Again, not surprisingly, while noise modeling using the federal standard resulted in noise impacts, noise modeling using the DSNY-specific standard resulted in no significant adverse noise impacts. This noise modeling approach is particularly suspect given the fact that more than half of the predicted truck trips to the facility will be made by non-DSNY commercial waste vehicles, to which DSNY-specific noise assignments are obviously inappropriate.

Specific Comments on DEIS Impact Analyses

The general comments above reveal several major defects in the DEIS which, in and of themselves, mandate the commencement of a completely new SEQRA review of the proposed SWMP. In addition to those defects, there are a number of other significant flaws in the analyses contained in the DEIS, which are discussed below in the order of the impact categories studied in the document, as well as in Exhibit A.

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 7

1. Land Use, Zoning and Public Policy

The proposed site of the new E. 91st St. MTS is located in an M1-4 (light industrial) zoning district. We note that this is the only MTS proposed in an M1 zoning district. The other proposed MTS sites are located in M3-1 (heavy industrial) zoning districts. The DEIS properly notes that an MTS is classified within Use Group 18, which consists of primarily industrial uses that

(1) either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed without appreciable expense to conform to high performance standards with respect to emission of objectionable influences; and (2) normally generate a great deal of traffic, both pedestrian and freight.

NYC Zoning Resolution ("ZR") § 42-15. The performance standards are set forth in ZR §§ 42-20 through 42.48. While the DEIS does purport to analyze noise and odor impacts (see our comments on those flawed analyses below), no analysis of dust or vibrations was performed.

The DEIS notes that an MTS previously operated at the E. 91st St. site. However, when the old MTS at E. 91st St. was built in 1940, the Gracie Point neighborhood was considerably less residential and populated and Asphalt Green did not exist. This site would not be appropriate, or even permitted, under the current DSNY siting rules for private transfer stations, which absolutely prohibit the siting of a private transfer station within 400 feet of a park or residence. The land use analysis makes no attempt to justify why this site should be acceptable for a DSNY transfer station when it would not be permitted for a private waste transfer station due its immediate proximity to parks and residences.

2. Socioeconomics

The DEIS's analysis of indirect business and institutional impacts is conclusory and plainly wrong. The DEIS states that because nearby businesses are "entirely enclosed," they will not be affected by the MTS. See DEIS at 6-18. However, the DEIS does not consider the fact that the majority of the patrons of the nearby businesses reach those businesses on foot. The DEIS fails to consider whether the MTS will hinder pedestrian access to nearby businesses; nor does it consider other factors that might lead to indirect business displacement impacts.

The DEIS summarily states that there will be no impacts to Asphalt Green because Asphalt Green has "no windows that open onto the entrance drive [to the MTS]" and the complex is "surrounded by protective fencing and landscaping to physically and visually buffer itself from the existing MTS ramp that bisects the property." See DEIS at 6-19. These statements are patently incorrect. Asphalt Green does have windows that face the MTS ramp, as well as the MTS itself. Moreover, Asphalt Green's outdoor playing field is obviously not "enclosed" or physically buffered from the ramp, which is not described in the DEIS.

Mr. Harry Szarpanski, P.E.

January 24, 2005

Page 8

The Asphalt Green playing field will be completely exposed to MTS operations and truck traffic and the noise, odors, vibrations and dust associated therewith. In addition, the constant activity on the MTS ramp will make it very difficult for Asphalt Green users and staff to cross between the Asphalt Green building and the playing field. Trucks accessing the MTS ramp will no doubt interfere with bus drop-offs and pick-ups that normally occur on the East side of York Avenue. We now understand, not from the DEIS but from Commissioner Doherty's statements at the CB 8 ULURP hearing, that DSNY is proposing to construct a pedestrian walkway adjacent to the newly constructed access ramp to the MTS. Since the walkway is not described, or even mentioned in the DEIS, it is not clear whether it will intrude onto the Asphalt Green playing field. (It is unfathomable that DSNY would propose to "mitigate" the obvious significant adverse impacts to Asphalt Green resulting from the MTS by appropriating a portion of Asphalt Green's playing field for this walkway.) Finally, the access ramp itself is going to be completely reconstructed, which will likely result in a loss of Asphalt Green parkland during construction. These factors have not been adequately considered in assessing the socioeconomic impact of the new MTS on Asphalt Green.

3. Open Space

The open space analysis is completely deficient. As discussed above, the DEIS improperly relies on the odor analysis to conclude that there will be no impacts to open space. The odor analysis cannot be relied upon because it did not study any outdoor receptors. Asphalt Green, Carl Schurz Park and the Esplanade abut the facility's boundary and will be inundated with odors from the facility. The open space analysis must consider odor impacts to these open spaces. It must also consider how the ramp traffic will impact Asphalt Green in particular, as the ramp bisects the facility, will inhibit ease of crossing between the playing field and the AquaCenter, and runs alongside the Asphalt Green Playing field. The open space analysis must also consider construction impacts to Asphalt Green. See CEQR Technical Manual at 3D-2.

4. Urban Design, Visual Resources, and Shadows

The DEIS's analysis of visual impacts is also flawed. Other than stating that the facility will occupy an acre of land and stand 100 feet tall -- equal to about ten stories -- the DEIS does not describe how the facility will look or what its dimensions will be. The DEIS says that 12-14 foot noise barriers will be erected on the ramp to the MTS, but again there is no description of the barriers. (We have since learned from DSNY's presentation at the CB 8 ULURP hearing that the ramp will not be lined with noise barriers, but rather perforated screens.) According to DSNY's ULURP application, it appears that the facility will be more than twice the size of the existing facility. Yet, the DEIS summarily concludes that it will cause no visual impacts.

According to the CEQR Technical Manual, for purposes of the visual analysis, the description of the action should detail "what the project would look like, how it would fit within the urban design of the area, and whether and how it would affect visual resources of the area." CEQR Tech. Man. at 3G-4. Furthermore, "[i]n almost all instances, visual character impacts are related to the physical design of the building(s) ... associated with the proposed action. Illustrations are important in communicating the results of this analysis. Such illustrations can

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 9

include ... photographs, photomontages, in which the development associated with the proposed action is superimposed on a photograph of existing conditions." Id. DSNY finally provided a model of the proposed MTS and a drawing of the "latest thinking" regarding the "walls" that will line the MTS access ramp at the CB 8 ULURP hearing on January 12, 2005, almost three months after the DEIS was certified as "complete." These PR materials do not allow the facility and ramp to be viewed in the context of the site's surroundings, however. Thus, there is no way to tell whether the new structure and ramp will significantly affect public views from and of the waterfront.

The few statements contained in the DEIS regarding views are indefensible. For example, the DEIS concludes that the MTS would not create significant shadow impacts. According to the CEQR Technical Manual, an adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space. In this case, the MTS is predicted to cast shadows on the Esplanade all year round. The duration of the shadows ranges from 1 hour and 40 minutes on December 21st to as much as 5 hours and 10 minutes on June 21st (on March 21st the Esplanade is cast in shadow for 3 hours, 30 minutes and on May 6th for 4 hours and 20 minutes). DEIS at 6-44. This is obviously a significant impact that cannot be explained away with a blanket statement that the area of the park affected by the shadow is transient.

5. Neighborhood Character

The DEIS properly describes the existing neighborhood character near the E. 91st St MTS. DEIS at 6-46. That description begs the following questions: (1) how can DSNY reasonably conclude that the introduction of an industrial use with the truck traffic, noise, odors, dirt and vermin associated therewith would not have a significant adverse impact on the neighborhood and its parks and residences; and (2) if DSNY's own siting regulations would absolutely prohibit the location of a private waste transfer station on this site, see 16 RCNY §§ 4-32, 4-35, how can this location be justified for a DSNY operated transfer station?

6. Natural Resources

The DEIS does not discuss the fact that DSNY will seek a land grant from New York State to enable DSNY to extend the new MTS an additional 40 feet into the East River. We only became aware of this land grant from DSNY's presentation to the City Planning Commission in support of its ULURP application for site selection approval. There is no discussion in the DEIS regarding the potential impacts to the East River arising from this land grant.

7. Hazardous Materials

The analysis of hazardous materials does not even meet DSNY's own established criteria for analyzing this impact category as set forth in the methodology section of the DEIS. That stated methodology, as well as the CEQR Technical Manual, required DSNY to undertake site visits to document existing conditions at each of the MTS sites. In the case of the E. 91st St. site, the DEIS states that "access to the transfer station tipping deck and interior areas were [sic] not

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 10

possible because of a padlocked gate at the end of the ramp on York Avenue." DEIS at 6-58. What the DEIS does not state is that the offending padlock is the property of DSNY. Were DSNY's consultants so incompetent and so lacking in diligence that it never occurred to them to ask their own client for a key to the lock so that the DEIS would conform with standard methodological requirements? Or is this yet another example of DSNY tailoring its study to achieve desired results? DSNY's failure to assess existing conditions by a site visit is not permissible under SEQRA. See Penfield Panorama Area Community, Inc. v. Town of Penfield Planning Board, 253 A.D.2d 342, 349-50, 688 N.Y.S.2d 848, 853-54 (4th Dep't 1999) (holding that the failure to conduct a hazardous materials assessment on a project site owned by a municipality was a violation of SEQRA).

8. Water Quality

As discussed in section 2.6 above, the DEIS does not address the impacts to the East River resulting from the proposed 40 foot extension of the MTS platform.

9. Traffic, Parking, Transit and Pedestrians

When the former MTS last operated, it received a peak of less than 1,000 tpd of residential waste only. The new facility will (a) have a capacity to handle more than five times the waste that was processed at the old facility's peak, (b) handle both residential and commercial waste, and (c) operate 24 hours per day, 6 days per week. The DEIS concludes that no trucks will queue on York Avenue while waiting to get into the MTS, yet when the old MTS was operating, trucks lined York Avenue idling away while waiting to access the MTS. At the CB 8 ULURP hearing, Commissioner Doherty stated that the new facility will eliminate street queuing because it will have the room for up to 6 trucks to dump their garbage at the same time. This information, which again appears nowhere in the DEIS, does nothing to assuage the GPCC's suspicions that trucks waiting to access the new MTS will be lined up on York Avenue. The old facility had room for up to 4 trucks. It seems unbelievable that adding room for 2 more trucks inside the facility will resolve the queuing problem given that the new facility can handle more than 5 times the capacity that was handled by the former MTS.

During Mr. Doherty's power point presentation at the CB 8 ULURP hearing, the statement was made that DSNY trucks waiting to access the E. 91st St. MTS will not be allowed to queue on York Avenue if the MTS access ramp is full, but instead will be directed back to the applicable DSNY garage until the next shift. Again, this "fact" is not contained in the DEIS. If this is indeed the plan, it will not address queuing by commercial trucks delivering garbage to the MTS between 8:00 p.m. and 8:00 a.m. Those trucks are not within DSNY's control and do not have nearby garages to return to when the ramp is too crowded. If commercial trucks are turned away at the ramp, they will no doubt idle on York Avenue or nearby cross-town streets.

10. Odor

The DEIS states that "the highest predicted OU associated with the East 91st Street Converted MTS at any nearby sensitive receptor is less than 1, so odors from the East 91st Street

Mr. Harry Szarpanski, P.E.
January 24, 2005
Page 11

Converted MTS would not be detectable by off-site sensitive receptors and the facility would comply with NYSDEC requirements for effective odor control. Therefore, no significant adverse impacts from odors on receptors are expected to occur as a result of this facility." DEIS at 6-131. This statement is incorrect because, as previously discussed, the odor analysis did not analyze any open space receptors. A legitimate odor study would identify Asphalt Green, the Esplanade and Carl Schurz park as sensitive receptors.

11. Noise

As discussed above, the noise analysis is flawed because it assigns DSNY specific vehicle noise to every truck trip, despite the fact that almost half of the trucks trips to and from the E. 91st St. MTS will be non-DSNY vehicles. The noise analysis also lacks any discussion of noise associated with the crane operations or the tugboats that will move barges to and from the MTS. The mitigation proposed to mitigate an identified noise impact between the hours of 3:00 and 4:00 a.m. is impossible to enforce. How will DSNY control when commercial vehicles enter the MTS? If commercial vehicles are turned away from the MTS at this hour, what will stop the trucks from idling on the nearby residential streets, creating possibly worse noise impacts in the middle of the night? Finally, we note that despite multiple requests by our consultants for the technical backup to support the DEIS noise analysis, DSNY failed to provide information on methodology or any model runs for the analysis of DSNY vehicles.

12. Commercial Waste

While Commissioner Doherty's power point presentation at the CB 8 ULURP hearing suggested that DSNY would accept permit limits on the amount of throughput that could be processed at the E. 91st St. MTS, the Part 360 permit application submitted by DSNY to the NYSDEC makes no mention of permit limitations. Thus, the DEIS must study the reasonable worst-case scenario -- that all of the capacity not needed for residential waste will be utilized for the processing of commercial waste.

13. Construction Impacts

The discussion of construction impacts in the DEIS is also completely inadequate, as it only addresses impacts to organisms and fish in the East River, wholly ignoring significant adverse human impacts caused by demolition of the old MTS and construction of the new one, including noise, dust, vibrations, rodents, etc. In addition, the DEIS makes no mention of the impacts resulting from the demolition and construction of a new ramp for the MTS, which will surely cause significant adverse impacts to Asphalt Green, including a likely loss of use of playing fields during what will no doubt be a prolonged construction period.

The flaws in the impact categories described above, as well as the major defects identified at the beginning of this letter necessitate a recommencement of the entire environmental review process for the proposed new SWMP. At the very least, DSNY must supplement the DEIS to address the omissions and errors detailed above and in Exhibit A. The omission of required information from a DEIS cannot be cured by simply including the required


Mr. Harry Szarpanski, P.E.

January 24, 2005

Page 12

data in the final EIS, as the new information must be subject to the same procedures for public and agency scrutiny as a DEIS. Webster Assocs. v. Town of Webster, 59 N.Y.2d 220, 464 N.Y.S.2d 431 (1983); Horn v. Int'l Bus. Machines Corp., 110 A.D.2d 87, 493 N.Y.S.2d 184 (2d Dep't 1985), app. denied, 67 N.Y.2d 602, 499 N.Y.S.2d 1027 (1986).

Very truly yours,



Richard G. Leland

Enclosure

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EXHIBIT A

These comments to the Draft Environmental Impact Statement (DEIS) dated October 2004 for the City of New York Department of Sanitation's (DSNY) new Comprehensive Solid Waste Management Plan (SWMP) are submitted on behalf of the Gracie Point Community Council (GPCC) and supplement the oral and written comments submitted by GPCC representatives at the December 20, 2004 Public Hearing.

GENERAL COMMENTS:

1. **Huge Expansion and Change in Use:** Prior to its closing in 1997, the East 91st Street Marine Transfer Station (MTS) received a peak of less than 1,000 tons per day of residential garbage.¹ The new facility is being permitted to receive up to 5,280 tons per day² of both residential and commercial waste, a five-fold increase. In what appears to be a pattern of misrepresentation (if not deception) by DSNY, the City's New York State Department of Environmental Conservation Part 360 solid waste permit application for East 91st Street MTS shows a maximum capacity of an incredible 5,280 tons per day, which is what should be studied for impacts, not some lesser amount. This figure does not even appear in the DEIS. The impact of this huge increase is not sufficiently characterized.

For example, traffic impacts were modeled on a daily peak of 130 DSNY trips, which would represent only 1,093 tons per day.³ This does not constitute the "worst-case scenario" as required by the CEQR Technical Manual (at 2-2). The off-site air quality analysis is based on the traffic analysis, so it too is incorrect. The odor analysis assumes 19 collection vehicles at peak⁴, but at full permitted capacity of 5,280 tpd, peak would consist of at least 40 vehicles per hour.

The East 91st Street MTS will serve DSNY-managed waste from Community Districts 5, 6, 8, and 11, a third of the Districts in Manhattan,⁵ and could take more than 3,000 additional tons per day (tpd) of commercial waste. The facility did not previously handle commercial waste.

The City's Solid Waste Master Plan (SWMP) proposes that private carters deliver commercial waste to the East 91st Street MTS at night, between 8:00pm and 8:00am.⁶ The facility did not previously operate 24-hours a day.

2. **Methodologies:** In several chapters of the document, different assumptions and methodologies are used, which suggest that if one approach to the analysis resulted in the "wrong" answer, modifications were made to the analysis to achieve the desired outcome. For example, values for vehicle noise were arbitrarily changed in the noise analysis from the widely accepted Federal standard to a replacement input derived from allegedly measuring DSNY-specific vehicle noise. Special methods can be used to reduce truck noise when it is desirable to do so, and it is no surprise that DSNY found the predicted noise levels higher than the "measured" levels. While the normal modeling resulted in noise impacts, interestingly enough, using the "measured" levels

¹ MTS Conversion Conceptual Design Development, September 2002, Page ES-4

² Interim Final Part 360 Permit Application, November 2004, Page 25, Line 2.

³ SWMP DEIS, October 2004, page 6-105

⁴ SWMP DEIS, October 2004, page 6-129.

⁵ New SWMP DEIS Final Scoping Document, Page 9.

⁶ New SWMP DEIS Final Scoping Document, Page 19

resulted in no noise impacts. Just as DSNY trucks are allegedly cleaner, they are purportedly quieter, too. This ignores the fact that the Proposed Action, which is supposed to be studied in this DEIS, includes commercial waste, carried by non-DSNY vehicles.

3. **Siting Issues:** The East 91st Street MTS, which will operate 24 hours per day, is the only MTS proposed in the Draft SWMP that is located in a densely populated residential neighborhood. The closest residence is less than 400 feet away from the MTS.

The SWMP proposes to demolish the existing MTS and construct an entirely new facility in its place to handle five times the waste previously managed by the existing facility. The DEIS fails to acknowledge and adequately address the significant adverse impacts to the densely populated residential neighborhood surrounding the site of the existing MTS at East 91st Street, which should cause it to be eliminated from further consideration as an alternative.

Development of enclosed barge unloading facilities (EBUFs) is an essential component of the Solid Waste Management Plan, yet locations for these facilities have not been determined. Deferring the review of the environmental impacts of these facilities is segmentation, and violates CEQR and SEQR.

4. **Impacts:** The DEIS does not adequately support its conclusions of no significant impacts. Underlying assumptions are not documented, and in many cases analysis methodologies are changed to provide the desired conclusion.

In addition, the discussion of construction impacts is totally deficient, as it only addresses impacts to benthic organisms and finfish in the river, ignoring significant adverse human impacts of traffic, noise, dust and rodents caused by the complete demolition of the existing MTS and construction of a new facility. Demolition and construction of a new ramp over FDR Drive will have significant adverse impacts upon traffic on FDR Drive, which is not even addressed in the DEIS. Nor does the DEIS address construction impacts to Asphalt Green arising from the demolition and reconstruction of the ramp to the facility.

The DEIS found significant adverse noise impacts at sensitive receptors caused by the delivery of commercial waste between the hours of 8:00pm and 8:00am.⁷ The DEIS states that the amount of available capacity that can be used to process commercial waste should be limited, but offers no mechanism to assure the neighborhood that any limits would be enforced.

5. **Public Health:** When the previous MTS operated, the neighborhood was overrun by a foul odor and was constantly plagued by rodents. Likewise, the new facility will attract pests such as insects, rats and rodents. Not only are these pests unsanitary, but they can also be powerful allergens; exposure to such rodents can trigger asthma symptoms. In one study, up to 60 percent of people with asthma tested positive to cockroach allergen⁸ and urine from mice or rats. Because garbage can be moist, it provides a fertile breeding ground for mold, which can also trigger allergies and asthma attacks if they get into the air. Between 10 percent and 32 percent of all people with asthma are sensitive to fungal allergens, both indoors and outdoors.⁹ Recent studies have also

⁷ SWMP DEIS, October 2004, page 6-154

⁸ Jones AP. Asthma and domestic air quality. Soc. Sci Med. 1998;47(6):755-764.

⁹ Trudeau WL, Fernández-Caldas E. Identifying and measuring indoor biologic agents. J Allergy Clin Immunol. 1994;2(2):393-400.

found that air pollution not only exacerbates asthma in some children, but has the potential to negatively affect lung growth and function, and to increase cases of respiratory tract illness, preterm birth and infant mortality

The EPA states, "Diesel exhaust ranks among the air pollutants that EPA believes pose the greatest public health risks. Exposure to diesel can cause lung damage and respiratory problems. Diesel exhaust also exacerbates asthma and existing allergies, and long-term exposure is thought to increase the risk of lung cancer. Children are more susceptible to this pollution because they breathe 50 percent more air per pound of body weight than do adults. Diesel exhaust contains significant levels of small particles; exposure to fine particulate matter is associated with increased frequency of childhood illnesses" (<http://www.epa.gov/otaq/retrofit/documents/f03005.pdf>).

Please address these health hazards related to the issue of asthma and links between asthma symptoms in young children and exposure to rodent allergens and pollutants in the outdoor environment.

6. **Cost-Benefit Analysis:** In our scoping comments dated July 9, 2004, we asked that a detailed cost-benefit analysis be provided. Based upon our review, the DEIS does not analyze whether the construction of the new Marine Transfer Stations, including the East 91st Street MTS, makes economic sense. Please provide a matrix table showing the costs and benefits of the components of the Proposed Action, including the cost of transporting and disposing of the containerized waste, from a fiscal and environmental perspective, comparing the Proposed Action with reasonable alternatives and existing conditions. The "economic analysis" provided in Attachment XI of the Draft New SWMP is overly simplistic and does not justify spending almost \$400 million for new MTS facilities and does not make any cost estimate for dealing with the contaminated waste.
7. **Alternatives:** In our scoping comments dated July 9, 2004 we noted that the draft scope was deficient in its discussion of Alternatives. This comment was not addressed in the DEIS which still lacks a thorough and defensible alternatives analysis. The criteria used to pick the MTS sites are not spelled out, and it is impossible to determine why the East 91st Street MTS has remained in the Proposed Action while West 135th Street was dropped.

In contrast, the Commercial Waste Management Study, Volume V- Manhattan Transfer Station Study: Executive Summary at page ES-2 provides clear screening criteria, and eliminates all four Manhattan sites considered for private waste transfer stations, for such reasons as M1-4 zoning, sites within 400 feet of a playground and park, and development over the water. For these reasons, Manhattan sites at West 40th Street, Pier 42, West 30th Street, and West 13th Street were eliminated from further consideration, while inexplicably, the East 91st Street site, which shares these same attributes, remains an alternative. The East 91st Street MTS should be eliminated from further consideration.

We asked that several alternative sites for loading residential and/or commercial waste on to barges be discussed. We also asked that more than one alternative host community in Manhattan be considered. In addition, we asked that a discussion of other waste reduction alternatives be included, e.g., the management of waste at WTE facilities or the employment of waste reduction technologies and practices. The DEIS does not develop or objectively evaluate the full range of reasonable alternatives. It should include a quantitative analysis of the costs, benefits and impacts of alternatives, including increased recycling and new technologies to reduce waste. A clear rationale

for the final recommended alternatives, as well as rejecting other alternatives, should also be included.

The waste proposed for management at the East 91st Street MTS (from CDs 5, 6, 8, and 11) currently travels through Manhattan to transfer stations or waste to energy facilities in New Jersey.¹⁰ The DEIS does not consider any alternatives to MTS "conversion" for this watershed, including the most obvious one, transfer to rail at the Harlem River Yard Transfer Station in the Bronx. Sending DSNY trucks over the Willis Avenue Bridge has a travel distance in the Bronx of less than ½ mile on authorized truck routes, passing no residences. The Harlem River Yard Transfer Station, located in an industrially-zoned area, is the only purpose-built transfer station in the City for the transfer of solid waste by rail, and capacity exists to accept the waste proposed for management at the East 91st Street MTS. The failure of DSNY to consider reasonable (indeed extremely viable) alternatives calls the integrity of the document into question. Rather than incur the huge cost, environmental impact and significant community burden of building a new MTS at East 91st Street, to barge waste to an as yet undecided location, trucking the waste across the Willis Avenue Bridge to the HRYTS makes much more sense. Permitted at 4,000 tpd, it has the capacity to accept the 1,800 tpd of Bronx DSNY-managed waste AND the 1,093 tpd of Manhattan DSNY-managed waste proposed for East 91st Street. There is no reason not to use existing, permitted disposal capacity at truck to rail transfer facilities in the Bronx, meeting the SWMP's goals.

¹⁰ SWMP DEIS, October 2004, page ES-4

CHAPTER 1 PROPOSED ACTION

Page 1-1, section 1.1, paragraph 2, line 7: It is incorrect to describe the demolition of the existing, unused Marine Transfer Station at East 91st Street and construction of a larger, entirely new facility as being "converted" This is an entirely new facility that is being proposed

Page 1-5, section 1.3.2, paragraph 2, line 2: In our scoping comments dated July 9, 2004 we noted that the Project is not properly defined. The Purpose and Need does not support the construction of a new MTS at East 91st Street. The Purpose and Need states that the new Proposed Action for Long Term Export in the SWMP includes "an expedited timeframe, a lower cost, and reduced reliance on complex MTS conversions". The DEIS does not contain any data or analysis that forms a basis for the conclusion that construction of a new MTS at East 91st Street meets any of these criteria.

Page 1-9, section 1.3.2, paragraph 8, line 13: Considerations which guided the formation of the Long Term Export Program included "developing a long-term solution that is equitable." Transferring a third of Manhattan's residential waste and commercial waste from throughout the City through a single facility in a densely populated residential neighborhood is simply not equitable

Page 1-20, section 1.4.4, paragraph 1, line 6: There is no analysis of using the East 91st Street MTS for recyclables, or support for the statement that there would be a lower number of DSNY collection vehicles for recyclables. Moreover, the analysis of waste volume assumes that the City will maintain a recycling program. We have already seen the City's recycling program interrupted due to economic considerations. The analysis of facility waste volume should consider the "worse case" scenario, which would include recyclables in the waste stream.

Page 1-22, section 1.5.1, paragraph 2, line 7: If truck traffic is an overriding concern, why has no analysis of vehicle miles traveled (VMT) been performed? The current proposed action does not reduce VMT in Manhattan, nor would it eliminate any VMT of long haul tractor trailers.

Page 1-22, section 1.5.2, paragraph 1, line 9: The DEIS provides no justification for DSNY to begin managing commercial waste. The DEIS proposes to "encourage private carters to deliver commercial waste during the 8:00pm to 8:00am time period." This new night time industrial activity will greatly increase noise exposure in a residential area. This Proposed Action has significant impacts that are not adequately justified and are not adequately studied. To merely say that the action would "facilitate the City's transition" to a rail- and barge-based export system is not sufficient justification.

CHAPTER 2 DESCRIPTION OF FACILITY SITES

Page 2-8, section 2.1.2.1, paragraph 5, line 3: The statement "this environmental review concludes that varying quantities of commercial waste that can also be processed at each of the converted MTSs without significant adverse impacts" is totally unsupported by this document.

Page 2-10, section 2.1.2.2, paragraph 3, line 1, and Page 2-11, Table 2.1-2: It strains believability that only 1,893 tons per day (tpd) of DSNY-managed and new commercial waste would be processed at the East 91st Street MTS when the design capacity is for 4,290 tpd, and the permitted capacity is 5,280. No criteria are offered for the "occasions" when the full design capacity will be utilized, and the community has no recourse should those "occasions" become regular operating procedure.

Page 2-32, section 2.2.3.1, paragraph 3, line 4: the DEIS acknowledges that the East 91st Street MTS site is located in a "high-density residential" neighborhood, but doesn't address the extraordinary incompatibility of a large industrial facility with noise, odors, and truck traffic.

Page 2-34, section 2.2.3.1, paragraph 2, line 1: Although the DEIS states that "No archeologically significant resources exist on the site," there is no data to support this conclusion. Excavation of footings for the enlargement of the ramp and new building may reveal unanticipated resources, but the DEIS does not study the potential for the existence of such resources or describe a methodology for dealing with these issues during construction, as is standard CEQR methodology.

Page 2-34, section 2.2.3.2, paragraph 1, line 8: In the Proposed Action, the ramp which crosses Asphalt Green and FDR Drive will be demolished and replaced. The short term and long term impacts of this action are not sufficiently described, such as construction impacts, and increased shading on public parkland due to the wider ramp and noise barriers. The noise barriers are not described.

CHAPTER 3 OVERVIEW OF STUDY METHODOLOGIES FOR SITE-SPECIFIC ANALYSIS

Page 3-47, section 3.16.4, Table 3.16-1: This table shows 130 net loads of DSNY collection vehicles for this facility for an average peak day. Does this average peak day volume correspond to a typical Monday or Tuesday when tonnage is 10 to 15 percent higher than the remaining days of the week? At two trips per load (entering and exiting), the daily number of vehicle trips is 260. There is no data provided in this section or in the site specific analysis for the East 91st Street Converted MTS documenting how the number of trips generated by this facility was determined. The section preceding trip generation (3.16.3, Operational Assumptions) presented generalized discussions of existing and future DSNY operations but there is no documentation (or reference to such documentation) of how these assumptions factored into the calculation of the number of 130 loads for the East 91st Street Converted MTS. A footnote on the entry for this facility in Table 3.16-1 indicates that the total number of loads from DSNY collection vehicles is the same for the converted MTSs and the existing MTSs. The column giving the number of loads for the facility is headed, "Total Number of Net Loads." These are not consistent, creating a potential conflict in the analysis.

Page 3-61, section 3.16.8, paragraph 3, line 1: Please provide traffic count data that support the statement that "the Saturday background traffic and project-induced traffic are lower than the weekday traffic." This is a densely populated residential neighborhood and the recreational facilities at Asphalt Green are heavily used on the weekend. In fact, Saturday is their busiest day.

Page 3-81, section 3.17.4.3, paragraph 7, line 9: The DEIS provides no justification for the assumption that there would be a 50 percent reduction in emission factor for speeds of 5 mph and does not describe the operational controls that will assure that speeds will be maintained at 5 mph or less.

Page 3-85, section 3.17.4.5, paragraph 2, line 1: There is a discrepancy in assumptions of the number of shift operations. For the purposes of the air quality analysis, the operating assumption is two shifts per day. Pages 2-9 and 6-87 describe a three-shift operation. The traffic and noise analyses assume three shifts per day. The assumptions must be consistent and the incorrect analysis redone.

CHAPTER 6 ENVIRONMENTAL REVIEW: EAST 91ST STREET CONVERTED MTS

6.2 Land Use, Zoning, and Public Policy

Page 6-6, section 6.2.1.3.1: In our scoping comments dated July 9, 2004, we asked that the background and history of the current zoning for the site and adjoining properties be provided, and the existing underlying and overlay zones applicable to the site be summarized. Based upon our review, the DEIS does not summarize provisions of the M1-4 zoning district. The Proposed Action is not consistent with the regulations governing a M1-4 district. There is no analysis of how the facility will meet performance standards necessary for this type of use in an M1-4 district, as required by the NYC Zoning Resolution.

Page 6-8, section 6.2.2, paragraph 1: The DEIS does not describe in detail the residential development initiatives within the primary and secondary study areas.

Page 6-10, section 6.2.3.1, paragraph 1, line 6: There is a discrepancy that has significant adverse impacts. Under Potential Impacts, this section indicates that "the ramped entrance to the site would remain unchanged," while Page 2-34 states that the ramp which crosses Asphalt Green and FDR Drive will be demolished and replaced with a wider, steeper structure.

Page 6-10, section 6.2.3.1, paragraph 2: The Proposed Action will re-introduce a disruptive land use which is no longer suitable or compatible with the residential/institutional neighborhood character, resulting in undesirable land use impacts. There is no data to support a conclusion of land use compatibility with surrounding high density residential development, community facilities, parks and open space.

Also, in our July 9, 2004 comments, we indicated that the Draft Scope ignores the fact that Asphalt Green, a City park, is within 400 feet of the site of the Proposed East 91st Street MTS. The construction or expansion of a private solid waste transfer station within 400 feet of a park is prohibited by the DSNY siting regulations (6RCNY§4-31). The DEIS should evaluate impacts on a park that services the recreational needs of several neighborhoods throughout the City, including school children and disabled persons, and on the surrounding residential population. In addition, there is no justification for DSNY's departure from siting regulations with respect to its own facility.

Page 6-10, section 6.2.3.2: The DEIS does not demonstrate how the East 91st Street Converted MTS would be consistent with applicable policies and plans, including the *Comprehensive Manhattan Waterfront Plan (CMWP)*, and recommendations of the Plan for Reach 1, which notes that the East River water is "an important fish migration route." The DEIS should contain substantive examination of local and regional land use plans for consistency with the Proposed Action and Alternatives.

6.3 Socioeconomic Conditions

The DEIS grossly underestimates the number of people who will be impacted by the opening of the 91st Street MTS. According to CEQR guidelines, only areas with 50 percent of the census tract within the quarter-mile radius should be studied (tracts 144.02 and 152). This technicality excludes many people who will be directly affected by the proposed MTS. Counting every census tract through which the quarter-mile radius line extends or borders would include an additional 7 tracts and therefore changes the estimated affected population from 13,417 persons cited in DEIS to 60,467 persons. Even if the estimate of 13,417 people was reasonable,

it is 3 times as dense as the next most populated study area (which has about 4,300 people within a quarter-mile radius).

Additionally, it is irresponsible and illogical to study the economic impacts of the MTS up to a half-mile radius of the site, but only study the effects on the population within a quarter-mile radius of the site. There are 7 additional census tracts within a half-mile of the site, which includes 52,796 more people. The grand total of people affected within a half-mile radius of the site is 113,263, almost 100,000 more than proposed in the DEIS. This analysis is based on the 2000 US Census figures. Recently completed buildings on First Avenue at 90th and 91st Streets have added several thousand more people, and the population of the neighborhood will continue to grow with the completion of the Marriott and several other ongoing construction projects.

The DEIS also fails to account for the influx of people who come into the neighborhood daily to use schools, parks, and facilities such as Asphalt Green. Many neighborhoods do not have a daily influx to this degree, and this population deserves to be considered and counted.

When compared with other proposed sites, the East 91st Street site has a much higher density of population. The population size within a quarter-mile of study areas other than Gracie Point ranges from roughly 60 to 4,300 people, compared with the conservative estimate of 13,400 people affected by the East 91st Street site. Due to the overwhelmingly larger affected population at the East 91st Street site, percentages used in the DEIS can be misleading. For example, the DEIS claims the East 91st Street study area had a lower percentage of families living below the poverty level than other alternative sites, e.g., a poverty rate of 11 percent for the East 91st Street site, compared to a 15 percent poverty rate for a different site. The raw numbers, however, reveal that over 1,500 people live below the poverty level at East 91st Street, while 15 percent of the population at the alternative site is fewer than 10 people.

This data indicate that the proposed DEIS drastically underestimated the affected population, and the East 91st Street site is far too densely populated to safely accommodate the proposed MTS and associated truck traffic.

Page 6-11, section 6.3.1.1, paragraph 1, line 4, and Page 6-12, Figure 6.3-1: The Study Area is mischaracterized by eliminating portions of four additional Census Tracts: 144 01, 154, 156 01, and 156 02. This affects the analysis of socioeconomic conditions and environmental justice issues. The significant growth in residents of Hispanic origin and the potential impact on that population should be addressed.

Page 6-18, section 6.3.3: In our July 9, 2004 scoping comments, we noted that the reopening of the East 91st Street MTS has the potential to adversely affect neighborhood character, and thus will likely have a significant negative impact on property values in the area. As such, we asked that DSNY provide an overview of the current residential real estate market, including a detailed discussion of the impacts on property values and resultant reduction to the tax base. We also asked that a qualitative assessment of impacts on surrounding uses, including commercial uses be provided, based upon an analysis of increase or decrease in property values. Those comments were not responded to in the final scope and these analyses are not included in the DEIS.

Page 6-19, section 6.3.3.3, paragraph 1, line 6: It is ludicrous to suggest that the "reactivation of the MTS would have minimal effects on the recreational center's (Asphalt Green) function." The use of the facility has grown significantly since the MTS ceased operation, and the significant adverse impacts of noise, odor, vibration and traffic will obviously adversely affect the recreational center. The DEIS should quantify likely impacts to Asphalt Green.

6.4 Community Facilities and Services

Page 6-20, section 6.4.3: The DEIS does not substantiate the assertion that community facilities and services will not be impacted; no method of assessment of emergency service response times, for example, is provided.

6.5 Open Space

Page 6-27, section 6.5.3, paragraph 1, line 4: Again, this DEIS manipulates information to present an erroneous evaluation. The analysis of open space impacts relies on the odor analysis to conclude that there are no significant open space impacts. However, the odor analysis did not assess any receptors outside but only examined impacts to nearby residences. Thus, the DEIS seeks to mislead the reader. There will be odor impacts to parks and recreational facilities which are not honestly presented.

Page 6-27, section 6.5.3: The DEIS does not assess either direct or indirect impacts upon Asphalt Green, Carl Schurz Park and the East River Esplanade caused by noise and air pollutant emissions and odors. The new MTS structure, the larger ramp, the queuing of trucks, and the operations of the proposed East 91st Street Converted MTS will greatly reduce the aesthetic value and, as a result, intensity of use of these valuable open spaces and parklands. The conflicts between school buses dropping off children and queued trucks, and the challenge for pedestrians to navigate around large odor emitting trucks will interfere with public access to this significant recreational facility.

6.6 Cultural Resources

Page 6-32, section 6.6.3: The DEIS does not assess potential impacts on historic resources resulting from incompatible visual, audible and atmospheric elements, including construction-related impacts, which have the potential to affect neighborhood character.

While the DEIS includes discussion of the Landmarks and Historic Districts listed on the National Register of Historic Places and/or the New York State Register of Historic Places, and/or determined to be a New York City Landmark, the DEIS does not identify whether any properties in the study area are eligible for listing.¹¹

6.7 Urban Design, Visual Resources, and Shadows

Page 6-33, section 6.7.1.3: Despite our July 9, 2004 scoping comments, the DEIS does not describe the exterior nor the interior layout of the proposed facility, nor does it describe the proposed ramp walls. The substantially larger facility and new ramp has the potential to affect the neighborhood character. Without a detailed design, including streetscape elements, the DEIS cannot properly and adequately analyze the operations of the facility or the impacts on visual resources, shadows, traffic, air, noise and odor.

Page 6-44, section 6.7.3, paragraph 5, line 1: The DEIS repeatedly minimizes significant impacts and seeks to explain them away. Five hours of shadow on public park land is significant. The new facility will be twice the height of the existing MTS (100 feet tall). The new ramp will be

¹¹ SWMP DEIS, pages 6-32.

wider and is described in the DEIS as having 14 foot walls casting shadows on a heavily used park and playground. The DEIS explains "the nearly 50-foot increase in height over the existing MTS is not expected to affect inland views toward the waterfront since these views are largely screened by trees." However, this does not take into account the fall and winter seasons during which the trees shed their leaves. The analysis of shadow impacts is totally deficient and the conclusion of no significant impact is completely unsupported.

6.8 Neighborhood Character

Page 6-46, section 6.8.1.2, paragraph 1, line 1: The DEIS accurately describes the existing neighborhood character: "The visual quality of the area is pleasant, with well-maintained apartment blocks lining the streets, sidewalk trees and well appointed parks and recreational facilities. As with much of the Upper East Side, this area is conducive to pedestrians..." Yet on Page 6-48, the study concludes that the "East 91st Street Converted MTS is not expected to result in significant impacts on neighborhood character," although the DEIS admits that "the re-introduction of trucks into the neighborhood would be noticeable," and that the "MTS potentially could result in impacts to neighborhood character... due to potential odor conditions." The claim that the new MTS will not create significant adverse impacts to neighborhood character is ludicrous.

Page 6-46, section 6.8.3: Neighborhood character is an amalgam of many distinctive factors. Potential effects will likely also include: land use, urban design and visual resources, historic resources, socioeconomic conditions, traffic and noise. Traffic conditions, for example, will change substantially as a result of the Proposed Action. Traffic changes will include a change in traffic patterns, vehicle mixes and roadway classifications. Also, heavy refuse collection trucks can cause significant damage to surfaces of roads that were not designed for such weights.

The DEIS states that "unlike other sites studied, this site is within fairly close proximity to both residential and open space resources, which are the two major factors contributing to the neighborhood character of the area." The DEIS acknowledges that surrounding the site are "high-density residential zoning districts that allow for dense, high-rise development,"¹² but does not make the obvious conclusion that this is a poor location for a large solid waste transfer station.

The DEIS acknowledges that the MTS facility encompasses "most of the Asphalt Green Recreational Center"¹³ a City-owned park which is not only a neighborhood resource, but a City-wide resource serving 40,000 people per year, many of whom reside outside the Gracie Point Community Point. Asphalt Green is also an historic resource, listed as a New York City Landmark, and on the National Register. Gracie Mansion, another listed landmark, is also adjacent to the site,¹⁴ but the impacts are trivialized. Truck queuing is even being planned for the ramp which goes over Asphalt Green¹⁵, but impacts are not deemed to be significant. The conclusion that they are not significant is just that -- a conclusion with no supporting analysis.

6.10 Hazardous Materials

Page 6-58, section 6.10.1, paragraph 2, line 6: An Environmental Site Assessment is not properly performed according to ASTM E-1527 and DSNY's own stated methodology for

¹³ Solid Waste Management Plan Draft Environmental Impact Statement, October 2004, Page 2-32.

¹⁴ *ibid*, Page 34.

¹⁵ New SWMP DEIS Final Scoping Document, October, 2004, Response to Public Scoping Process. Page 3.

assessing impacts relating to Hazardous Materials without a site visit. Claiming inability to access a facility owned by DSNY in order to conduct a site visit is inexcusable and casts doubt on the quality of effort of the entire DEIS. The assertion of no adverse impacts is, again, completely without support, because an Environmental Site Assessment was not performed to any reasonable standard of care.

Page 6-59, section 6.10.3, paragraph 1, line 1: There is no discussion of how receipt of oil or hazardous, explosive, infectious, or radioactive material would be handled at the facility, which is located in a densely populated residential area. DSNY has no control over what materials are thrown into the trash, and the risk to the neighborhood could be significant. The community deserves a detailed plan for the management of hazardous materials at the facility, and evacuation procedures in the event of a fire, explosion, or toxic substance release and the DEIS should contain one.

Page 6-60, figure 6.10-1: This figure is incorrect. The Toxics Targeting Environmental Report (Technical Backup for DEIS Analysis discs) identifies 33 toxic sites within 1,000 feet of the East 91st Street MTS site, including several active hazardous spills. The DEIS again selectively reports information, casting doubt on the veracity of the entire document, its analyses, and its conclusion of no significant unmitigatable impacts.

6.12 Waterfront Revitalization Program

As stated in our July 9, 2004 comments, the East 91st Street MTS redevelopment is subject to review under the 10 policies of the City's Waterfront Revitalization Program, which raises a number of issues that should be addressed in the DEIS. *Policy 1* supports commercial and residential development in areas well suited to such development, and the Upper East Side is ideal for that. However, an MTS is incompatible with residential development. *Policy 2* supports water-dependent and industrial uses in New York City's coastal areas that are well suited to their continued operation. This site would not be considered well suited for industrial use as it is surrounded by parks and residential areas. The MTS redevelopment does not appear to support *Policy 3*, which promotes boating and water transportation, nor does it appear to support *Policy 8*, to provide public access to and along New York City's coastal waters. The DEIS does not address potential impacts to the adjacent Commuter Ferry. It does not support *Policy 9*, to protect scenic resources that contribute to visual quality, nor does it support *Policy 10*, to protect, preserve, and enhance resources significant to the historical, archaeological and cultural legacy of the New York City coastal area. The DEIS should discuss enforcement measures of this program, and how DSNY can be required to abide with these policies.

6.14 Traffic, Parking, Transit, and Pedestrians

The New York City Department of Sanitation downplays the enormous impact on Gracie Point by stating the obvious: "the re-introduction of trucks into the neighborhood would be noticeable."¹⁶ Reopening the East 91st Street Marine Transfer Station (MTS) would bring almost 800 garbage vehicle trips a day to the neighborhood, including 260 trips with New York City Department of Sanitation (DSNY)-managed waste (130 inbound¹⁷) and over 500 more trash truck trips per day of commercial waste.¹⁸ Reopening the MTS will have a significantly detrimental effect on traffic congestion in the neighborhood, with the greatest increase at the intersection of

¹⁶ Commercial Waste Management Study, Vol. III. HDR, March 2004. Page 10-46.

¹⁷ Commercial Waste Management Study, Vol. III. HDR, March 2004. Summary Report, Page 4.

¹⁸ Commercial Waste Management Study, Vol. III. HDR, March 2004, Page 10-63.

York Avenue and East 91st Street,¹⁹ where delays on the northbound left turn are projected to more than double in the am and pm peak periods. The area already has severe congestion caused by multiple tandem bus routes, and the intersection with FDR Drive.

Documentation of how the number of trips generated by this facility was determined is not provided. Table 3.16-1 shows 130 net loads of DSNY collection vehicles for this facility for an average peak day.²⁰ This volume of waste is stated elsewhere as 1,093 tpd. Does this average peak day volume correspond to a typical Monday or Tuesday when tonnage is 10 to 15 percent higher than the remaining days of the week? How many loads are expected at the permitted capacity of 5,280 tpd? Traffic impacts must be studied at maximum capacity, not at 20% of maximum capacity. Please address.

Page 6-95, section 6.14.2.3.1, line 1: The worksheets for the intersection level of service analyses should be provided so that the geometry, signal phasing and timing, and other parameters used in the analysis can be reviewed.

Page 6-99, section 6.14.2.6, line 2: This sentence suggests that the high level of pedestrian activity at the analysis locations is not expected to affect the capacity analysis significantly. This is counterintuitive since a high volume of pedestrians will interfere with turning vehicles or will require a pedestrian phase. Either of these could have a substantial impact on traffic operations. The level of service analyses should be reviewed to verify that pedestrian volumes and pedestrian signal phasing are properly factored in the analysis. This is a further indication that the DEIS is sorely lacking in its assessment of the significant adverse impact that the new MTS will have on pedestrians in the neighborhood. Please address.

Pages 6-108-113, Figures 6.14-13 through 6.14-15: The morning peak hour volume exiting the site is 39 and the entering volume is 45, for a total 84. The entering and exiting volumes for the peak hour of the facility are 28 each, for a total of 56. Why is the facility peak hour volume lower than the morning commuter peak hour volume? The text in the last paragraph on page 6-105 indicates that 56 is the peak hourly volume of traffic. Why is the morning commuter peak hour trip generation higher? Moreover, what are the volumes at peak capacity? Please reconcile these differences.

There is no documentation of how the net trips were calculated for each analysis hour from the 130 daily truck loads reported in Trip Generation, Section 3.16.4. Specifically, there is no documentation of how the following factors were incorporated in the calculation of hourly volumes:

- > The text in the third paragraph on page 3-45 indicates the truck volumes should be increased by 50 percent to obtain passenger car equivalents (PCEs).
- > The third line on page 3-50 indicates volumes were increased by 20 percent to account for daily and seasonal variation.
- > The second paragraph on page 3-50 indicates that there will be 40 vehicle trips by employees for each shift change at 8:00 AM, 4:00 PM, and 12:00 A.

Please reconcile and provide assumptions and calculation worksheets.

Page 6-116, section 6.14.4.2, paragraph 1, line 3: The proposed mitigation for the York Avenue/East 91st Street intersection is a one second increase in the green time for the northbound left turn. This change will restore delay for the move to the no-build level. Could there be an additional increase in northbound left turn green time to restore delay and level of

¹⁹ Commercial Waste Management Study, Vol. III, HDR, March 2004, Page 10-63

²⁰ Solid Waste Management Plan Draft Environmental Impact Statement, October 2004, Page 3-48.

service to the levels for existing conditions without significantly negatively impacting other moves? Delay at that intersection is expected to increase to 97.3 seconds in the Build Condition from the existing delay of 41.6 seconds for a decline in level of service from D to F. Since traffic impacts were studied with an unrealistically low number of net loads (130) based on DSNY-managed waste only, impacts of maximum permitted facility capacity of 5,280 tpd DSNY and commercial waste can only increase the amount of reduction of level of service for the intersections studied.

In our analysis, if traffic impacts had been properly studied, significant impacts would have been found at the highest peak hour for permitted capacity. Our projections show two movements that decline from LOS C to LOS D. The delay on the eastbound approach at the intersection of East 86th Street and York Avenue increases by almost 9 seconds from 28.4 to 37.1 seconds. The delay on the westbound movement at East 91st Street and York Avenue increases by more than 7 seconds from 31.2 seconds to 38.5 seconds. Pursuant to the CEQR Technical Manual (at 30-27) a deterioration of service of a signalized intersection lane group from acceptable LOS A, B, or C to LOS D is considered a significant impact.

Missing Analysis: The DEIS traffic analysis is deficient because the traffic impacts to East 96th Street were not evaluated. Trucks leaving the MTS and heading north will significantly add to the existing congestion.

The traffic analysis is further flawed in that it deals in average vehicle counts, whereas the reality is that the trucks come in groups: thus, the MTS will create a dense clump of garbage trucks queuing at signalized intersections on York Avenue, and jockeying for position with school buses transporting children from around the City to the Asphalt Green recreational facility.

Analysis of intersections does not address conflicts on the side streets. If DSNY intends to route its truck traffic eastbound on 90th Street, it will conflict with on-street parking, the two car rental operations between 1st Avenue and York which jockey cars all day long, and the service entrances for The Hamilton and 1725 York. If DSNY intends to route its truck traffic westbound on 91st Street exiting the MTS, it will conflict with MTA buses, Eli's Bakery trucks, an auto service garage, two parking garages, and a Verizon service truck dispatch station. Congestion on the side streets must be addressed.

6.15 Air Quality

The DEIS does not address the cumulative impacts of the project on air quality. The Results of the Off-Site Analysis²¹ imply that only the site-generated traffic was used to evaluate traffic emissions at the off-site intersections. The NAAQS demonstration should be based upon the total traffic volumes at each intersection under Future Build Conditions. This analysis should be conducted for both CO and PM.

Page 6-120, figure 6.15-1: Shows what we have believed all along, that trash trucks will queue along York Avenue. While unsubstantiated averages are included, insufficient analysis is provided to determine the number of queuing collection vehicles expected at any time, and the real impacts of noise, odor and diesel exhaust. The City's anti-idling law restricts vehicles to idling for no more than three minutes. DSNY must address the issue of truck queuing in the neighborhood, and how the anti-idling law will be enforced. The DEIS should also describe how arriving trucks will be accommodated to prevent queuing on York Avenue. This was a serious problem when the facility was previously in operation handling much less waste volume.

²¹ Solid Waste Management Plan Draft Environmental Impact Statement, October 2004, Page 6-126.

New, relevant information was presented for the first time at the Public Hearing on December 20, 2004 regarding truck queuing which should have been presented in the DEIS. Assistant Commissioner Harry Szarpanski's PowerPoint presentation included a slide which stated that "on-street queuing will not be needed and WILL NOT BE ALLOWED" (his emphasis) without any indication as to how this will be enforced. Please provide. The slide contained two additional relevant pieces of information, that "If necessary, collection vehicles will be diverted to the garage" and "A DSNY employee will be stationed at the ramp entrance to ensure pedestrian safety." Diverting trucks elsewhere, which presumably have to return eventually to dump their waste, will increase traffic. To what garage will they go? What are the environmental impacts of storing waste in unnamed garages? This also begs the question of the commercial collection vehicles; without a DSNY garage to go to, won't they just idle nearby, waiting until they can dump their load? This alternative management technique must be explained and the impacts analyzed. Furthermore, what are the risks to pedestrian safety which require that a DSNY employee be stationed at the ramp entrance full time to ameliorate? Is this mitigation sufficient to address the significant safety impacts? The issue of pedestrian safety is not adequately addressed.

Page 6-126, section 6.15.4.2.2, paragraph 1, line 1: The results of the Off-Site Analysis seem to imply that only the site generated traffic was used to evaluate traffic emissions at the off-site intersections presented in Figure 6.15-2. The NAAQS demonstration should be based upon the total traffic volumes at each intersection. This analysis should be conducted for both CO and PM.

The DEIS does not adequately address the physiologic vulnerabilities of children with respect to air quality. As stated at the December 20, 2004 Public Hearing by Dr. Andrew D. Racine, a Professor of Clinical Pediatrics at the Albert Einstein College of Medicine and the Director of the Section in General Pediatrics at the Children's Hospital at Montefiore, health hazards associated with the reopening of the MTS are likely to impact the pulmonary health of infants, children, and adolescents. Diesel-fueled trucks bearing solid waste are expected to traverse the site 6 days a week, 24 hours a day. Diesel trucks emit a variety of chemical and pollutants, including known carcinogens such as benzene 1,3, butadiene and acetaldehyde. The U.S. Environmental Protection Agency concludes: "Diesel exhaust ranks with the other substances that the national-scale assessment suggests pose the greatest relative risk. First, a large number of human epidemiology studies show increased lung cancer associated with diesel exhaust... In addition to the potential for lung cancer risk, there is a significant potential for non-cancer health effects as well, based on the contribution of diesel particulate matter to ambient levels of fine particles. Exposure to fine particles contributes to harmful respiratory and cardiovascular effects, and to premature mortality." ²²

The National Ambient Air Quality Standards (NAAQS) used in the DEIS are inappropriate to assess the impacts upon children for many reasons. First, the air receptors used by DEIS are 1.8 meters from the ground. Since airborne pollutants tend to be more densely concentrated near the ground, this underestimates the exposure of young children to these pollutants. Infants and children also have a higher per minute ventilation than adults, meaning they take in greater concentrations of pollutants for their size than do adults. Children spend more time outdoors and are more physically active than adults, particularly given the large number of parks and outdoor play areas in the vicinity of the site, which places them at greater risk of exposure. Finally, because children continue to grow new air sacs, or alveoli, for up to 10 years after birth,

²² U.S. Environmental Protection Agency. January 20, 2005 Technology Transfer Network National Air Toxics Assessment: <http://www.epa.gov/ttn/atw/nata/perspect.html>

exposure to pollutants at a young age can cause irremediable consequences that persist throughout adulthood.

The DEIS downplays the relationship between children's health and air quality, with the chapter on epidemiologic evidence concluding that "results can vary a good deal from study to study,"²³ and lamenting the cross-sectional design of most studies from which it is difficult to derive causal relationships. Contrary to this, there exists a wealth of knowledge and studies that are directly relevant to the MTS site specifications. Dr W.J. Gauderman and his colleagues from the U.C.L.A. Department of Preventative Medicine completed an 8 year study of over 1,700 school aged children in California. The average concentration of pollutants measured for the East 91st Street site is well within the ranges of the study. The study concluded that current levels of air pollution have chronic, adverse effects on lung development in children ages 10 to 18 years. Based on these findings, there is a significant likelihood that the adoption of the current proposal will result in the permanent damage to lung development for the children of the neighborhood.

Additionally disconcerting is the use of a threshold to capture the effect of air quality deterioration on public health. Most studies clearly show a linear relationship between exposure to pollutants and adverse health consequence, with no discernable "safe" thresholds, particularly for children. Whether or not the opening of the East 91st Street MTS meets or exceeds adult level thresholds, it will without question irreparably damage the lung tissue of children in the neighborhood, creating health problems that will follow them throughout their life.

6.16 Odor

Page 6-129, section 6.16.1, paragraph 1, line 3: The DEIS does not include the worst-case receptor locations by stating that "The nearest sensitive receptor is the apartment building located on 90th Street east of York Avenue, approximately 360 feet from the site boundary." The locations for sensitive receptors in the odor analysis should be the same as those used in the noise analysis, then Section 6.17.1.1 on page 6-132 identifies five sensitive receptor locations that are closer to the site. Unlike the erroneous statement in the DEIS, this is consistent with the sensitive receptors for odor as defined in Chapter 3, Overview of Study Methodologies for Site-Specific Analyses, page 3-101, and listed as residence, adjacent business, and park. Furthermore, City Zoning Regulations require that odors not be detectable at any point along or beyond lot lines. Please address.

Page 6-129, table 6.16-1: The information presented here is inconsistent with the number of moving and queuing collection vehicles identified in the air quality analysis (page 6-119). Which is incorrect? Which analysis needs to be redone? Please address.

Page 6-131, table 6.16-2: Please provide copies of the modeling assumptions and modeling runs, as the purported results defy credibility. By DSNY's own numbers, their collection vehicles emit 3.2 OU/sec (page 3-115, Table 3.18-8) and 19 are queued up on the ramp (page 6-129, Table 6.16-1) yet only 0.31 OU are modeled immediately adjacent to the ramp. Hundreds of comment letters received during scoping refer to the malodorousness of the MTS when it formerly operated, yet your modeling predicts that odor will not be detected at the site boundary. This makes no sense. Moreover, the study methodology is flawed as it measured DSNY-owned trucks only and not commercial trucks. Please address these inconsistencies.

²³ New York City Department of Sanitation. "Draft Environmental Impact Statement for the New York City Comprehensive Solid Waste Management Plan." CEQR No. 03-DOS-004Y. October 2004. Chapter 33, Section 6.

6.17 Noise

Opening a noisy industrial facility in a dense residential neighborhood is contrary to the Mayor's recent initiative to reduce noise in the City.²⁴ The 24-hour per day study and discussion of noise walls, and the suggested installation of replacement windows and air conditioning as mitigation in the Scope are ominous signs.²⁵ At the CB 8 ULURP Hearing, the Commissioner suggested that noise walls are no longer being considered for the ramp. As the ramp is at the property boundary, what effect will this have on projected noise levels to the adjacent sensitive receptors of the Asphalt Green playing field and the toddler playground, and the nearby residences?

Page 6-142, table 6.17-6, footnote (5): How is it that the closest East 90th Street apartment building is assumed to only be in use during daytime hours? The occupants are noise-sensitive receptors at night, too.

Page 6-147, section 6.17.3.5, paragraph 3, line 3: The DEIS utilizes noise monitoring data collected during a site-specific DSNY collection vehicle simulation to demonstrate compliance with the CEQR threshold. These data are used to replace the Federal Highway Administration (FHWA) Traffic Noise Model (TMN) model run which demonstrated values that exceeded the CEQR threshold. The DEIS states that the reason for this is that TNM model over-predicted the incremental change, which it attributed to the default assigned noise level for each type of vehicle.

The CEQR Manual (3R-14) requires the use of the TNM. Results of this modeling must be provided. CEQR permits adjustment factors to be used to account for site-specific differences between measured and model-predicted values, but not complete abandonment of TNM and replacement with a "spreadsheet" approach. The FHA's TNM model has established a solid foundation for accurately predicting highway noise based on all types of vehicles. In addition, it has the added capability of modeling sound levels accounting for complex terrain and buildings. It is not clear that noise monitoring of vehicle simulations is more valid than the use of TNM.

In addition, the DEIS appears to utilize two different assumptions for calculating the reduction in sound levels due to distance. In Section 3.19.5.1 (page 3-127) the On-Site Source Screening Analysis uses a -6 dBA drop-off rate, which is typically used for hard ground from point sources. In Section 3.19.7.1.1 (page 3-133) the CEQR and Part 360 Noise Code Analysis uses a -4.5 dBA drop-off rate, which typically assumes soft ground for mobile sources. The urban environment is typically hard ground. The mobile source drop-off rate should therefore be revised. The TNM setting for ground terrain should be consistent. Similarly, this difference in drop-off rate is a conflict in Section 3.19.1.7.2 (page 3-134) in the Current Noise Code (Step 2). Please address

Missing Analysis: The DEIS ignores potential impacts of vibration from trucks on the ramp, or the impact of dropping containers in the new MTS. The Federal Transit Administration (FTA) has vibration criteria that can be used to determine potential impacts. These criteria are based on single-event pass by levels, receptor sensitivity, the ground conditions, and frequency of occurrence and were developed for transit vibration.²⁶

A vibration impact analysis must be performed for the proposed new East 91st Street MTS using the sensitive receptors as defined for noise

²⁴ Press Release. Mayor Michael R. Bloomberg, PR-141-02, June 7, 2004

²⁵ Draft Scoping Document for the City of New York Comprehensive Solid Waste Management Plan Draft Environmental Impact Statement, May 2004, Page 97.

²⁶ Federal Transit Administration, Transit Noise and Vibration Impact Assessment, DOT-T-95-16, April 1995

6.18 Commercial Waste to the East 91st Street MTS

Page 6-153, section 6.18.3.2, paragraph 2: The DEIS provides no reasonable justification for DSNY to begin managing commercial waste, which it had not previously managed. This industrial activity between 8:00pm and 8:00am will greatly increase noise exposure in a residential area. Please address

Page 6-154, section 6.18.3.2, paragraph 2, line 2: The DEIS found significant adverse noise impacts at sensitive receptors caused by the delivery of commercial waste between the hours of 8:00pm and 8:00am.²⁷ The DEIS states that the amount of available capacity that can be used to process commercial waste should be limited, but offers no mechanism to assure the neighborhood that any limits would be enforced. Suggesting that waste deliveries by commercial carters will be limited without any enforcement is laughable. Prohibiting commercial trucks from delivery between 2:00am and 3:00am is bogus mitigation; won't trucks just idle on residential streets while waiting to get into the MTS? This will not address the significant adverse noise impacts at sensitive receptors

²⁷ SWMP DEIS, October 2004, page 6-154

CHAPTER 34 EVALUATION OF THE PROPOSED ACTION

Page 34-1, paragraph 3, line 1: The statement "Any impacts that would result at in-City sites (designated in the Proposed Plan) where new construction would likely occur are capable of being mitigated" is refuted by the analysis of noise and odor impacts. Please address

Page 34-2, paragraph 1, line 3: The statement "Furthermore, by utilizing existing facilities and sites (in heavily industrial areas), the Plan substantially minimizes or eliminates any potential impacts to neighborhood character" does not apply to the East 91st Street site. It is in a densely populated residential area, not in a heavily industrial area, and the impact to neighborhood character and open space will be very significant and unmitigatable. Please reconcile.

Page 34-2, paragraph 2, line 4: There is no analysis in the DEIS which supports the statement that "This would reduce the number of trucks from what is currently required to provide waste collection and transfer services" for the wasteshed in Manhattan. Please provide this analysis.

Page 34-2, paragraph 2, line 6: The DEIS states that "traffic and air quality conditions on City streets would likely improve overall within the City with the implementation of the Proposed Plan." The DEIS contains no evidence that the East 91st Street MTS would serve to improve traffic and air quality conditions on City Streets. This DEIS is full of these sweeping statements completely unsupported by analysis of environmental impact. Please provide this evidence.



Testimony from STATE SENATOR **LIZ KRUEGER**

New York State Senate • 26th District

Testimony of New York State Senator Liz Krueger
Before the Department of Sanitation
Regarding the Draft Environmental Impact Statement
for the Comprehensive Solid Waste Management Plan
December 20th, 2004

Good evening. My name is Liz Krueger and I am the State Senator for New York's twenty-sixth senatorial district, one primarily comprising parts of Manhattan's Midtown and East Side. I would like to thank the Department of Sanitation (DSNY) for hosting this public hearing and allowing me to speak.

I was alarmed when initially notified of DSNY's intention to resume operation at the 91st-Street marine transfer station (MTS), and I testified in June to express this dismay. The Draft Environmental Impact Statement (DEIS) does not appear to have regarded my concern or that of many community leaders and residents as legitimate, because many of the reasonable questions that were originally posed remain inadequately addressed or ignored. And while I support incorporating marine transfer stations into the City's waste disposal solution and believe that we must be responsible for our own garbage, placing one at the proposed site still seems irresponsible and myopic.

There must be a better site on the East Side for such a facility. The residential character of the surrounding neighborhood and the presence of Asphalt Green—a unique City resource—adjacent to the MTS site make 91st Street an inappropriate location. Furthermore, the DEIS sets inadequate parameters for a final environmental impact statement that, as of now, will neglect both the full capacity of the MTS site and, subsequently, a comprehensive examination of the MTS impact and required mitigation. To be blunt, an MTS located at 91st Street will have deleterious effects on area traffic, odor, noise, air quality, public health, the character of the neighborhood, and the vitality of Asphalt Green.

The DEIS severely neglects the maximum operational capacity of the converted MTS at 91st Street, forecasting that it will receive only 1,700 tons of trash per day despite possessing the capacity to accommodate 4,290 tons. I assume that the City, currently grappling with a financial shortfall, would not waste its money by erecting a facility that it intended to underutilize. Thus, it seems reasonable that a converted MTS at 91st Street would accept far more waste than the seemingly disingenuous forecast.

An MTS receiving 4,290 tons of trash from four community boards would operate six days a week and receive trucks throughout the day and night. On peak collection days, the MTS would receive 469 delivery vehicles, not the 130 projected. On off-peak days, the site would still need to accommodate—given a conservative assumption of 15-percent less traffic—398 trucks, or seventeen per hour. All trucks would drive straight through Asphalt Green. In order to go through the site, unload its contents into non-spill containers, turn around, and then exit, each truck would require more than the three-and-one-half-minutes average that the current plan would allow. Reconfiguring a few intersections or altering some traffic light patterns seem like hopeless remedies for this potential plague.

As trucks took longer to unload their cargo, those that arrived later would begin to line-up along the delivery routes—the narrow streets running east-west and congested York Avenue, a thoroughfare that already barely accommodates two bus routes, FDR Drive access, and a high volume of cars. While idling, waiting to unload the waste that they carried, the trucks would be sitting with their motors running; releasing carbon-, nitrogen-, and sulfur-based pollutants; emitting pungent odors; and creating a din. This situation would cause problems for which there is no adequate mitigation. And if you think that driving on York Avenue is already frustrating, wait until there are standing trucks constantly clogging the road; if you currently enjoy a restful evening of sleep, remember it fondly as diesel engines roar throughout the night.

Beyond the environmental and quality-of-life problems that the MTS would cause at this location, there would also exist a significant threat to public health. With dozens of schools sending thousands of children to Asphalt Green for recreational activities, permitting heavy polluters like diesel-fuel trucks to constantly idle near the site and imperil a population particularly susceptible to respiratory ailments is not only unsafe but negligent.

Unfortunately, the DEIS neglects this realistic scenario, instead relying upon a series of complex measurements to justify a plan that seems to have been chosen long before the impact study process was even undertaken. If the City is serious about its need to reduce waste and find better ways to accommodate it, there are a number of alternatives that should be included in the Solid Waste Management Plan (SWMP). It could start by supporting state-level efforts, like my “bottle bill,” to expand recycling programs, increase bottle deposits, and cover more types of beverage containers. This would create a dedicated revenue stream that could preserve and promote City recycling, insulating it from the often-senseless budgeting process. New York could also decrease its waste stream by cutting back the distribution of unwanted direct mail and catalogues. Managing bulk waste would also behoove the City, and implementing a system to redistribute items like computers, bicycles, and furniture could potentially result in a 15-percent reduction of the waste stream. City agencies could also adopt a waste-prevention incentive program because these arms of government get free collection services.

There are a number of alternatives to be explored, and while the specifics of the strategy may be cause for disagreement, a consensus has emerged that the DEIS is inadequate, perhaps disingenuous. Thank you very much for your time.

From: yvonne lassalle@yahoo.com
To: Harry Szarpanski, Department of Sanitation
Re: Comments on the SWMP and DEIS

There are numerous substantive and procedural failings in the SWMP and DEIS, some of which are highlighted below.

1. The Solid Waste Management Plan (SWMP) and its Draft Environmental Impact Statement (DEIS) fundamentally fail to comply with the requirements of Section 27-0106 of the ECL, which requires that the SWMP must provide for the management of **all** (emphasis added) solid waste within the planning unit for at least a 10-year period. The SWMP and DEIS fails to address how commercial waste will be managed, fails to address the viability of the current waste disposal options for the commercial or residential sector waste, fails to provide any specific milestones for meeting recycling goals and fails to provide any documentation regarding the cost of proposed and alternative actions evaluated in the SWMP.
2. Procedurally, DOS established a series of public repositories that were incomplete and from which no individual citizen or community organization could evaluate the proposed citywide actions that will have multi-billion dollar implications for New York City. The public repositories held at libraries did not have key documents upon which the DEIS based its conclusions, including the Final Environmental Impact Statement developed for the 2000 SWMP and the environmental reviews of relevant interim waste contracts, among other missing data sources referenced in the DEIS and SWMP. While the library depositories reviewed had the permit application for the nearest Marine Transfer Station (MTS), all of the other proposed permits for the conversion of MTSs were not at the libraries. The permit applications for the conversion of the MTSs are critical to any evaluation of the DEIS, since the operational and engineering details contained within the proposed MTS conversion permits are central to evaluating the claims of the DEIS, which is being used also as the SEQRA review for the draft MTS conversion permits submitted to DEC. For anyone to effectively evaluate the MTS related portions of the SWMP and DEIS, they would have had to embark on a three borough odyssey to be able to review the actual permit applications that form the basis for the evaluation of many of the impacts reported in the DEIS.
3. It is unclear how any interested citizen or community/environmental/budget organization would have been able to access many of the other critical studies referenced in the SWMP and DEIS for the basis for its conclusions but not included in the public repositories. Why DOS would want to limit access to critical information regarding this citywide, multi-billion dollar solid waste management plan is unclear. What is clear, however, is that DOS's efforts to ensure that there was not an accessible public repository that contained the all of the materials referenced in the SWMP and DEIS for its conclusions, ensured that the DEIS failed to meet the requirements of 6 NYCRR Part 617, which states at 617.9(b)(7): "A draft or final EIS may incorporate by reference all or portions of

other documents, including EISs that contain information relevant to the statement. The referenced documents must be made available for inspection by the public within the time period for public comment in the same places where the agency makes available copies of the EIS." (Emphasis added). The public repositories fail this clear and straightforward standard and this failure must be rectified prior to any other actions taking place.

4. After DOS takes the necessary steps to comply with 6 NYCRR Part 617, it must issue a new period for public comment sufficient to allow for the review and assessment of the documents that have been withheld, in violation of 6 NYCRR Part 617, from public review. Further, it should be noted that DOS's actions are a major violation of the intent of DEC Commissioner Policy-29: Environmental Justice Permitting.
5. The DEIS fails to discuss significant environmental impacts of proposed actions for managing residential waste not being developed by DOS. For example, DOS plans to use private transfer stations along Newtown Creek to export waste via barges and states that these facilities will require dredging permits. Given the documented contamination levels of the sediment of Newtown Creek, the permitting process to dredge within this water body will be complex and lengthy. Despite this common knowledge, there is no discussion of potential environmental impacts that might arise from removing sediment from Newtown Creek or how the approval process may impact the time-line to implement the SWMP. Considering that both sites on Newton Creek are in close proximity to the Phelps-Dodge Superfund site, not addressing the dredging issues is a particularly glaring oversight. The DEIS must include a complete assessment of the impacts of all of the proposed actions.
6. The SWMP and DEIS fail to discuss the baseline environmental impacts of the current waste management system. In particular, there is no discussion of the fact that nearly 40% of all putrescible and non-putrescible waste in New York City is processed in Community Board One in Williamsburg. Or that portions of the South Bronx also process disproportionate volumes of waste that generate massive volumes of truck traffic.
7. The SWMP states that DOS will investigate ways to mitigate the burdens in these communities but commits to no specific time-frame and fails to provide any information regarding the costs, impacts and/or benefits arising from these actions compared to maintaining the current configuration of waste management facilities. The SWMP even fails to discuss the quantities and types of waste managed by community districts with high concentrations of waste management facilities. This information is critical to understanding how DOS's proposed actions compare to possible alternatives and must be included in the SWMP and DEIS.
8. The SWMP and DEIS must discuss in detail the capacity of the existing inter-modal waste export infrastructure required to implement the SWMP.
9. The SWMP and DEIS must identify the new or improved inter-modal waste export capacity necessary to implement the SWMP and disclose what impacts may arise should there be a lack of rail and/or barge service.

10. While the SWMP acknowledges that a new off-site inter-modal rail yard may be required for the Review Avenue Transfer Station in Queens, there is no discussion as to how this action would be accomplished, how quickly the new rail yard could be developed, or what impacts might be generated.
11. The SWMP states that waste from the Scott Avenue Truck to Barge facility will transfer garbage containers to ocean going barges located at the Red Hook Container Terminal. Ocean going barges require significantly more tonnage than would be supplied by this facility to make this mode of transportation economically viable. How this mode of transportation will be operationally feasible should be discussed in the SWMP and DEIS.
12. Having participated in the administrative challenge brought by community and environmental organizations to American Marine Rail's proposed barge to rail facility in the South Bronx (DEC Project No. 2-6007-00251/00001), DOS is aware of the importance of fully documenting the adequacy of inter-modal transportation capacity and assessing what impacts may arise should the inter-modal transportation services not be available during. DEC Administrative Law Judge Helene G. Goldberger ruled on August 25, 2000 that the lack of an adequate description of rail capacity or an assessment of how waste would be managed under contingency situations resulted in a deficient permit application and environmental review. The DEIS, SWMP and permit applications must fully document the adequacy of inter-modal transportation capacity and assess what impacts may arise should the inter-modal transportation services not be available.
13. The DEIS makes a number of "categorical" statements regarding the impacts of the actions discussed in the SWMP and does not provide for a reasoned elaboration in support of its conclusions. Given the lack of information at the public repositories, it is difficult to see how any independent judgments as to validity of many of the conclusions of the SWMP could be made. In one glaring example, DOS claims that the cost to transport and dispose of residential waste under its proposed plan at \$388 million per year and that the original proposal to convert eight MTSs to allow for the consolidation and export of waste would cost \$473 million per year. DOS provides no information as to how these costs were estimated. DOS provides no information regarding the costs of any of the other proposed actions in the SWMP or DEIS. It is difficult to see how the SWMP and DEIS could be considered complete without basic information on the costs of the proposed actions or proposed/evaluated alternatives.
14. The SWMP failed to disclose that the Spring Creek composting facility may never be permitted (DEC Application No. 2-6105-00666/00001), due to the administrative challenge brought by community and environmental organizations to DEC's decision to issue a draft permit for this facility. DEC Administrative Law Judge Susan J. Dubois's August 30, 2004 ruling found that a review of the facts not in dispute indicated that the project would likely constitute an illegal alienation of parkland. The SWMP and DEIS should accurately describe how composting will be managed should DEC not issue a permit for Spring Creek and/or DOS fails to obtain the necessary state legislation allowing for the alienation of parkland. The SWMP and DEIS do not address that during the fall 2004 leaf and Christmas tree collections, the material intended for the Spring

- Creek facility was sent to composting facilities located in Soundview Park in the Bronx or the Fresh Kills Landfill.
15. DOS includes the Commercial Waste Study as an Appendix to the SWMP and uses selected findings and recommendations of the Commercial Waste Study as the basis for a number of conclusions regarding impacts in the DEIS. Other important aspects of the Commercial Waste Study, such as the evaluation of regional disposal capacity or the burdens generated by the concentration of private sector waste management facilities are not addressed in the SWMP or DEIS. DOS needs to clarify the relationship between the recommendations and findings of the Commercial Waste Study and the SWMP and DEIS. The Commercial Waste Study was not subject to the SEQRA review process and its findings were sharply challenged by community and environmental organizations. The report "Analysis of the Department of Sanitation of New York Commercial Waste Study Prepared for: The Organization of Waterfront Neighborhoods & the New York Lawyers for Public Interest" and previously submitted to DOS is attached as a detailed comment on the CWS, the SWMP and DEIS.
 16. DOS needs to clarify what aspects of its SWMP submitted to DEC will comply with "DEC Commissioner Policy-29: Environmental Justice (EJ) and Permitting Policy" (CP-29). Among other requirements, permit applicants are required to submit for DEC's approval a formal public participation strategy that ensures early and meaningful dialogue with the impacted EJ communities. The public participation plan is an important component of the CP-29 policy and it is intended to allow the EJ community a meaningful opportunity to shape the direction and issues addressed during the permit application and environmental review process. DEC has not approved an EJ participation plan for any of DOS's actions. Accordingly, the SWMP and DEIS comment period must remain open until DOS complies with CP-29.
 17. If DOS believes that the SWMP was not covered by CP-29, since the SWMP is not a direct permit action, there are a number of permit applications submitted to implement the SWMP that are certainly subject to CP-29. If the public comment period for the SWMP and DEIS have expired prior to permit applications complying with CP-29, the intent this important policy directive will have been subverted. DOS must explain in the SWMP how it plans to comply with the requirements of CP-29 within the SWMP planning process and which actions it believes are subject to CP-29.
 18. DOS must evaluate the impacts of making the interim waste export plan for Manhattan permanent based on the proposed SWMP, DOS's actual operational experience with exporting waste by truck from Manhattan, and the current and future conditions within the study areas. The DEIS did not evaluate the impacts of this proposed action since an environmental assessment of the interim waste export plan for Manhattan previously found no adverse impacts. The DEIS then categorically states that the addition of 88 additional truck trips generated under the proposed SWMP does not require any additional review.
 19. There will likely be an overlap between interim and long-term waste export contracts during the implementation of the SWMP that may result in traffic impacts not assessed in the initial environmental reviews for the interim waste

- export contracts or the DEIS. The initial interim waste export contracts did not look at the cumulative impacts that might arise, for example, from the recycling facilities proposed in the SWMP, the conversion of the 59th Street MTS, DOS's decision to continue the City's reliance on truck based export for the vast majority of commercial waste, or the closing of major bridges and tunnels from being used by trucks to transport waste within the city and to out-of-city disposal sites.
20. The environmental assessment of the interim export of waste from Manhattan was modeled using assumptions regarding the hypothetical quantity and temporal distribution of the trucks leaving from Manhattan to New Jersey. Rather than rely on these modeled assumptions, the DEIS should evaluate the impacts based on DOS's actual operations, proposed actions, and current traffic conditions. The traffic patterns around the bridges and tunnels the city can use to export waste from Manhattan, and accommodate commercial traffic in general, has changed considerably since the completion of the environmental review for the interim export waste from Manhattan. For example, no eastbound commercial traffic has been allowed to enter the Holland Tunnel since August of 2004. In addition, a number of significant new projects have been built and others have been approved that will generate significant volumes of traffic and additional residential waste that were not assessed in DOS's environmental review of the interim waste export plan for Manhattan.
 21. The Commercial Waste Study (CWS) states that the actual counts of waste vehicles were made over a 24hr period at waste transfer stations to determine the volume of trucks associated with these operations. The CWS states that it identified DOS collection trucks, private waste collection trucks, and waste export trucks. No information on the number or types of waste trucks identified is provided in the CWS. The total number of waste trucks identified is critical to evaluating the CWS and assessing the off-site impacts evaluated in the CWS. Given the importance of this information to on-site and off-site impacts assessed in the CWS, the DEIS should present a detailed description of the methodology used to collect the data and the 24 hour period the truck counts took place.
 22. The CWS states that the total number of waste trucks was determined for each intersection evaluated in the traffic analysis. Based on this information, the CWS presented an overall average percentage of waste trucks within each study Table 5.3.1-1. Since traffic impacts are generally localized, using an average percentage waste trucks compared to the total number of vehicles passing through all intersections studied in a study area, provides little useful information. It certainly cannot be used to judge the impacts of waste trucks on the intersections studied in CWS. The DEIS and SWMP must present the total volume of waste traffic for each intersection evaluated and whether the trucks were DOS collection trucks, private collection trucks or waste export trucks.
 23. The CWS reports traffic volumes based on the number of vehicles, rather than PCE ratios, which are used to assess all other impacts in the CWS and DEIS. The CWS and DEIS should also report the PCE totals for the intersections evaluated and what percentage of PCEs for each intersection is attributed to waste management trucks.

24. All of the traffic impact assessments in the CWS were made from 7AM to 6PM. However, the AM, Mid-Day and PM peak hours used to evaluate the traffic impacts at the intersections studied was not provided. Without knowing which peak hours were used to judge traffic impacts, there is no way to evaluate if the conclusions made in the CWS are reasonably extrapolated from the traffic data collected. If the CWS collected traffic data for an assumed peak hour traffic congestion period, rather than evaluating peak volumes and intersection conditions based on actual conditions, the findings of the CWS are inappropriate for the DEIS. The DEIS and CWS must be updated to provide basic information regarding the collection of traffic impact information in the DEIS and provide the data and methodologies used to arrive at its conclusions as an Appendix.
25. The CWS does not provide an explanation for why the 7AM to 6 PM time period is most appropriate for evaluating local traffic impacts around waste transfer stations. While this time period may generally have higher traffic volumes, significant traffic impacts due to high volumes of collection and waste export trucks moving through "bottle-neck" intersections in the study areas may be more likely occur after 6pm due to the "peaking" nature of the waste industry.
26. The CWS should have evaluated the impacts of private waste transfer stations based on their permitted capacity. A disproportionate/cumulative impact assessment should be based on the volume of waste the private waste transfer stations are allowed to manage as of right and without the need for any additional review.
27. The noise impacts from waste trucks reported in the CWS appear significantly flawed. While the CWS states that the study chose "worst-case" intersections, the CWS chose an intersection in Brooklyn Community Board One to evaluate that did not have a single waste truck pass through the intersection for a 24 hour period. Another, "worst case" intersection had no waste trucks between 12:00AM and 8:00AM, despite virtually all private sector putrescible waste being delivered during this time-frame. It is difficult to imagine how DOS and its consultants could view these low impact intersections as representative samples of "worst case" intersections.
28. The CWS states that off-site noise impacts were made using the "noise impact spread sheet" developed for in the Final Environmental Impact Statement for the withdrawn 2000 Comprehensive Solid Waste Management Plan Draft Modification issued in October of 2000. The DEIS should provide a copy of this spreadsheet.
29. The CWS states that the intersections used to assess noise impacts were selected using traffic volumes and axle factors developed by NYSDOT. The CWS claims that this data resulted in a more conservative analysis. However, the CWS provides no information regarding the intersection traffic volumes supplied by NYSDOT that were used to make intersection selections. Without this information it is impossible to determine if the intersections evaluated were the most conservative choices or compare the data issued by NYSDOT to the actual traffic volumes collected for the traffic impacts section of the CWS.
30. The DEIS fails to provide any information on the volume of waste managed and delivered to various disposal sites by Community District. Without this

- information, it is impossible to determine if the routing and temporal distribution of trucks reported in the DEIS is appropriate.
31. The number and temporal distribution of trucks in the permit application for the conversion of the 91st Street MTS issued in November of 2004 is significantly different than the number of trucks and their temporal distribution used in the October 2004 DEIS. Since the number and temporal distribution of trucks to this facility is critical to evaluating possible impacts, the DEIS must be revised to reflect the actual distribution reported in the permit application.
 32. The DEIS does not provide a table giving the distribution and type of truck accessing the facility. Rather, the DEIS provides only a line graph of truck distribution over time for each MTS. There is no way to estimate the total number of trucks per hour accessing a facility using these graphs and where truck arrival moves to 0 for some hours it is impossible to determine if there is steady decline or a complete drop-off of truck activity to "0" between one hour and the next. By not including hourly truck-distribution tables in the DEIS, DOS made any evaluation of the truck data particularly difficult and inaccessible to the public. The DEIS should be revised to make this information accessible to the reader as required under 6 NYCRR Part 617.
 33. The DEIS fails to provide any information as to how DOS determined the temporal distribution of the commercial waste trucks that would access DOS's facilities. Accordingly, the DEIS fails to provide any reasonable basis by which to judge DOS claims regarding the temporal distribution of commercial waste trucks or the intersections that would likely be impacted. Without this information, there is no way to determine if the routes selected by DOS are reasonable. For example, if the majority of commercial waste is delivered to the Hamilton Avenue MTS originates in lower Manhattan, the trucks routes and intersections impact will be significantly different than if the waste was being delivered from parts of Queens or Southern Brooklyn.
 34. The DEIS and converted MTS permit applications state that there will be "upset" conditions when facilities will operate well beyond the capacities evaluated in the DEIS or the conditions set forth in the permits to convert the Marine Transfer Stations. The DEIS should disclose how often these "upset" conditions will occur due to planned disruptions of residential collection due to holidays and other events and how many "upset" days will likely occur due to unplanned conditions, such as snow storms. The impacts that would occur during these upset conditions should be evaluated.
 35. The DEIS must include a technical appendix containing the data and methodologies used to determine the impacts of the proposed actions. This information is critical to ensuring that judgments and statements regarding impacts are being represented accurately. As seen in the CWS, DOS used a number of unsupportable assumptions and methodologies to claim there were no adverse impacts

180 East End Avenue
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January 18, 2005

Harry Szarpanski, P.E.
Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, New York 10004

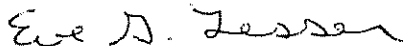
*Re: Comments on New York City Comprehensive Solid Waste
Management Plan Draft Environmental Impact Statement (New SWMP
DEIS)*

Dear Mr. Szarpanski,

I am enclosing a copy of comments regarding the proposed East 91st Street
Converted Marine Transfer Station which I had intended to make at the public
hearing on the New SWMP DEIS held on December 20th. Unfortunately, I did not
get a chance to speak before the hearing had to end at 9 pm. I would appreciate it
if you could please arrange for my statement to be submitted for review and
consideration by the Department of Sanitation as part of its preparation of a Final
EIS.

Thank you in advance.

Sincerely,



Eve G. Lesser

Enclosure

CC: Commissioner John J. Doherty

Testimony Prepared for the December 20th, 2004 Public Hearing on the New York City Comprehensive Solid Waste Management Plan Draft Environmental Impact Statement (New SWMP DEIS) for the East 91st Street Community

My name is Eve Lesser and I am here tonight to speak in opposition to the Department of Sanitation's plan to construct a new Marine Transfer Station on East 91st Street. My opposition to this plan is based on my experience running the Environmental Services investment banking franchise at Goldman, Sachs & Co. for over ten years. In this capacity, I worked with all of the major publicly traded municipal solid waste companies in the US as well as many smaller private haulers. Among others, my clients included the two largest garbage companies in the country: Waste Management with annual revenues of over \$11 billion and Allied Waste with annual revenues of close to \$6 billion.

I am extremely familiar with the solid waste market in the New York metropolitan area, having worked with both companies which are active in the commercial carting business, such as IESI, and with companies which provide disposal capacity for New York City waste, such as American Ref-Fuel. As a result, I am well aware of the many issues involved with trash disposal in the City and am deeply sympathetic to the challenges which the Department of Sanitation faces in this regard. I believe that the DOS's overall plan to change the method of waste transport is an appropriate approach to the long-term disposal problems faced by the city. I do not feel, however, that East 91st Street represents an appropriate location for a major transfer station given that it is in a densely populated residential area and is next to a major recreational facility.

In the course of my work with solid waste companies, I had the opportunity to visit many transfer stations. Thus, I have seen first hand the environmental hazards, such as odor, diesel fumes, windblown trash and vermin that are associated with even the best run facilities, which is why transfer stations do not belong in residential neighborhoods such as the Gracie Point community. Indeed, it is presumably to prevent these hazards from impacting the quality of life for city residents that the Department of Sanitation's own siting laws prohibit the construction of transfer facilities within 400 feet of a park or residence.

It is my professional judgment that no commercial garbage company would choose to build a new transfer station at the proposed East 91st Street site due to both liability and logistical concerns. Two of the most important factors that solid

waste companies take into consideration when seeking to construct new facilities are (1) the character of the neighborhood involved and (2) the nature of the traffic pattern in the immediate area. East 91st Street would clearly be disqualified as a potential site with respect to both of these criteria.

First, no responsible commercial company would attempt today to site a new transfer station in any residential neighborhood. Given the public health hazards associated with trash facilities, such as increased asthma rates, no company would want to take on the liability associated with building a new site in such a densely populated area as Gracie Point where, by definition, large numbers of people will be exposed to these hazards. Nor would any company want the negative publicity and financial liabilities associated with the inevitable accidents that will be caused by having a steady stream of sanitation trucks traveling to a transfer station located in a residential community. Indeed, if a development officer at Waste Management or Allied Waste were seriously to propose building a transfer station right in the middle of a recreational facility that serves thousands of people each year, such as Asphalt Green, he would, at a minimum, be laughed out of the room and, most likely, would be fired. To put it bluntly, no commercial company would want to take the risk of having one of their trucks hit a senior citizen crossing the street to swim at the Aqua Center or colliding with a school bus bringing children to play on the Astroturf. Yet the Department of Sanitation seems to be willing to take these risks with the health and safety of city residents.

Second, no commercial company would choose to build a new transfer station in an area as prone to congestion as the East 91st Street site. One of the most important considerations to any garbage company is how fast and efficiently it can get trucks in and out of a transfer station. Obviously, the faster it can turn a truck around and get it back on the street, the higher their capacity utilization and the greater the company's profit margin. Thus, commercial haulers pay particular attention to the ease with which trucks can access the site of any potential new facility. In all fairness, it is not easy in such a densely built area as Manhattan to find sites without any traffic issues. Yet, as any one who spends five minutes in the area can attest, the corner of York Avenue and East 91st street is already subject to greater than normal congestion due to (1) its location near the 92nd street South and 96th street North entrances to the FDR Drive, (2) the fact that it is just a block from where York Avenue narrows from three lanes to two lanes going North and (3) that it is right where the York Avenue bus routes begin and end so that the new articulated buses block off the entire street at regular intervals as they turn on and off of York. Add to this mix fifteen or more garbage trucks an hour trying to get in and out of a small ramp and the result is likely to be dramatic -- with bus, car and

truck traffic all slowing to a snail's pace. Furthermore, given the equally congested nature of the narrow side streets in the local area, routing the sanitation trucks away from York Avenue will not help matters unless the City is prepared to eliminate all parking on the side streets being used, which would clearly result in a further blow to the quality of life for residents in the neighborhood. Finally, no commercial company would be comfortable building a facility with only one source of access to the street. Just imagine what would happen to traffic if a garbage truck were to breakdown on the proposed facility's sole access ramp at 5:30pm in the middle of the peak evening rush hour! Clearly, the East 91st Street site does not have the type of rapid, easy in, easy out, 24 hour a day access that a commercial company would require before building a new transfer station which will cost \$100 million of shareholders' money. Yet the Department of Sanitation is proposing to go ahead and spend taxpayers' money in such a location.

In view of the human health, safety and logistics issues associated with the construction of a new Marine Transfer station at East 91st Street, I do not think that any commercial garbage company would consider the site to be an appropriate location for such a facility. It is incomprehensible to me that a public agency should be more cavalier about the welfare of the City's residents than a for-profit commercial entity. Particularly disturbing to me is my understanding that the DOS did not investigate any alternative sites to use before settling on East 91st Street. Indeed, it seems as if the DOS chose this site simply because it was easy for it to do so -- i.e., the Department already owns the site, it is zoned for manufacturing use and has an existing state permit. To my mind, these facts do not justify constructing the MTS here without first doing the work to see if there might not be a more appropriate site somewhere else in Manhattan -- one which would be less harmful to the health and welfare of so many city residents. While it might turn out that East 91st St. is, in fact, the best of all the alternatives available in Manhattan, for the City to have selected it without first investigating any other potential locations strikes me as being both a violation of the public trust and an example of extremely poor public policy in action.

Therefore, I would urge the Department to reconsider and abandon its plan for the 91st Street Marine Transfer Station.

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When I heard the city was coming out with a new 20 year Solid Waste Management Plan I got really excited because I thought here is an opportunity for the Department of Sanitation to provide the City of New York with really innovative solutions to deal with solid waste in a way which is both efficient and cost effective. Hope springs eternal for this environmentalist. But did DSNY take this opportunity? No it didn't. When I started to read the plan I found that DSNY had totally ignored the principles of the Zero Waste initiatives outlined in the recently published "Reaching for Zero" produced by the NYC Zero Waste Campaign and the Consumers Union Institute. To my mind it's a "no brainer", if you produce less waste then less money has to be spent to process it. Waste reduction should have a premier place in this plan and to ignore it is indeed folly. It is also doing a disservice to the taxpayers of the city. Ever increasing hauling, tip fee and landfill costs are a reality but these issues can be dealt with. The blue print for waste reduction is meticulously detailed in the publication mentioned above. The old "haul it away" mindset must be replaced by a "waste reduction mindset."

Along with the omission of waste reduction methodology comes the absence of discussion about alternative technologies. This is probably the most egregious omission of the plan. Who knows what advances will be made in the field of alternative technologies will be made in the next 20 years. Technologies that address waste reduction, technologies that would improve the handling of recyclables and technologies that could process waste in more efficient ways than hauling it off to some landfill. These technologies are out there and the failure of DSNY to seriously explore them is a major error in planning.

As I stated in my previous testimony before the City Council education should play a major role in this plan. EDUCATION, EDUCATION, and more EDUCATION! While all of us in the environmental community applaud the idea of increased recycling and adding items to the recycling mix we also feel that these efforts will not come to fruition without more public education. And by education I do not mean only sending out fliers to homeowners and television and newspaper advertising, these certainly have their place but I mean human people going out into communities and working with residents. These people have a name; they are called recycling coordinators and before they became extinct, they once existed in every borough. The last time the DSNY budget was approved I heard that the recycling coordinators would be reinstated, apparently this did not happen. The recycling coordinators could play a pivotal role in identifying the problems surrounding non-recyclers and working with those sectors that are currently having problems with their recycling programs or are not recycling at all. This would include high rise buildings and the New York City Housing Authority. The implementation of a small group of recycling coordinators would not cost the city a lot of money but could improve our recycling efforts to a great degree and thus prove to be a very cost effective measure.

In our increasingly diverse city there should be more emphasis in providing foreign language recycling information. Instructional fliers already exist in several languages but are not always readily available. Asian people in Bensonhurst, Brooklyn for example have complained to me about the lack of information in their languages, Chinese and Korean. Also information in Arabic seems to be in short supply or non-existent. Television spots on foreign language channels should be implemented. The spots I see are very good but they are in English. I think there are some in Spanish too but not in other languages.

Electronic Waste must be included in the plan. I attended two recent electronics recycling days that were co-sponsored by DSNY and the Lower Eastside Ecology Center. One in Brooklyn and one in Manhattan. They were very successful, collecting several truckloads of electronics for both reuse and environmentally safe disposal. The most frequently asked question was: "where can I drop off my electronics? Can I drop it off at DSNY garages, if I call DSNY will they pick it up?" People are frustrated that no program exists to pick up electronics on a regular basis. They don't want to throw it away they want to recycle it or safely dispose of it. There is a crying need for implementation of an ewaste policy by DSNY.

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THE COUNCIL
OF
THE CITY OF NEW YORK

SPEAKER

**STATEMENT FROM SPEAKER GIFFORD MILLER FOR THE 91ST STREET MARINE
TRANSFER STATION DRAFT ENVIRONMENTAL IMPACT STATEMENT HEARING
DECEMBER 20, 2004**

I am submitting this testimony tonight, delivered by my District Chief of Staff, Ms. Jessica Lappin, to reiterate my opposition to reopening the East 91st Street Marine Transfer Station and to address the Department of Sanitation's (DOS) Draft Environmental Impact Statement (DEIS) for the City of New York Comprehensive Solid Waste Management Plan.

As I have stated in the past, I am a proponent of using Marine Transfer Stations (MTS) for waste removal in New York City. In general, I believe that the city should be moving away from land based transfer stations. However, I also believe that zoning in this city should matter, and that the residential character of a proposed neighborhood should matter. As a result, I am opposed to the Mayor's plan to reopen any MTS in the heart of a densely populated residential neighborhood. I was opposed to reopening the facility at 135th Street for that reason, which is no longer part of the plan, and I remain opposed to the Mayor's plan to reopen the 91st Street MTS and wreak environmental and economic havoc on our community.

In terms of the DEIS, I would like to raise the following points. First, when the MTS at 91st Street was previously in operation, it received approximately 900 tons per day of residential trash during peak times. This meant that it was only in operation from 8AM to 8PM.

The new facility is expected to accommodate both residential and commercial waste and receive at least twice the tonnage it previously did, if not four times as much. According to the DEIS, that means the facility will operate from 8AM to 8AM. How can DOS argue in the DEIS that doubling the usage and running the facility 24 hours a day, 6 days a week creates no adverse environmental impact? That is both incomprehensible, and unacceptable.

In addition, the resulting impact on traffic, caused by nearly 800 truck trips to the neighborhood a day – all day and all night – will not only make York Avenue impassable and potentially unsafe, but contribute to a significant increase in noise and air pollution in the area. No realistic and enforceable solution is discussed.

The DEIS also fails to address the negative impact this facility will have on our local parks. As in the Draft Scoping Document, Carl Schurz Park and Asphalt Green are given cursory mention and are practically ignored in this document. As I have mentioned before, Asphalt Green employs 250 people, sees 675,000 visits a year, and donates free services to 12,000 individuals a year, many of them children from 47 different public schools throughout the city. Carl Schurz is the largest park exclusively located on the Upper East Side. Obviously, odors, air pollution, and truck traffic will impact upon these heavily used open spaces.

In closing, I believe that spending \$100 million dollars to build a MTS at 91st Street is bad policy and that more appropriate and sensible alternatives exist to deal with Manhattan's trash. I appreciate the opportunity to submit the testimony this evening, and I respectfully request that the content of these comments be reflected in the Final EIS.

CIVITAS

A Union of Citizens

1457 Lexington Avenue New York NY 10128-2506

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Statement made by CIVITAS Citizens, Inc. on December 20, 2004 at the Public Hearing on the Draft Environmental Impact Statement for the East 91st Street Converted Marine Transfer Station community.

Good evening. I am Gorman Reilly, President of CIVITAS Citizens, Inc.

CIVITAS, founded in 1982, is a not-for-profit, community based, all volunteer organization of some 2,000 supporters, concerned with urban planning, zoning and quality of life issues affecting East Harlem and the Upper East Side of Manhattan.

CIVITAS commends the Department of Sanitation for developing a citywide solid waste management plan that is comprehensive, long range and responsible. We agree that the disposal of solid waste generated by the city's 8,000,000 residents and many businesses is one of the fundamental obligations of municipal government. The existing program produces far too much traffic congestion and air pollution and has resulted in skyrocketing expense.

The Solid Waste Management Plan under review undertakes to meet head-on a difficult problem of massive proportions. We admire its strong emphasis on recycling, something the Mayor in the early days of his Administration retreated from. A second positive component is the Plan's commitment to long range planning as opposed to dealing with a series of crises as they arise with the implementation of ever changing remedies. By emphasizing barge and rail transport of solid waste and minimizing dependency on truck transport, the Plan promises a steep reduction in traffic congestion and air pollution. The third component of note is borough self-sufficiency. Although Manhattan has steadily lost its industrial districts, it still has the capacity to integrate various uses – residential, park, infrastructure, commercial and community facilities – into a workable plan for its extensive waterfront.

Having accepted the logic and the benefits to be derived from the citywide Solid Waste Management Plan, how does the proposed re-opening of the East 91st Street Marine Transfer Station fit into the overall scheme?

History provides some answer. Proponents of the Plan focus with some justification on the fact that the MTS operated continuously at East 91st Street for 50 years or more until the late 90s when the Staten Island landfill shut down. And, it is still licensed to operate as an MTS. To be sure, that is only a part of the relevant history. When the MTS was built the surrounding area was

zoned for manufacturing, as the historic asphalt plant structure, now adapted to recreational use, so dramatically documents. Over the past 50 years, a bright green playing field and an important recreation center have replaced industrial buildings east of York Avenue between 90th and 92nd Streets and apartment buildings have risen on York Avenue, now a relatively quiet street. But, manufacturing, auto repair and garages continue to thrive at many sites between York and First Avenue. In sum, the neighborhood is substantially different from the time when the MTS was built, although only incrementally different from when the MTS suspended operations 5 years ago.

Secondly, other areas of Manhattan are being impacted by the Plan. The proposed MTS for recycling to be built on the Hudson River at Gansevoort Street sits at the edge of a quiet residential area, the West Village, and intersects with the Hudson River Park. The proposed MTS for commercial waste at West 59th Street is not far from the residential development of the Trump organization; more residential development, closer to West 59th Street, is anticipated. It appears that the decision not to go ahead with an MTS at West 135th Street was dictated by considerations of "fair share" and environmental justice, specifically the presence in Upper Manhattan of the North River Sewage Treatment Plant and multiple garages for MTA buses.

Third, there does not appear to be an available, practical alternative, at least in Manhattan to the East 91st Street site. No other location of any significance has surfaced to become part of the public debate. We also have been given to understand that there is no additional capacity at the Essex incineration site in New Jersey, beyond what has already been committed.

This being said, the East 91st Street MTS should not be rebuilt until the legitimate concerns of the surrounding neighborhood have been taken into account. We address five of these concerns.

First and foremost is traffic. The Department of Sanitation's promise of no queuing on the streets - York Avenue - must be guaranteed and enforced. The measures outlined by the Administration to prevent such queuing do not strike us as sufficient. The width of the proposed rebuilt ramp at the point where it intersects with York Avenue will not allow for two-way traffic. Thus, at peak periods a bottleneck is sure to form at the most critical juncture and is likely to lead to trucks' idling and queuing on York Avenue. It seems prudent and rational to widen the new ramp for its full length, even if it should cause some small incursion on existing parkland to the south. The promised presence of a

Sanitation employee to manage traffic on the ramp at peak periods will be essential. During periods of heavy usage it will need to be supplemented by police presence at the intersection of York and 91st Street to ensure that all elements of traffic, including pedestrians, are safeguarded. Serious consideration must also be given during labor negotiations to implementation of staggered work shifts so that all of the loaded Sanitation trucks don't end up at the MTS at the same time

A second concern is protecting the surrounding neighborhood from deleterious impacts of noise, odors and toxic emissions. Consideration should be given to enclosing the truck ramp that leads from the street over the FDR Drive to the MTS, with suitable ventilation system incorporated into the design that will vent fumes away from the playing field and the Murphy Center. In addition, measures must be taken to insure that foul smells and harmful emissions from the MTS itself do not affect the playing field and nearby streets.

Third, the visual impact on the surrounding area must be addressed. At a minimum there should be an aesthetically pleasing barrier between the ramp and the playing field to block out any view of the trucks making their way to the MTS; it could also serve to blunt noises and foul smells. Given the care expended on the appearance of this recreation site, attractive plantings need to be integrated into any barrier construction and maintained thereafter.

A fourth concern relates to the Plan's program for handling commercial waste at the East 91st Street MTS. Examined purely as an economic matter, it makes some sense for the MTS to take in commercial waste in the evening hours when it would otherwise be idle. It is also true there would be a favorable environmental impact to the extent that unnecessary truck traffic to New Jersey and elsewhere would be lessened. However, these considerations need to be weighed against the residential character of this specific neighborhood. It would be unreasonable to allow a large number of commercial waste hauling trucks to ply their way to the MTS on this two-way street in the late evening hours. There should be a reasonable, fixed limitation on the total number of commercial trucks per day, a limitation on the number of trucks using the MTS in any given hour and a limit to the hours of operation. We suggest that the limit be set at no more than 30 commercial trucks per day and 10 or 15 commercial trucks per hour and that the MTS be closed for the receipt of solid waste during the hours from 11 PM to 7 AM.

A fifth and final concern relates to accountability. The impacted community must have the ability effectively to monitor the Department of Sanitation's performance at the MTS, especially during the early years of operation. At a minimum, reports as to hourly truck counts, daily amounts of solid waste processed, usage by commercial waste haulers and other relevant data should be provided on a weekly basis to a representative community organization such as the Gracie Point Community Council. Funds should be made available to the community organization so that it might hire a qualified consultant to review the data,

Just as a civilized society will take the necessary steps effectively to dispose of its accumulated solid waste, so too that civilized society will ensure that its residents will be able to enjoy a suitable quality of life.

Robert E. Roistacher
545 West 111th Street, Apt. 7J
New York, NY 10025

January 24, 2005

VIA FACSIMILE

Reference: Comment on the Draft Environmental Impact Statement of the New Solid Waste Management Plan, CEQR#: 03DOS004Y

Harry Szarpanski,
Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor Fax: (212) 269-0788

Dear Mr Szarpanski:

In responses to my previous comments suggesting the use of the Amtrak right of way, the department responded that the creation of a truck-to-rail facility was "inconsistent" with the development plans, especially for a new sports stadium, in the area between West 30th Street and West 38th Street.

However, sanitation facilities are proposed by the department in other areas no less consistent with such facilities. The department finds privilege to build a truck-to-barge facility within the Hudson River Park on the Gansevoort Peninsula and will use a roadway bisecting the playing fields of the Asphalt Green, a youth sports facility.

The department should consider innovative architecture to make use of the Amtrak right-of-way by building a truck-to-rail facility in part of the area now proposed as underground automobile garage under the proposed raised pedestrian way to be built on a platform over the Amtrak rails between 10th and 11th Avenues and north of 34th Street up to about 41st Street. Surely, in so vast an area, a creatively-designed facility could be sited.

Harry Szarpanski

Page 2

January 24, 2005

Certainly, such a facility would be more "consistent" with the commercial zoning of the area than the park and residential community to which they are respective adjacent

It is more than ironic that should no sanitation export facility be build in the proposed Far Westside development, other communities, already over-burdened, will have to take on the export of solid waste from the new and huge development

Yours sincerely,

Robert E. Prother

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January 24, 2005

Mr. Harry Szarpanski
Assistant Commissioner
New York City Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: New Comprehensive Solid Waste Management Plan and DEIS

Dear Mr. Szarpanski:

I am writing to comment on the Comprehensive Solid Waste Management Plan (New SWMP) and accompanying Draft Environmental Impact Statement (DEIS) on behalf of INFORM, a national non-profit environmental research organization. We appreciate this opportunity to comment on the plan, which will so greatly impact the environmental and economic future of New York City.

INFORM's Background

INFORM, for almost 30 years, has analyzed business and municipal practices, and innovative technologies and products that can reduce pollution and waste at their source. Two high priority research areas at INFORM have been: 1) evaluation of strategies for solid waste prevention and 2) assessment of alternative fuels and advanced propulsion systems for heavy duty vehicle fleets.

Our research has been widely used by government, business and environmental leaders in New York City and across the US in developing new policies and programs. Our comments on the SWMP and DEIS focus on: 1) how these documents deal with the impacts of waste collection and recycling trucks on the City's air quality, noise pollution levels, and quality of life, and 2) how their provisions could better protect the health of millions of New Yorkers and improve air quality in this region.

INFORM is uniquely equipped to comment on waste collection and recycling trucks since we are the nation's leading independent expert in this area, having prepared the first in-depth analysis of the US refuse truck sector in our 2002 report *Greening Garbage Trucks: New Technologies for Cleaner Air* which was heavily cited in the Waste Vehicle Technology Assessment section of the Commercial Waste Management Study (hereinafter WVTAS). Two of the major findings of

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INFORM's report were that refuse collectors deserve to be viewed as an extremely high priority target for pollution reductions and that, by shifting from diesel to natural gas truck technology, significant emissions and noise reductions can be achieved, thereby safeguarding New Yorkers (especially those who are most vulnerable—children and the elderly) from asthma attacks and from exposure to the toxic constituents in diesel exhaust. Every vehicle converted to natural gas also represents greater fuel security for DSNY.

INFORM's Five Key Recommendations for the New SWMP

We have five specific areas in which we believe modifications of the New SWMP can ensure that the City's 20-year plan best protects the health of New Yorkers and best ensures the City refuse fleet's energy security. These include the following:

1. The New SWMP needs a monitoring baseline for refuse truck emissions
2. DSNY's commitment to natural gas trucks for environmental and health reasons is vital, deserves specific goals, and is affordable
3. Fuel security is a crucial but overlooked factor in the New SWMP
4. The New SWMP should encourage and set the pace for commercial waste haulers
5. Innovative strategies involving single-stream waste collection in cities including San Francisco and Los Angeles or co-collection in Chicago, that are now dramatically reducing vehicle miles traveled, costs and, necessarily, fleet emissions, deserve to be explored for implementation in NYC.

I. New SWMP Needs a Monitoring Baseline for Refuse Truck Emissions

In our review of the New SWMP, we found that the plan lacks an overall strategy for monitoring emissions from the vehicles that are an integral part of the City's solid waste program. Further, we found that New SWMP and the accompanying DEIS lack a mechanism for tracking long term progress in vehicle emission reduction. While the long-term export program in the New SWMP reduces the number of miles traveled by DSNY collection trucks by using new transfer stations that will shorten many journeys, and potentially reduce the journeys of some commercial carters as well, substantial overall vehicle miles traveled (VMT) by these trucks will remain. Many currently operating land-based transfer stations experience queuing trucks, with attendant problems of idling emissions, noxious smells, and noise from the diesel engines. Historically, DSNY's marine transfer stations also experienced problems with truck queuing.

In sum, the proposed program will continue to have truck operations that produce significant emissions having an impact on the City's air quality and the health of its residents – emissions that will especially degrade the quality of life in neighborhoods that host transfer stations. The waste export aspects of the program will also mean truck operations and emissions outside the

City. So that the full impact of the New SWMP can be understood, we recommend that emissions both inside and outside of the City be quantified and a baseline emissions inventory be created for the Final Environmental Impact Statement (FEIS) for both the DSNY fleet and commercial carters licensed to operate in New York City. At a minimum, the FEIS should contain a list of DSNY fleet vehicles with the make, model and certification level for regulated pollutants of each vehicle. The table should be updated annually and made available to the public as new vehicles are purchased. This will allow interested parties to compare the fleet's emissions with emissions from the cleanest refuse trucks available for that model year. Estimated capital and maintenance costs for CNG and diesel vehicles should also be presented for comparison purposes.

II. DSNY's Commitment to Natural Gas Trucks for Environmental and Health Reasons is Vital and Deserves Specific Goals

We were pleased to see the New SWMP recommendations that are consistent with continuing DSNY's commitment to using Compressed Natural Gas (CNG) as a vehicle fuel. The current plan recommends that the DSNY should:

- Continue to pursue its CNG heavy-duty vehicle programs, so that DSNY will be able to take advantage of potential advancements in CNG technology and fuel cell technology
- Continue to develop partnerships with fuel suppliers, OEMs and infrastructure providers in order to help reduce the cost of implementing clean fuels programs
- Utilize government grants and economic incentives "to offset the higher costs associated with natural gas, hybrid electric and ethanol vehicles". (WTVA, p. 67)

However, the document actually commits DSNY only to evaluating the CNG trucks already in the fleet - 26 CNG refuse trucks, which represent just one percent of its 2,500 collection and recycling trucks. The document contains no commitments for additional purchases or for tracking emissions reduction progress. A specific vehicle purchase goal would provide crucial impetus for the DSNY to make further progress in its use of clean fuels.

We are aware that the DSNY has voluntarily implemented Ultra Low Sulfur Diesel (ULSD), and has experimented with various diesel retrofit technologies, including diesel oxidation catalysts (DOCs) and diesel particulate filters (DPFs). In May 2002, it released a report indicating that it is achieving particulate matter (PM) reductions equivalent to those achieved with CNG; that regeneration temperatures have been consistently reached, that failure rates are minimal or nonexistent, and that used filters are successfully disposed of by a contractor. However, the data shows very little nitrogen oxide (NOx) reduction and some fuel economy penalty. At that time, the program was testing 10 trucks equipped with DPFs and 35 trucks equipped with DOCs. The DSNY has not released any data on its program since May 2002.

We understand that, since 2002, the DSNY has expanded its DOC and DPF testing program to 170 vehicles. While the preliminary results that we saw were promising, we believe it is too early

to conclude that retrofit technologies are comparable to CNG in terms of emission reductions. As the DSNY continues to evaluate both CNG and cleaner diesel we believe that the DSNY should provide ongoing public reporting on the findings of vehicle testing programs. Even with the information on DSNY's broader sample, there remain several vital public health reasons for the agency to continue purchasing natural gas vehicles:

- 1) The newest CNG powered refuse trucks available today have NOx emissions that are 50% lower than those of conventional diesel trucks and PM emissions that are 80% or more lower, making natural gas vehicles assuredly the cleanest commercially available refuse trucks.
- 2) While the 2007 clean air regulations will require that diesel and natural gas engines meet the same certified emissions levels, we know that CNG trucks can meet these levels even today. There are still no guarantees, beyond the expressed intent of diesel engine manufacturers, that their engines with aftermarket treatment systems will meet the certification. Even if they do, experience with other pollution control systems leaves room for doubt regarding whether they will meet the certification levels once their aftermarket treatment systems begin to age. Whether the trucks will be consistently well maintained is also not guaranteed. Hence, it makes sense to make expanded use of an intrinsically less-polluting fuel, such as natural gas, which also contains fewer cancer-causing toxic constituents.
- 3) Since CNG engines have already demonstrated emission levels below the cleanest available diesel engines and the ability to meet the 2007 engine certification requirements with current technology, it is very likely that CNG engines will be able to certify at lower numbers still than their diesel counterparts in the coming years as well.
- 4) INFORM's research in this field has found that natural gas refuse trucks are consistently quieter than commercially available diesel trucks, particularly when they are operating at slower speeds or are idling. Because of this quality of life factor, cities including Washington DC, Amsterdam, Tokyo, Paris and Madrid are looking in this direction. Where practicable, Sanitation districts with the greatest density of residential units close to curbside and therefore the greatest sensitivity to collection truck noise should be given priority in utilizing quieter CNG vehicles.
- 5) At a minimum, in the near term, the DSNY should develop a CNG fleet that will take full advantage of the capacity of the new CNG fueling station it is building in Woodside and of the Keyspan stations in Greenpoint and Canarsie, all of which are capable of handling the fueling requirements of refuse trucks. INFORM's analysis shows that these three fueling facilities could accommodate up to 200 CNG refuse trucks with no additional infrastructure costs. The DSNY should be willing to review changes in operational procedures if necessary to make it easier to integrate the CNG trucks and utilize this existing infrastructure.
- 6) Given the DSNY's ability to have the vast majority of what would be incremental costs of buying natural gas trucks covered by federal economic incentives should make

expanding this CNG fleet eminently affordable. A discussion of these incentives, such as Congestion Mitigation and Air Quality (CMAQ) funds, should be presented in the FEIS.

Companies such as Clean Energy and Cummins-Westport have expressed interest in working with the DSNY to implement a cost-effective and reliable CNG program for the DSNY refuse truck fleet were the DSNY to commit to purchasing new CNG vehicles as older vehicles are retired. For example, Cummins Westport plans to introduce higher horsepower engines that are capable of meeting DSNY's needs. Clean Energy has, in other cities, been willing to absorb 100% of the costs of putting new refueling infrastructure in place, and to recoup these costs over time via a fee placed on the fuel sales. DSNY could work with engine manufacturers and infrastructure suppliers to design a network of fueling stations and a purchase program that will enable DSNY to maintain a growing portion of its fleet on CNG over the next 20 years and continue to assess and report on the program results.

Were the DSNY to embrace the goals of Intro Bill 414, which would require it to make 50% of its new refuse truck purchases trucks powered by natural gas, it would provide the private sector with a predictable level of vehicle sales and fuel purchases that would help lower the overall costs of implementation by guaranteeing the purchase of hundreds of vehicles and thousands of diesel equivalent gallons of natural gas fuel annually, thereby overcoming some of the DSNY's cost concerns with the implementation of a broader CNG vehicle program.

III. Fuel Security is a Crucial but Overlooked Factor in the New SWMP

Use of domestic natural gas also achieves one of this country's top national goals – reduction in transportation's reliance on foreign oil. While far too little focus has been given to date to this issue, it is becoming evident that the security of US oil imports is increasingly questionable. China and India – home to more than a third of the world's people – are rapidly industrializing, experiencing soaring oil consumption, and aggressively seeking to secure oil around the world to meet their future needs: from Peru to Venezuela, to the Sudan and into Russia. The trends in Asia are even now beginning to threaten the interests of all other users of the world's oil – none more than the US. In shaping a New SWMP that is charting the DSNY's course for the next 20 years, putting virtually all your eggs in the diesel basket, is not in the best interest of New Yorkers. Since the DSNY vehicles perform a key service for New York City's residents, it is important for the DSNY to have a reliable source of fuel and to plan for changes in future fuel supplies.

IV. The New SWMP Should Encourage and Set the Pace for Commercial Waste Haulers

The New SWMP states that “contracts with private waste companies will consider, as applicable, terms to achieve the following goals,” including using government grants for CNG trucks and exploring CNG as a future option. However, the document includes no specifics on how it will be done. (New SWMP, pp 5-10 to 5-11.) The Commercial Waste Study also recommended that private waste haulers should “in conjunction with infrastructure supplier and engine manufacturers, explore the future option of CNG heavy-duty refuse vehicles.” (WTVA, p. 68.)

INFORM's research of the commercial refuse truck sector in New York City has shown over the last year that most private waste haulers are reluctant to implement new fuel and emission reduction programs in the absence of requirements and that a lack of initiative by the DSNY sends the wrong message. The DSNY's CNG refuse truck initiatives can help show commercial haulers which technologies may work best on New York's streets. With experience, this important technology will continue to be refined. The DSNY should fully support the exchange of information with commercial carters regarding their experience with their truck performance and their emission reduction programs, such as regularly publishing their information or have forums for discussion of fueling technologies with the commercial carters.

Of great importance, the New SWMP should outline specific incentives for commercial carters to adopt CNG vehicle programs and ensure infrastructure that supports the implementation of CNG vehicles in order to achieve emission reduction goals.

The DSNY should also review the regulatory powers of the Business Integrity Commission to assess regulatory mechanisms that would improve the emissions performance of the commercial fleets, including incentives for CNG use. For example, a carter's commitment to utilizing at least 2004 model year clean diesel and/or CNG fleet technology should be taken into account in considering the carter's "character and fitness" qualifications for a carting license. The New SWMP should also consider methods of supporting the development of CNG infrastructure, in addition to a purchase commitment. For example, private transfer station operators under contract with the City could be required to develop CNG fueling stations and to provide incentives for refuse trucks using CNG, as could the City-operated MTSS.

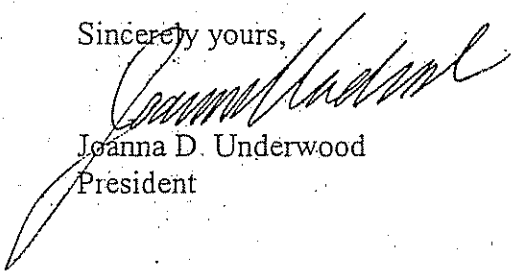
V. Innovative Strategies Involving Single-Stream Waste Collection in Cities including San Francisco and Los Angeles, or Co-Collection as in Chicago, that dramatically reduce vehicle miles traveled, costs and, necessarily fleet emissions, should be explored for Implementation in NYC.

In San Francisco, haulers pick up bagged glass, metal and plastics along with paper waste in one truck. They have found that this single-stream approach results in less glass breakage because the paper provides some cushioning, and that contamination problems for the paper are manageable. In Chicago trucks co-collect refuse and bagged recyclables, which, however, must be separated at central processing facilities that NYC currently lacks. By contrast, despite limited use of more efficient split-compartment recycling collection trucks, the DSNY's trucks typically make 10 trips down most neighborhood streets each week: six to pick up refuse on the different sides of the streets, two to pick up metals, glass and plastics and two to pick up paper. Using the more efficient single-stream or co-collection approaches that San Francisco and Chicago are using could dramatically reduce truck traffic and emissions. It could also reduce collection costs by tens of millions of dollars and help make recycling cost-effective.

A good chance to consider either single-stream or co-collection might be in conjunction with the planning now being done for the new Brooklyn waterfront facility.

The DSNY deserves to be commended for its hard work in crafting the New SWMP and the DEIS, particularly for its efforts to reduce VMT from the overall system. We believe that with the above modifications, the New SWMP can reduce the impacts of its truck traffic even more, with significant long term health and environmental benefits to New York's more than 8 million residents. We would be happy to provide more information on the points raised above if that would be useful.

Sincerely yours,



Joanna D. Underwood
President



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Natural Resources Protective Association of Staten Island Inc.

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Established 1977



January 12, 2005

Harry Szarpanski, Assistant Commissioner
New York City Department of Sanitation
44 Beaver St.
12th Floor
New York, NY 10004

Dear Commissioner Szarpanski:

**Re: Draft New York City Solid Waste Management Plan (SWMP)
Draft Environmental Impact Statement (DEIS)
Southwest Brooklyn Marine Transfer Station (MTS)**

Please accept the following comments on the above referenced project on behalf the Natural Resources Protective Association (NRPA) and NY/NJ Baykeeper ("Baykeeper"). Established over twenty five years ago, NRPA is a conservation and advocacy organization with a mission to protect, preserve, and restore the marine environment. Our members reside in the greater New York metropolitan area. Baykeeper is a conservation and advocacy organization working to protect, preserve, and restore the Hudson-Raritan Estuary.

As noted in the DEIS, a recently dismantled municipal waste incinerator occupied the site of the proposed Southwest Brooklyn MTS and a pier is present.

Comment No. 1 – Both the initial dredging and repeated maintenance dredging will result in bioaccumulation of toxins in locally caught fish and the people who consume them.

The MTS site abuts Gravesend Bay and the DEIS describes an abundance of finfish in the vicinity: Page 5-39 states that "A diverse finfish community exists at the Southwest Brooklyn Converted MTS" including "bay anchovy... weakfish... scup... windowpane... summer flounder... Atlantic herring... winter flounder... Atlantic butterfish... bluefish... and black sea bass". The same page mentions that the site "housed the greatest number of EFH (Essential Fish Habitat) species (8)" as well as the "larvae of four EFH listed species" and further notes that "Some of the highest finfish egg and larval densities and the greatest larval species richness were found at the Southwest Brooklyn MTS"

However, in order for the site to achieve it's stated purpose of transporting containerized municipal solid waste via barge, "dredging would be necessary to accept the retrofitted DSNY barges that would be used to transport the containerized waste. Dredging however will cause the upper organic silts to be disturbed to some degree resulting in re-suspension of the sediments. Because of the swift currents in the area, mitigation measures, such as silt curtains, would not be feasible". The site will also require ongoing, periodic maintenance dredging. The sediments that will be disturbed during dredging contain some particularly noxious substances. Chapter 5, page 5-36 of the DEIS states that surficial sediment in the vicinity of the proposed MTS "is characterized as light grey to grey sludge" and "grain size analysis... indicated the material to be 87.3% silt and clay. Sediment was found to be somewhat degraded... Lead had the highest concentration (106.33 mg/kg) followed by chromium, barium and arsenic (71.17 mg/kg, 62.42 mg/kg and 20.72 mg/kg respectively)."

The best available and most environmentally protective dredging method should be used, i.e. vacuum dredging. Without the appropriate dredging techniques, contaminated sediments in the project area are at risk of being re-suspended and re-distributed in the ecosystem and made available for uptake by aquatic organisms. Due to the content of the silt as well as the currents, a closed clamshell dredge will not be sufficient to ensure safety.

Amazingly though, the DEIS states that impacts will be "minimal". The waters in the vicinity of the Southwest Brooklyn MTS are well known for both recreational and commercial fishing. It is well established that toxins from silt can bioaccumulate in finfish as well as in the people who consume them. Since pelagic species (i.e. flounder, scup, etc) are involved, there will be increased bioaccumulation as time goes on. Although the area was periodically dredged in the past, that is no excuse for the practice of increasing exposure to toxins to continue.

Comment No. 2 – Toxins will deleteriously affect area biota.

Dispersal of silt and its associated toxins will deleteriously impact other biota in the area as well. There are harbor seals that frequent the area behind Toys R' Us immediately north of the site. The seals are probably attracted to the vast quantities of herring present in the water at certain times of the year. The Natural Resources Protective Association has video documentation of seals in that location as well as underwater footage of them diving for food.

Furthermore, Dreier Offerman Park is just outside of the one quarter mile radius. This seventy plus acre site is undeveloped parkland. It is a major Atlantic flyway for bird migration. A visit by the Brooklyn Bird Club a few years ago documented over twenty species of birds, including many that consume fish. Documentation of the species observed will be provided upon request. In addition, the New York State Department of Environmental Conservation (DEC) has spent several hundred thousand dollars at Dreier Offerman to establish habitat for Horseshoe Crabs. These animals cannot be farmed and their blood plays an essential role in sterility testing of medical products. As the DEIS notes, currents are "swift" and dispersal of the dredging contaminants to the waters around Dreier Offerman Park would be impossible to avoid.

Through the implementation of protective dredging measures, dispersal of contaminants would be lessened and the impact of the dredge project on local biota would be minimized, although not eliminated.

Comment No. 3 – The effects of constructing a three hundred foot steel sheet pile and rock breakwater should be evaluated in conjunction with other rock structures planned for the area.

Even more troubling is the prospect of the creation of a three hundred foot breakwater to protect the MTS. Residents of southern Brooklyn know all too well that the placement of masses of rock in local waterways has led to unimaginable consequences. Currently, there is severe shoaling within Gravesend Bay as a result of a groin constructed on the ocean side of the Coney Island peninsula. Furthermore, there are plans for the construction of five T-groins off the nearby community of Sea Gate as well as tentative plans in the Harbor Deepening Project (Project Application Number: DEC No. 2-6500-00053/00001) for the creation of rock reefs within Gravesend Bay. The continued destruction of bottom habitat needs to be addressed in terms of the CUMULATIVE effects of all of these projects. Therefore, we respectfully request that additional studies to determine the cumulative effects of a breakwater in conjunction with all of these other projects, needs to be done.

Comment No. 4 – Containers should be securely attached to barges.

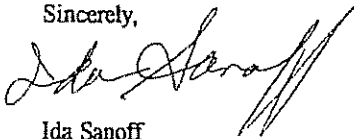
The DEIS notes that containers will be transported via flat bottom barges, but it does not indicate if or how the containers will be secured to those barges. It is well known that containers can and do fall off ships and into the water. There, they remain submerged right below the surface, where they can be hit by unsuspecting boaters. If such an impact resulted in damage to a container, there will be a huge quantity of floatable debris reaching local shorelines.

Comment No. 5 – Exactly what mitigation is proposed for environmental impacts and when will such mitigation occur?

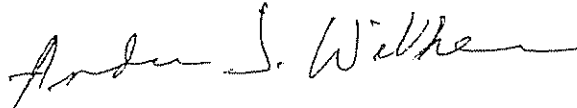
Page 5-62 states that "Mitigation for potential impacts would be proposed during the environmental review and permitting ...if required". We insist that at least ten acres of wetlands be replenished for every acre of bottom habitat destroyed. Furthermore, we insist on a solid time frame, with substantial penalties for any delays. When plans for construction of the Gateway Mall on the Vandalia Dunes were finalized in 1995, the EIS mandated remediation of White Island in Gerritsen Creek. Ten years later, no remediation has been done.

Thank you for your kind consideration of our comments.

Sincerely,



Ida Sanoff
Vice President, NRPA



Andrew J. Willner
Executive Director, NY/NJ Baykeeper

CC: Mayor Michael Bloomberg
Assemblymember William Colton
Assemblymember Adele Cohen
Councilmember Domenic M. Recchia, Jr.
Colonel Richard J. Polo, Jr., USACE
Thomas Kunkel, Director, DEC Region

Consumer Policy Institute

Consumers Union

January 21, 2005

Assistant Commissioner Harry Szarpanski
City of New York Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: The City of New York Comprehensive Solid Waste Management Plan and Draft
Environmental Impact Statement, October 2004

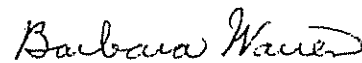
Dear Assistant Commissioner Szarpanski,

The Consumer Policy Institute of Consumers Union offers the attached comments on the New Comprehensive Solid Waste Management Plan and Environmental Impact Statement. We have been involved in New York City solid waste issues for over 8 years, serving as a technical advisor to the Organization of Waterfront Neighborhoods (OWN) and preparing the 2000 OWN/CPI report, *Taking out the Trash: A New Direction for New York City's Waste*. In June of this year we released a proposed 20 year Zero Waste Plan for New York City, with the NYC Zero Waste Campaign, *Reaching for Zero. The Citizens Plan for Zero Waste In NYC* with the hope that the Department would take its recommendations seriously.

Our comments are attached along with our Scoping comments originally submitted in July. We sincerely hope that the Department and the City will use these comments constructively to make amendments to the Final Plan that will put us on a more sustainable path. If you or your consultants have any questions, please feel free to call me at 845-754-7951 or 718-984-6446.

Thank you for your attention.

Respectfully,



Barbara Warren
Project Director

**Written comments of the Consumer Policy Institute/Consumers Union
on City of New York New Comprehensive Solid Waste Management
Plan and Draft Environmental Impact Statement, CEQR No. 03-DOS-
004Y October 2004**

The Draft Solid Waste Management Plan and accompanying Draft Environmental Impact Statement manage to advance a plan to improve the current situation with solid waste in the City of New York by planning to convert 4 MTSs for export of the City's waste, to possibly reconstruct a fifth for the containerization of commercial waste at 59th Street MTS, by planning a recyclable receiving facility at Gansevoort, by constructing a recyclable processing facility in Brooklyn under a contract with Hugo Neu, and by suggesting that the current inequities in the existing commercial waste system for overburdened communities might be addressed in the future.

We applaud all of this, however, the actual plans for addressing the overburdened communities are simply not present and there are no milestones in the SWMP that address this issue. While we are thrilled that a new recycling processing facility will be constructed we are disturbed that the Department has failed to advance other major zero waste initiatives. We have all been paying for the delays in instituting aggressive waste diversion since 1992. More delay is just unacceptable. To that end we would like to review some of the recent History of the Department in responding to issues of public concern. We think this history should tell the Department that working more proactively with the public might result in better solid waste management for the City.

History

The Department of Sanitation of NYC has a long history of making every effort to maintain the status quo for the Department, which is keeping the department picking up, handling and disposing of garbage. The Department's support of recycling has been begrudging and largely forced because of significant public outcry. The Department has failed to comply with the overall intent of the City's Recycling Law and has ignored the intent of planning requirements under the State Solid Waste Management Act. Instead the Department has gone through the motions of compliance producing poor solid waste plans and then often failing to complete important milestones. The intent of these laws was to have NYC shift its focus from disposal to sounder solid waste management methods—waste prevention or reduction, recycling and composting. However, over the course of the last 24 years, the Department has been largely intransigent, unwilling to advance and implement more positive programs for dealing with multiple solid waste crises. These crises included the lack of a modern sanitary landfill within NYC borders, inadequate recycling infrastructure and a substandard commercial waste system.

At the same time the public has insisted on being involved in solid waste issues and has refused to accept the sometimes unsound ideas advanced by the Department of Sanitation. The public has resoundingly said NO to incineration of garbage within NYC and finally Mayor Giuliani agreed, because of its economic costs. The public put sufficient pressure to require the closure of Fresh Kills, rather than the continued use of a

“landfill” that met none of the modern requirements for landfills. The public highlighted by the early 80s significant problems associated with private transfer stations in the City of New York—substandard facilities and equipment, clustering in certain neighborhoods, poor enforcement, truck traffic-- and has been fighting to be heard since that time. The public also rejected the idea of export using huge barge unloading facilities sited in the same communities overburdened by transfer stations

History tells us where we have been. It doesn't often tell us where we need to be in the future. However, we can learn some important lessons from a close look at recent history. The Department of Sanitation can continue business as usual – choosing to deny or ignore the solid waste problems that are confronting us, while simultaneously ignoring the public and their elected officials. What should be obvious from the recent history is that such a strategy will not work. Sanitation officials planned for another 20 + years of landfilling at Fresh Kills, while the public cried that we had a solid waste crisis in NYC and needed to stop being so dependent on landfilling. The Department invested millions of dollars to plan and build 5 incinerators and to create a huge ash dump on Staten Island—none became a reality. The public and the majority of City elected officials has maintained consistent support for the City's Recycling program and its expansion, but despite this support, the Department has been willing to regularly cut the recycling budget. The failure to build recycling infrastructure as recommended in the 1992 SWMP resulted in the recent recycling debacle in which the City claimed recycling was too expensive and had to be cut back. Over the years the public has been more right than wrong in pointing out where improvements have needed to be made in New York City's solid waste system. Yet the same pattern of unresponsiveness to the public is evidenced in these SWMP and EIS documents. For example the Department of Sanitation obviously chose to conduct an improper review of the commercial waste system. That commercial waste study was grossly deficient under the City's own criteria for such a review, yet that study forms the current basis for some sort of reform of the commercial waste system. In 1996, the commercial waste system of transfer stations was in crisis because inadequate facilities had been allowed to set up operations with little agency involvement in proper permitting. Under the influence of organized crime for years, these substandard transfer stations were sold to large waste companies when NYC “cleaned house.” Yet that commercial waste system was the system that would in 1997 with the pending closure of Fresh Kills be enlisted to also package and export municipal waste from the City, thus magnifying the problems. The Department of Sanitation chose to deny as early as 1996 when closure of FK was announced that there was a problem with the existing private transfer stations, their clustering and their impacts on communities. Failing to even acknowledge a problem does not lend much hope for its eventual resolution.

Since 1996, the City of New York has also failed to appropriately plan for the closure of Fresh Kills by planning for and investing in alternatives to disposal. All five Boroughs and the City Council completed plans that called for significant expansion of programs aimed at waste reduction, recycling and composting. Yet since 1996, the City of New York has arranged with the Governor and the State DEC to evade the planning requirements of the State Solid Waste Management Act. In the year 2000, the Department opted to only complete an Export Plan and promised to complete a more

comprehensive solid waste management plan in 2004. Under the guise of needing to rapidly move forward on export, the export plan was approved in the Fall of 2000. Almost immediately that plan failed because of its dependence on a single facility—the Linden EBUF.

2004

In preparation for the release of the City's Solid Waste Management Plan, Consumers Union along with the NYC Zero Waste Campaign released *Reaching for Zero: The Citizens Plan for Zero Waste In NYC*. This plan utilized the basic format of the 1992 Solid Waste Management Plan to convey our overall recommendation that the City adopt ambitious goals to reduce the waste stream, and to reuse, recycle and compost the remainder of the waste stream, eventually reaching a zero waste goal in 2024. In addition, our plan was quite detailed about the specifics of what needed to be done in terms of infrastructure for reuse and composting, educational programs, economic development, transportation, and others. We advanced an ambitious program expecting that the City would be preparing a Comprehensive Solid Waste Management Plan. Important social goals are advanced by the adoption of a zero waste goal—less waste translates to fewer community impacts from the handling of mixed waste; composting, recycling, reuse and remanufacturing create jobs in NYC; diversion and diversity in solid waste options reduce overall costs preserving City funds for other City programs.

Unfortunately, in spite of earlier promises, we did not receive a Comprehensive Solid Waste Management Plan this year. The plan is sketchy or vague, conveying the Administration's intent, but with almost no clear steps or details for carrying out the plan. The Environmental Impact Analysis evaluates only those facilities or options that the City chose to evaluate. Important subjects that should be part of any comprehensive plan were not evaluated at all—sound alternatives to export, long term export costs, comparative analysis of disposal to other solid waste options, the absence of competition in the waste industry, elements of the long term disposal contracts, and others. We wish to repeat that the Department made a commitment to the public and to City Council in 2000 that this 2004 plan would be a Comprehensive Solid Waste Management Plan with thorough evaluations of all options. That promise has not been fulfilled, but more importantly the Department has violated the State requirements as mentioned in our comments on the Scope:

The most important legal authority and requirements for a proposal described as a "*New Comprehensive Solid Waste Management Plan*" are contained in New York State's environmental conservation law and the implementing regulations for solid waste management plans, 6 NYCRR 360-15. In brief a "plan must take into account the objectives of the State's solid waste management policy set forth in section 27-0106 of the ECL and provide for the management of all solid waste within the planning unit for at least a 10-year period. It also must reflect and employ sound principles of solid waste management, natural resources conservation, energy production and employment-creating opportunities."

Also disconcerting the Department of Sanitation and the Economic Development Corporation devoted considerable effort to soliciting information and evaluating New &

Emerging Technologies The definition of New & Emerging Technologies specifically excluded well-tested and available technologies. Once again at a time when the City faces a future where disposal costs are tied completely to multinational waste companies, that have in the past engaged in non-competitive practices, the City, instead of evaluating well tested and available technologies for adoption here, goes off on an almost irrelevant tangent. What is the purpose in knowing about technologies that might be commercially available in ten years when we have a particular crisis right now. We have testified to the problem of relying on company sales personnel for information about a new innovation. In fact this study found that 10 technologies dropped out of the phase one screening and 19 dropped out of the second level screening, leaving only 14 remaining. This illustrates our contention that upon closer examination many technologies no longer look very good. Many of the high tech remaining solutions are very expensive, costing roughly equivalent to incinerators—the most expensive solid waste option today (unless a city avails itself of another communities' capacity). In *Reaching for Zero*, we specifically limited ourselves to methods and technologies that are widely in use and commercially available- choosing those that have fewer environmental impacts and are proven. That is the reason we recommended composting and anaerobic digestion. Incineration has a host of serious environmental problems and newer thermal technologies have not been demonstrated to eliminate these same problems.

In addition to not examining readily available technologies, the City specifically rejected looking at composting claiming that the City had studied composting extensively for an earlier report. In fact when you examine that report you learn quickly that there was a single method studied by the Department -- static pile composting—as done by various companies. Composting and anaerobic digestion should be actively pursued by the Department in the immediate term. Too many years have been wasted while the Department was supposedly engaged in studying composting. Currently DSNY diverts only about 4% of the 1 million tons of organic material that it collects.

We learned the painful way about what happens when we fail to invest in infrastructure focused on diversion. We almost lost our recycling program because of the lack of adequate recycling processing capacity.

Overall, what is needed with this most important Comprehensive Solid Waste Management Plan is a vision, a vision that lays out where we want to be in the future, acknowledges existing problems, sets key goals to solve those problems, and then carefully assesses what must be done to achieve that vision.

The following Key Elements should have been part of the SWMP, its development and eventual adoption:

- **An overall vision of where NYC's solid waste system should be. At minimum that vision should encompass economic and environmental sustainability as well as social responsibility and equity.**

- There are two key problems that make handling solid waste unsustainable for the long term- economically, environmentally and socially.
 - 1) Private waste system--substandard facilities and operations clustered in certain communities. This same system is now also handling municipal waste for huge total waste quantities.
 - 2) Too exclusive a focus by DSNY on waste disposal; thus preventing investment in alternative infrastructure and programs, including those that would in the first instance prevent the generation of waste.
- A set of goals and objectives
- A factual basis and detailed analysis of all options
- A set of criteria to be used to evaluate the possible options.
- Complete public disclosure of the decision- making process.
- Careful consideration of public input
- Detailed plans that reflect the vision, goals and objectives, criteria, the facts and public input

Our contribution to solid waste planning has been substantial. The Consumer Policy Institute advanced a vision for NYC's solid waste system in releasing with OWN, *Taking out the Trash: A New Direction for New York City's Waste, 2000*. Then in 2004, The Consumer Policy Institute in conjunction with the NYC Zero Waste Campaign released *Reaching for Zero: The Citizens Plan for Zero Waste In NYC*. Both of these plans contained goals and objective and concrete recommendations for the City's consideration in preparing its plans.

In our comments on the Scope for the SWMP we recommended a more comprehensive outline for the SWMP and that DSNY adopt and use a set of criteria in evaluating the components of the proposed solid waste management plan. These criteria are again provided below. We are disappointed that the Department has not given our reports and the following criteria more consideration in the final plan and EIS :

- Providing for a waste system for the long term that is sustainable- economically, environmentally and socially (For example, the cost of interim export has increased 91% since 2000; these cost increases are clearly unsustainable)
- Maintaining critical City infrastructure in municipal hands
- Pursuing multiple options for waste management rather than putting all the "eggs in one basket" (The failed Linden EBUF proposal is an example of this.)
- Ensuring that adequate competition is present, which is important given the consolidation in the waste industry
- Correcting the inequitable burdens of solid waste in NYC; ensuring social equity for both burdens and benefits of the overall solid waste system and the SWMP

- Ensuring that the plan and its components are environmentally sound; including giving preference to waste prevention, reuse, composting and recycling as preferred solid waste management methods.
- Preventing environmental impacts to the greatest extent possible in all areas, but particularly for NYC's most serious environmental problems—air quality, traffic and solid waste impacts
- Evaluating cost effectiveness thoroughly across all options including existing and future costs and trends
- Providing a long term disposal plan that will allow the City flexibility to improve its waste diversion programs and preserve landfill capacity rather than lock us into wasting far into the future
- Prioritizing investment within NYC in alternative waste infrastructure and programs (waste prevention, reuse, recycling and composting) for economic development and jobs.
- Planning for converted MTS facilities that will allow flexibility for the City to use them for the movement of recyclables and compostables
- Prohibiting an expansion of waste handling capacity in NYC as a result of any proposed movement of commercial waste and recyclables through converted MTSS; instead linking commercial use of MTSS to reduced capacity in the private system.
- Improving substantially the substandard conditions of the commercial waste system and its transfer facilities and the inequitable burdens to some communities with real, comprehensive solutions that the City intends to implement (See *Taking out the Trash* p. 35-36.)
- Advancing specific plans to address the Manhattan problem—the creation of large volumes of commercial waste, little infrastructure for waste handling, traffic congestion and severe air pollution (See *Taking out the Trash* p 34-35.)

Key Negative Elements of this Solid Waste Management Plan and EIS

- The failure to comply with planning requirements of the State Solid Waste Management Act, which requires that all reasonable options be examined for handling waste with preference to waste reduction, recycling and composting. The State Solid Waste Management Act and its planning requirements do not allow the City to only evaluate “the reasonable Alternatives that were considered.” This statement which appears in the Executive Summary, Section 3.0 Proposed Action, is absurd. With this simple statement, the absurd world of government as seen in *Gulliver's Travels*, becomes operative in NYC—allowing DSNY to structure its analysis of alternatives to suit its fancy. However, this is not in compliance with the law.
- The continuation of the interim plan for export of DSNY- managed Manhattan waste—perpetuating the traffic and air pollution burden identified when the interim plan was first announced. Simultaneously failing to analyze in the EIS the environmental and public health impacts of making this interim plan permanent. Since DSNY claimed the interim export plan was only temporary, the limited

environmental analysis was accepted at that time. However, making a temporary plan permanent requires more than a analysis of the increment or increase in the number of trucks over the interim plan. The entire number of trucks – over 200 -- used for export should be used to analyze the air quality impacts.

- The absence of clear steps related to how and when the 59th St MTS would be brought on line for commercial waste. There is the absence of a detailed plan for actually reducing commercial waste capacity in overburdened communities as MTS capacity is brought on line. Commissioner Doherty gave particularly disconcerting testimony to the City Council Sanitation Committee on January 18, 2005, that provided no details but portrayed negotiations with industry as extremely difficult with the City in a very weak position and a very uncertain outcome. He further mentioned a possibility of a 2-step process whereby after negotiations around 59th St. are finished with the industry that DSNY might seek additional authority from the Council to then actually reduce capacity in overburdened communities. Such a 2-step plan puts the City in a weakened position with industry, which stands to gain millions of dollars in lucrative export contracts, and will effectively close the door on serious reductions in waste capacity and facilities in overburdened communities. Such a plan is unacceptable.
- Serious inequities are perpetuated in certain communities. The South Bronx is one primary example. Waste facilities not regulated by DSNY were not included in the environmental impact analysis for the South Bronx. The sludge dewatering plant is a regional facility—one of several in NYC. The sludge processing plant is the only sludge processing facility in NYC. Yet these facilities were not included in the EIS. Already under the interim contracts the Bronx is handling more than its own waste as the DSNY diversion reports clearly show. All Bronx CDs only produce approx. 1500 TPD of DSNY managed waste, yet according to the EIS, DSNY has provided 2400 tons of waste to two private firms under the interim contracts. Even including a reasonable portion of the additional citywide 1500 tons per day that is not broken down by district, would only bring the Bronx to approximately 1800 TPD of DSNY collected waste.
- The absence of detailed steps or milestones for certain elements of the plan are particularly problematic. There are no such milestones for correction of the inequities associated with the commercial waste system. As a result there can be no environmental impact analysis for this aspect of the plan. The Commercial Waste Study which was wholly inadequate, failing to meet SEQRA requirements, forms a poor basis to move forward with corrections in this system.
- There is inadequate or no environmental impact analysis for certain aspects of the plan. As a result there are no plans for mitigation of the impacts certain to arise. For example, the proposal for another intermodal facility at the Harlem River Yard, involves according to DSNY a nondiscretionary permit, and would add to the current inequities experienced in the South Bronx. DSNY also chose to not analyze the air impacts of the HRY intermodal facility and propose mitigation. In

fact, NYC has been declared nonattainment for PM 2.5 by the federal EPA. A large portion of this fine PM is known to come from diesel exhaust, a very hazardous mixture. Yet there is no proposal to require cleaner fuels and retrofits of the diesel equipment used on site. DSNY should be recommending that the Council expand existing legislation pertaining to the retrofit of nonroad construction equipment to include all diesel equipment used at waste facilities and intermodal yards in the City. There was also no environmental impact analysis associated with current rail service in NYC and what arrangements the City will be making with rail providers to ensure that waste trains move out of the railyards as quickly as possible and do not stand in summer heat for days at a time.

- The City should be committing to state of the art facilities with proper design, and the best equipment to prevent impacts for all waste facilities in the City of New York- public and private. This should include diesel retrofits for nonroad equipment at all waste facilities.
- The failure to prepare a thorough cost analysis for the long term plan which takes into account rising waste disposal rates and industry consolidation. In June, when we released our report, *Reaching for Zero*, we pointed out that total disposal costs including transfer costs had risen by 91% since the City first started exporting garbage. We pointed out that in terms of economics this represented a clearly unsustainable situation. Previously in 2000 we described the considerable consolidation in the waste industry, with 2 major multinational companies owning the majority of the disposal capacity and the potential for ever increasing costs. DSNY has acknowledged this problem of self-interest and inadequate competition associated with these waste companies, yet plan to deliver up the major portion of the waste stream to these private companies under private contracts.
- The failure to plan for purchasing or developing long term landfill capacity. At minimum we should have 20 years of landfill capacity. We have had no report from the Department on their efforts to study this issue.
- The failure to disclose to the public the broad outlines of how these contracts would be structured to protect the City's interest. Will they be written as "Put or Pay" contracts that will prevent the City from developing and expanding sound alternatives like composting and recycling, because they will require that the City pay for 10,000 tons of waste, whether or not DSNY delivers that amount to the private contractors? At a minimum, the SWMP and the EIS should have discussed the options, disclosed the Administration's intent and elements of the contracts that will protect the long term public interest
- The City also failed to analyze all available options for handling $\frac{3}{4}$ of the waste stream in another way other than disposal as required under the State Solid Waste Management Act and the planning requirements. Will the City write the contracts in a way to encourage and reward recycling?

- DSNY failed to plan for an organized system for diverting loads that contain large quantities of recyclables or other inappropriate material from being handled and paid for as waste. In the past this has meant that cardboard and furniture and rocks from lot cleaning, has become waste instead of being recycled.
- DSNY failed to what will be done with the large amounts of fill material that are currently recycled at Fresh Kills as landfill cover and road material. Once Fresh Kills is fully closed not only will that material not be recycled there, but it will need to be handled somewhere.
- DSNY failed to examine at all a major theme of our *Reaching for Zero* report, that the City should invest dollars within NYC—creating industries that use our waste materials to manufacture new products, adding jobs and fueling our economy—instead of exporting dollars out of the City along with our mixed waste. The City completed almost no cost analysis for this plan and its direct costs. Analysis of the benefits and costs of choosing an economic development path are completely absent.
- DSNY failed to raise the bar for the kind of waste facilities it has planned for the future. The best technology and equipment should become standard operating procedure for all waste facilities in the City- whether City or privately owned. This will address some of the opposition the City encounters when trying to site certain operations. To date the large waste companies have made only minimal capital investments—acquiring substandard facilities at favorable costs. Now is the time to require more from an industry that is making millions of dollars in profit in NYC.
- DSNY has a variety of options for handling the huge quantity of waste generated in Manhattan. It can plan for adequate infrastructure to move mixed waste or it can devise ways to expand recycling and reuse programs to handle larger quantities of material, thus reducing waste that must be exported. We delineated a number of these programs in *Taking Out the Trash* and *Reaching for Zero*

Written comments of the Consumer Policy Institute on the Draft Scoping Document for the City of New York Comprehensive Solid Waste Management Plan Draft Environmental Impact Statement, CEQR No. 03-DOS-004Y May 2004

I A Comprehensive Solid Waste Management Plan should be presenting a plan for the next 20 years, that complies with state waste management policy and prioritizes waste reduction, reuse, recycling and composting. The draft scope does not reflect such a comprehensive plan, but instead an outline for an export program.

The Introduction to the Draft Scope appropriately describes the action as the preparation of a Draft EIS to support the adoption of the City's Comprehensive Solid Waste Management Plan for the next 20 year planning period. From this point on the document makes a serious and fundamental mistake – it focuses on a narrow component of what is supposed to be a COMPREHENSIVE SWMP; it focuses on long term export alternatives and the facilities needed to prepare the City's waste for shipment.

It is entirely possible, completely reasonable and even required by NYS Law and state implementing regulations for the City to produce a 20 year Comprehensive Solid Waste Management Plan, which covers all aspects of current and future solid waste management including alternatives to disposal—waste prevention, reuse, recycling and composting—while simultaneously evaluating the facilities needed for long term export.

We applaud the fact that the City is finally proposing to containerize trash at the City's existing marine transfer stations and transport containers to rail or ship in order to accomplish cost-effective disposal. We agree that this plan achieves several important objectives: more equitable distribution of waste handling facilities, more environmentally sound transportation of the waste by barge, rail or ship, and greater City control of the transport infrastructure by keeping converted MTSs under public ownership.

However, a Comprehensive Solid Waste Management Plan should contain a Section dealing with Long Term export and many other sections that thoroughly cover waste diversion strategies as well as the detailed steps and necessary infrastructure the City proposes for the next 20 years. Instead this scope reflects a plan for the next few years to reconstruct facilities that are needed only to enable long term export.

A 20 –year Solid Waste Management Plan can and should comprehensively deal with waste diversion options and analyze overall or generic environmental impacts for the entire 20 year plan, while also planning for the immediate reconstruction of MTS facilities and completing specific Environmental Impact Statements for the proposed facilities. The scope or outline presented however does not represent a Comprehensive Solid Waste Management Plan but merely a component of an export plan.

For support of our position, we reference the following from documents attached to the Draft Scope:

- *"The New SWMP will chart New York City's solid waste management efforts for the next twenty years. In addition to continuing programs designed to reduce, reuse, prevent, recycle and compost solid waste, a key component of the proposed New SWMP is the development of state of the art Marine Transfer Stations constructed at up to eight of DSNY's existing MTS sites." Letter from Commissioner Doherty to elected officials, involved agencies and interested parties, NYC New Comprehensive Solid Waste Management Plan SEQRA/CEQR Notice of Determination (Positive Declaration) May3, 2004. (Bolding for emphasis is ours)*

This notice of determination tells us clearly that the New SWMP we should expect is a comprehensive one and that the plan to develop state of the art Marine Transfer Stations is a component only of that comprehensive plan. The notice of determination should not tell us one thing and then be accompanied by a Scoping Document that fails to have any chapters devoted to waste diversion strategies. We expect that the New Comprehensive SWMP, in accordance with the SEQRA/CEQR Notice of Determination will thoroughly cover existing programs to reduce, reuse, prevent, recycle and compost solid waste and also contain detailed recommendations for expanding existing programs, including the needed infrastructure for composting, reuse and recycling facilities. Some of this needed infrastructure is long overdue, having been promised in the 1992 SWMP.

- The name of the proposal is the *"New Comprehensive Solid Waste Management Plan"*. CEQR Environmental Assessment Statement p. 1.

In the EAS, the proposal is not listed as either "Development of state of the art Marine Transfer Stations" or a "Long term Export Plan." Therefore the City needs to be completing a *New Comprehensive Solid Waste Management Plan*.

- The EAS references the NYS Department of Environmental Conservation as necessary for Solid Waste Management Plan approval.

The most important legal authority and requirements for a proposal described as a *"New Comprehensive Solid Waste Management Plan"* are contained in New York State's environmental conservation law and the implementing regulations for solid waste management plans, 6 NYCRR 360-15. In brief a "plan must take into account the objectives of the State's solid waste management policy set forth in section 27-0106 of the ECL and provide for the management of all solid waste within the planning unit for at least a 10-year period. It also must reflect and employ sound principles of solid waste management, natural resources conservation, energy production and employment-creating opportunities." As drafted the Draft Scope contains none of the elements of the state's policy for sound solid waste management. It talks only about a long term recyclable processing contract, failing to examine the full range of alternative waste options.

II We recommend the following Scope or Outline for a Comprehensive Solid Waste Management Plan:

Chapter 1 Existing Conditions

Current Waste Management in the City of New York, residential, institutional and commercial

Waste Composition

Facilities, Processing, Transportation for all types of waste

Waste prevention, reuse, recycling and composting—tonnage or percentage of the waste stream each method could potentially handle, existing programs and the amounts handled under existing programs

Chapter 2 Setting a Zero Waste Goal for the Long term – the next 20 years

Review of recommendations advanced by public interest organizations and City officials over recent years, especially *Reaching for Zero The Citizens Plan for Zero Waste in NYC(2004)*, but also each of the Borough Plans and the City Council Plan from 1997.

The City and DSNY are welcome to adopt any of the detailed recommendations contained in *Reaching for Zero*. It was written as a Solid Waste Management Plan with detailed implementation steps listed for each year and each period—Near Term through 2009, Intermediate Term through 2014 and Long Term through 2024.

Chapter 3 Investing in Waste Prevention, the least expensive waste management method

Detailed implementation steps for expanded waste prevention and reduction programs

Chapter 4 Tackling Reuse in a Serious Way

Detailed implementation steps for expanded reuse programs and facilities

Chapter 5 Improving Recycling and Making it more efficient

Detailed implementation steps for expanded recycling programs and facilities

Chapter 6 Expanding Composting in NYC

Detailed implementation steps for expanded composting programs including state of the art composting facilities

Chapter 7 Ancillary Benefits of Waste Diversion

Economic Development

Analysis of the economic benefits of investing in zero waste programs in NYC—keeping dollars within NYC, creating industry and new jobs.

Chapter 8 Improving the Commercial Waste System in NYC

This chapter would delineate the City's plan to correct long standing problems with this private waste system and its facilities, ie , siting regulations, operational regulations

Chapter 9 Long Term Export

Options for Long Term Export including look at what other jurisdictions are doing

Costs and Benefits of Various Export Options

Proposed Export Plan & Conversion of MTS sites

Use of MTSS for commercial waste handling and the closure of existing substandard private waste transfer stations

Measures to prevent or mitigate environmental impacts

Chapter 10 Draft Environmental Impact Statement

Generic EIS for the overall 20 year SWMP

Generic EIS for the overall Export Plan

Site-Specific EISs for all of the City facilities in the Plan ie., Converted MTSS

III Also critical to an adequate analysis of various options for managing NYC's solid waste is a set of important criteria or objectives from which to conduct the comprehensive evaluation. Unfortunately, the current scoping document contains no such set of criteria or objectives.

Failure to identify such criteria and to evaluate all SWMP proposals including those for export with these in mind could result in substantially higher costs for the City. These costs include direct monetary costs, the loss of important benefits, such as those from economic development, energy costs, environmental costs, social equity and community quality of life costs. Without a set of criteria for evaluating the SWMP and its detailed proposals, the Department could end up producing a document with a set of disconnected analyses that enlighten no one.

Both *Taking out the Trash. A New Direction for New York City's Waste* (OWN/CPI 2000) and the just released *Reaching for Zero: The Citizens Plan for Zero Waste In NYC (NYC Zero Waste Campaign/CPI, 2004)* discussed the set of criteria or objectives that should be a critical component of the review of any solid waste management plan in NYC. We enclose both documents to be made a part of the record. However, critical criteria, discussed in these documents, include the following:

- Providing for a waste system for the long term that is sustainable- economically, environmentally and socially (For example, the cost of interim export has increased 91% since 2000; these cost increases are clearly unsustainable)
- Maintaining critical City infrastructure in municipal hands
- Pursuing multiple options for waste management rather than putting all the "eggs in one basket" (The failed Linden EBUF proposal is an example of this.)
- Ensuring that adequate competition is present, which is important given the consolidation in the waste industry

- Correcting the inequitable burdens of solid waste in NYC; ensuring social equity for both burdens and benefits of the overall solid waste system and the SWMP
- Ensuring that the plan and its components are environmentally sound; including giving preference to waste prevention, reuse, composting and recycling as preferred solid waste management methods.
- Preventing environmental impacts to the greatest extent possible in all areas, but particularly for NYC's most serious environmental problems—air quality, traffic and solid waste impacts
- Evaluating cost effectiveness thoroughly across all options including existing and future costs and trends
- Providing a long term disposal plan that will allow the City flexibility to improve its waste diversion programs and preserve landfill capacity rather than lock us into wasting far into the future
- Prioritizing investment within NYC in alternative waste infrastructure and programs (waste prevention, reuse, recycling and composting) for economic development and jobs.
- Planning for converted MTS facilities that will allow flexibility for the City to use them for the movement of recyclables and compostables
- Prohibiting an expansion of waste handling capacity in NYC as a result of any proposed movement of commercial waste and recyclables through converted MTSs; instead linking commercial use of MTSs to reduced capacity in the private system.
- Improving substantially the substandard conditions of the commercial waste system and its transfer facilities and the inequitable burdens to some communities with real, comprehensive solutions that the City intends to implement (See *Taking out the Trash* p. 35-36.)
- Advancing specific plans to address the Manhattan problem—the creation of large volumes of commercial waste, little infrastructure for waste handling, traffic congestion and severe air pollution (See *Taking out the Trash* p. 34-35.)

The ultimate plan with its facilities and programs must reflect the above criteria at a minimum.

IV The scope of the Long Term Export Plan and EIS is deficient, failing to adequately analyze a number of important options.

- **The City should be seeking to purchase a total amount of landfill capacity** rather than a contract to take a certain amount of garbage every day. The contract should enable the City to use the capacity over a very long time period—50 years. This would also enable the City to invest in programs that significantly divert waste because the benefits in preserved landfill capacity would be quite clear.
- **When evaluating the MTS sites, the City should be looking at all available adjacent and nearby city land, and not constrain what is possible at the sites by limiting the land boundary and buildings available.**

A number of the City's MTS sites have adjacent City property and facilities, that could be located elsewhere. The proposed analysis of the MTS sites fails to include this available land, thereby constraining the analysis of options to a more limited site boundary. Each MTS site needs to be more closely examined and consideration given to moving some of the other facilities to accommodate the equipment needed for compaction and containerization. For example the North Shore Queens MTS, has a large DSNY garage across the street from the MTS location. This garage could be moved elsewhere. The Southwest Brooklyn MTS has an incinerator, a garage facility, salt storage shed and a self-help site. The Hamilton Ave. MTS has a closed incinerator and a DOT asphalt plant immediately adjacent.

Commissioner John Doherty has testified that the cost of rebuilding the marine transfer stations is in the same range as construction of a Sanitation garage—at about \$50 million. The Department reported in the 1996 SWMP that the Department's ten year Adopted Capital Plan contained \$475 million for projects to rehabilitate the MTSs. To our knowledge most of this money has never been spent. Reconstructing the MTSs is of sufficient importance that the Department should not constrain the land area to be examined. Former incinerator buildings, garages and other property can be used for compaction equipment, with garage facilities moved elsewhere.

- **The City should include an analysis of compaction at the MTSs in the EIS.** At a minimum the cost implications of compacting versus not compacting garbage should be thoroughly examined.
- **The City should not once again rest its entire export plan on the construction of an unconstructed and unpermitted facility as it did in 2000 with the plan for an EBUF in Linden, NJ.** The construction of a fully permitted, out-of-City enclosed barge unloading facility is mentioned in a single sentence in the Draft Scope. The City made this mistake once. It should not do so again. Pursuing bad ideas has cost us a minimum of eight years of delay. In *Taking out the Trash* we recommended against EBUFs partly because they require the double-handling of waste and thus add to costs. Finally, if the EBUF proposal is arising out of perceived land constraints in Manhattan, we recommend that the City do everything possible to overcome those constraints. While constraints in Manhattan exist, they are not insurmountable. Further, the City must provide for the more rational movement of waste and recyclables out of Manhattan, since this is where the vast majority of the City's waste is generated. The need for marine transfer stations in lower Manhattan was made crystal clear in coping with the movement of millions of tons of waste from the World Trade Center. (See *Taking out the Trash* p. 34-35.)
- **The Environmental Impact Statement should comprehensively study air quality issues associated with vehicles and non-road equipment in one section of the EIS.**

The planned scope has two separate places where air quality issues are addressed—under Air Quality and under Public Health impacts. To avoid missing important impacts or failing to adequately cover the topic we recommend putting all traditional air pollutants and health effects, like asthma, together under air quality. In addition attention should be paid to ultrafine particles of less than 0.1 microns in size, which have recently been found to contribute to cardiac deaths and morbidity. The analysis should include measures to reduce VMT or vehicle miles traveled, to use alternative fuels and to add pollution control devices to trucks, barges and other nonroad equipment.

The public health section should adequately cover vermin, odors and noise.

01/23/05

Harry Szarpanski
Assistant Commissioner
Department of Sanitation
44 Beaver St.
New York, N.Y. 10004

Dear Mr Szarpanski,

I am writing to you regarding the plan for the re-opening of the transfer station on 91st street, behind The Asphalt Green.

I understand that the latest plan includes all vehicles to use 91st street in order to leave the transfer station. As someone who has worked on 91st between York and First for the past 15 years, I wanted to give you my perspective on this situation, since I was not given a chance to speak at the meeting last week.

On 91st between York and First there are currently over 11 businesses. To name a few there are:

- The Vinegar Factory – Gourmet grocery – This is a busy store with many deliveries coming and going all day. There is also a hi volume of customer traffic on foot and in vehicles coming and going throughout the day.
- V.F. Pastry – Wholesale Pastry Bakery – Open 24 hours – Receives and delivers at all hours. (Operates out of both sides of the street)
- Eli's Bread – Wholesale Bread Bakery – Open 24 hours – Receives and delivers at all hours. Approximately 15 trucks are street loaded at one time between 11pm and 4am every day. (Operates out of both sides of the street)
- Verizon Communications – Parking – Hundreds of vans coming and going throughout the day.

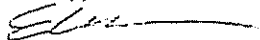
Besides these major businesses, there is also a busy parking garage, a gym, a pet kennel, a wine store, a café, doctor's offices, a moving and storage company, a child's party center and a very busy auto repair shop.

If this is not enough the situation is compounded by a busy bus route that runs down and stops on the same block.

At the very end of the block close to First Avenue stands a little known and little noticed Brownstone that houses The Variety/Cody Gifford House for Children with Special Needs. This facility provides a transitional home, foster care, and adoption service for children with severe disabilities and emotional problems. Driving trucks down 91st street will increase the risk to these children and will certainly diminish their quality of life.

My opinion is that running sanitation trucks down 91st street will put this block at a complete standstill. This standstill will not only affect the businesses on the block, the bus service and the citizens who currently live on the block, but presumably the back up will be so bad that the trucks will back up into the transfer station causing a standstill at the transfer station.

Sincerely,



Eli Zabbar
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New York, N.Y. 10028
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