
PUBLIC HEARING ON PROPOSED AMENDMENTS
TO RULES GOVERNING THE
DEPARTMENT OF SANITATION'S SITING
OF TRANSFER STATIONS

125 Worth Street
Second Floor Auditorium
New York, New York

June 28, 2004
9:00 a.m.
(start @ 9:30 a.m.)

MR. ORLIN: Good morning, I know people are still coming in; but I will get started now.

Good morning and welcome, my name is Robert Orlin. I am the Deputy Commissioner of Legal Affairs at the. Thank you for attending the Department's hearing this morning.

The Department is conducting this hearing in accordance with the requirement of the City Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on the Department's proposed rules governing the siting of solid waste transfer stations. The Department published proposed rules in the City Record on May 27, 2004. It also mailed copies of the rules to all New York City local, state and federal elected officials, fifty-nine community board managers, many civic and environmental organizations and to numerous companies that operate transfer stations in the City.

The Department's existing siting rules promulgated in 1998 were challenged in court by a coalition of community organizations as being insufficiently restrictive.

In a ruling, the Court noted that it had certain concerns about the 1998 rules. Following a length attempt to resolve the dispute through mediation, the Department committed to promulgating revised siting rules. These proposed rules take into account the judicial findings and concerns, the results of the Comprehensive Commercial Waste Study and the need to ensure that there is enough transfer station capacity to accommodate all of the solid waste generated in the City on

a daily basis. The purpose of these rules is to reduce the potential for impacts from transfer stations on neighboring uses by imposing additional siting restrictions on transfer stations.

Unlike the 1998 rules, these rules treat the siting of non-putrescible and putrescible solid waste stations in the same manner. The following are some highlights of the proposed rules.

The siting rulings apply to those proposed transfer stations and existing transfer stations seeking expansions.

The rules treat community districts differently depending on the number of transfer stations located in a community district. The rules place community districts into five categories based upon the number of transfer stations located in appear community district.

Each category contains specific buffer distance requirements regarding the siting of a new transfer facility from a residential district, hospital, public park school or other solid waste transfer stations. The buffer distance required from a new transfer station and a residential district, hospital, public park or school increases from four hundred feet in a community district with less than five percent of the total number of transfer sites in the City to seven hundred feet in a community district that contains twenty percent or more of the total number of transfer stations.

A new transfer station in any community district must have sufficient space to accommodate the on-site queuing of trucks.

A new transfer station in a community district that contains fifteen percent or more of the total number of

transfer stations in the City must obtain a reduction in capacity at another lawfully operating facility within the same community district, and the new facility must be entirely enclosed.

A new transfer station may not be sited in an M1 district if it is in the community district that contains ten percent or more of the total number of transfer stations in the City. In a community district that contains less than ten percent of the total number of transfer stations, a new transfer station may not be located in an M1 district if the community district in which the facility is proposed has three or more lawfully operated transfer stations already situated in M1 districts.

An existing facility seeking to expand capacity must comply with the applicable buffer addition distance requirements for residents districts, hospitals, public parks and schools.

In addition to the restrictions on the hours of operation currently found in the Department's rules, these proposed rules would further restrict non-putrescible transfer stations located in M2 or M3 districts from receiving solid waste between one a.m. and five a.m.

And lastly, there is a district variance standard for both new and existing transfer stations. For a new facility, no variance will be available from the buffer distance requirements from residential districts, hospitals, public parks and schools.

For purposes of calculating the percentage of transfer stations located in a community district, the following rules shall apply:

One, a transfer station

lawfully operating at the same location with both putrescible and non-putrescible permit should be counted as one transfer station.

Two, the department will update percentage calculations continuously as new permits are issued.

Three, these percentage calculations will be published in the City Record and on the Department's website bi-annually in January and July.

The court reporter is present today and will record the hearing. You may present an oral statement or submit written comments concerning proposed rules. Please, sign in at the entrance of the room, if you wish to present an oral statement today. We have been receiving comments on the proposed rules since their publication in the City Record and will continue to do so throughout the close of business on Monday, July 19, 2004.

The Department will make available a copy of all written comments received together with the hearing transcript during normal business hours in the Office of Legal Affairs in Room 708 of this building, on Monday, July 26, 2004 and Tuesday, July 27, 2004.

The Department will carefully consider all the comments it receives today and all written comments received through July 19, 2004.

Following that consideration, we will issue proposed final rules. The New York City Counsel then has thirty days to review and comment on the proposed final rules.

I will begin calling those who wish to speak this morning in the order in which you have sign understand. When you speak, please, state your name and affiliation and speak

slowly and clearly so the court reporter can understand and accurately record your statement. We also ask that you limit your statement to five minutes.

We will call upon the public officials who have come and wish to speak first.

I will begin by calling Carmen Cognetta on behalf of the Councilmen Michael McMahon.

(Whereupon, Carmen Cognetta approaches the podium to address the public.)

MR. COGNETTA: Thank you, Mr. Orlin. I am going to read a statement on behalf of Councilman McMahon.

Councilman McMahon wanted to attend this morning; but, unfortunately, he is at the Council right now and they do have some meetings that they called this morning in preparation for the meeting this afternoon.

So, rather than hold up this meeting, he asked me to come over and read his statement for him.

"I appreciate the opportunity to speak to the Department of Sanitation's proposed amendments to the rules governing the siting of waste transfer stations, commonly know as the Final Siting Rules.

Since I took office in January 2002, the problem of transfer stations located in our communities has been a top priority for both the Council's Sanitation Committee and myself.

I have made personal visits to observe firsthand the devastating effect waste transfer stations have on their neighbors, particularly in the Bronx and Brooklyn.

My committee has held a number of hearings concerning transfer stations and just last week held a hearing on the Commercial Waste Study, the

basis for these new rules. I also testified before you regarding the Interim siting rules on April 23rd, 2003.

That should give you some indication of how serious this issue is to me and my colleagues on the City Council.

I understand the difficult position that your department is in attempting to balance the needs of the community's for a livable environment with the need to have transfer stations with the capacity to process the City's residential and commercial solid waste quickly and efficiently until the Marine Transfer Stations are retrofitted and in use.

In studying your proposed rules, it is clear you attempted to balance those interests in a creative way; but, unfortunately, the new rules are inadequate at best and at worst could be a disaster.

Although the rules apply to putrescible, fill and C and D transfer stations, my remarks are geared primarily to putrescible transfer stations those that have the greatest negative impact on our neighborhoods.

I will comment on three

main concerns I

have with the

siting rules:

One, the permitting of expanding the capacity of putrescible transfer stations.

Two, the siting of any type of transfer stations in M 1 zones and the lack of provision for a related reduction in permitted capacity as Marine Transfer Stations are open.

Currently, private transfer stations within the City are permitted to process 17,361 tons per day of putrescible waste.

Your department recently

recorded that it's collected an average of \$10,158 tons per day of residential trash for the month of May 2004. Using the figures reported by the Commercial Waste Study 6,209 tons per day commercial putrescible waste is processed in the City for a putrescible waste total of 16,367 tons per day. Therefore, the Department has permitted sufficient capacity to process the daily putrescible waste stream with excess capacity of one thousand tons per day. In addition, over 2,500 tons of the City's residential waste most of Manhattan and Staten Island is processed outside of the City and does not go into the City transfer stations. Leaving an excesses permitted capacity within the City of over three thousand tons per day. Why then do we need regulations that create new or expanded existing putrescible transfer stations within our neighborhoods without requiring the closure of equivalent putrescible capacity.

I have heard the complaints of the carting companies that there is not sufficient capacities existing in the City.

I am also aware that in the real world the average tonnage of solid waste is not picked up everyday. Some days much heavier and some days lighter. I am suggesting that Department of Sanitation set a minimum capacity cap of nineteen thousand tons per day in the City, more than sufficient to handle the variance of putrescible capacity.

Therefore, no new putrescible stations will be opened or expanded beyond the capped amount anywhere in the City unless an equal amount is closed.

Paragraph Three of Local

Law 74 specifically stated that an analyst of "the means and potential effects of limiting the number and capacity of putrescible and non-putrescible solid waste stations in the City" was required. This was not done. We have done the math and it says, Cap the capacity and allow no new putrescible transfer stations. Siting any type of transfer station in M 1 zone should be prohibited. I am aware that the regulations provide for no new transfer stations to be sited in a community district if there is three or more transfer stations located in an existing M 1 zone; but the regulations allow new transfer stations to be located in all the other districts that do not have three or more transfer stations. M 1 districts in many areas have been converted to residential zones primarily by BSA variances.

In December 2002, the Mayor announced his Housing Marketplace plans to build sixty-five thousand new affordable homes and apartments in the next five years. A key component of his plan was to rezone manufacturing areas for housing. In the Mayor's 1994 report on progress of the plan, it was reported that four rezonings have taken place and over the next year there will be rezoning amongst other areas; Greenpoint, Brooklyn and Jamaica, Queens, sites where many transfer stations already exist. M 1 districts are becoming residential already and certainly will be predominantly residential if the Mayor's plan is fully implemented.

No transfer stations should be allowed in M 1 zones, no matter how far away from residents they are situated. Sooner or later they will be on top of each other

and on each other's throats.
Once a putrescible cap
is set, we must correlate the
reduction of that cap with the
opening of MTS's.
I believe we must begin
to plan how to establish the
goal either through the
regulations or enabling
legislation. These regulations
should at least establish a
cap.
In the coming months,
well before the construction
even begins on MTS we should
implement the correlated
reduction strategy. There is
much more to explain on
regulations and I know my
colleagues and members of
public will be speaking to
other issues. I would like to
just take a minute to highlight
some other suggestions. With
regard to C and D waste, I am
aware that it is much more
difficult to estimate how much
capacity is needed for the City
due to the ups and downs the
construction industry and how
material is stored and re-used.
However, these transfer
stations do generate heavy
truck traffic and cause other
problems.
They also should not be
located in M 1 zones and should
have limits on their
concentration in one area.
Community Board Number
One, Brooklyn has sixty-five
percent of the permitted C and
D capacity in the City. This
neighborhood cannot continue to
be so burdened.
I don't know how the
footage distance requirements
were determined; but they seem
much too short. They should be
reconsidered. Also the rules
state that the footage
requirements is measured to a
residential district not the
nearest residence or even group
of residences. That must
change.
The proposed rules will

allow a transfer station to be built next to a road of twenty residential homes that many years ago were built in a manufacturing district or recent construction that given variance. The regulations must prevent that from happening.

The provision for granting variances seems restricted; but I am always wary when the City agencies give variances as evidenced by of the record of variances given by BSA. Built into the variance approval procedure must be opportunities for the input by the community and formal approval by local community board. If companies requesting variances do everything you say they must do I am sure the community will approve.

Not to be entirely negative, there are good things about the regulations. I applaud your efforts to encourage transfer stations that transfer that transport their solid waste by barge or rail. Also structuring the regulations to take into account the number of transfer stations already existing in a district is good and essential.

I see these regulations as a first draft proposal that will undergo many changes before the final rules are adopted. I, together with my colleagues on the City Council, and with the assistance of members of the most effected communities are willing to begin to work together with you to develop regulations that protect our communities while allowing the City's solid waste to flow through and out of our City.

Thank you.

(Applause.)

MR. ORLIN: The next person to testify is Sandra Atwell.

(Whereupon, Sandra

Atwell approaches the podium to address the public.)

MS. ATWELL: Hello, my name is Sandra Atwell and I am from Hollis, Queens and I have testified before and all of the testimony is -- it mainly is concerned with the health of people living near waste transfer stations. Now this was known before they allowed transfer stations in M 1 zones.

Of course it was known when they closed the Fresh Kills Landfill that the people living close to that site were experiencing health problems.

I live in southeast Queens and the asthma rate in Jamaica and St. Albans is increasing rapidly and we have many transfer stations in this area.

I was reading one of comments by the legal department, the city counsel and this was in June of '90 and at that time it was mentioned that the nature of the waste transfer businesses of serious concern because their normal everyday operations would create a lot of traffic, noise, dust and it does destroy the character of the community.

With all of this, when I looked at the new regulations they do have some things that are very positive items. One through four I say, Oh, yes, they are taking it away from the M 1 zone; but each item stated that it does not apply to item five and item five is giving greater freedom for the transfer stations. Okay, they can operate in the M 1 zone and all of the restrictions that they put through does not apply to this.

I live near a paper transfer station and one of the biggest problems that we have are not only sometimes the odor and the dust but papers in an open lot and there is a pool of water in this lot and of course

we know that standing water creates potential for West Nile. I have reported this to sanitation, DEC, even the Borough President and each time I was told, Yes, it would be taken care of right away. And I believe if you pass there today, you will still see that pool of water. As far as the new regulations are concerned, I do not believe that they do enough to the problems. They should not allow it to be in an M 1 and any regulations that allow this will not be good for the City. This is the City.

That constantly talks about quality of life and it passed legislation that prohibits consenting adults from scoping in designated areas.

I believe they can do better to reduce the asthma rate of the children living in the Bronx, Brooklyn and Queens.

Thank you.

(Applause.)

MR. ORLIN: The next speaker will be Crystal Ervin.

(Whereupon, Crystal Ervin, approaches the podium to address the public.)

MS. ERVIN: The Federation of Civic Association an organization of 32 Block and Civic groups in Jamaica, Queens wish to express concern was New York Department of Sanitation and their handling of Proposed Siting Regulations For Waste Transfer Stations. The opportunity was made available to New York City Department of Sanitation to seriously address the main issues and concerns of the operations of waste transfer facilities in the communities where they are most concentrated, South Bronx, Williamsburg Brooklyn and Jamaica, Queens, and instead they have created documents for acceptance based on flawed methodology selected data as opposed to actual research data

and drawn conclusions based upon methodology instead of actual conditions.

It has been fourteen years since Local Law 40, which transferred the granting of putrescible waste to the Department of Health to New York Department of Sanitation. In that time, New York Department of Sanitation has failed or either refused to generate regulations that actually protect the environment, and public health and safety. It has only been recently that references to the Zoning Resolutions of New York have appeared in your documents.

If, at the time of New York Department of Sanitation's anointment as the "Gods of Garbage" in 1990, had they included existing laws of another City Agency, City Planning, who had addressed these same issues in their laws in 1961, we might very well be here now. As the regulatory agency for the transfer station oversight, you have done miserable. What is worse, when you are presented with fact along with common sense solutions, you have turned a deaf ear and have continued on a path that wreaks of environmental racism and genocide for those living in communities with these facilities which have consciously refused to regulate.

The Proposed Siting Regulations, which is you now put before the people of the City and we here who live amongst these facilities are filled with double-talk and ambiguities. You have arrived at these regulations from a flawed Commercial Waste Study, which you will also use to promote the Solid Waste Management Plan, which will be the albatross around the necks

of all New Yorkers for the next twenty years.

Since you, the Gods of Garbage, probably live outside the City, as many of the owners and operators of these facilities do, these regulations will not have the same impact as they do for us.

Your present documents make no provisions for eventual closing of land based transfer stations as we prepare for the retrofitting of Marine Transfer Stations to be re-opened to handle the residential waste stream.

Your present document does not address the possibility of the Commercial Waste Stream being directed to M T S.

Your present document actually allows for the industry to grow in the very same neighborhoods in which they now operate.

Your present document fails to address those facilities currently in operation and are still very much in violation of performance standards of M 1 zoning.

Your present document in short is a godsend for those currently in the industry and those that wish to enter the industry.

I refer you to Volume 1, Page 9, Subsection 2.1 of the Commercial Waste Study: Transfer stations locate where suitable zoning, transportation access, proximity to wastesheds and economic are favorable.

I, on the other hand, would state: Transfer stations locate in the areas that are believed to be of least resistance, and local government agencies are less likely to assist in the prevention of the publishing of such businesses. In some cases the agencies may be assisting for the following reasons

deemed low income, is not considered strong voting block, are people of color or minorities and are expendable.

Constant and long term

exposure to this type of environment will create a need for serious health care for which many of the resident may not have adequate medical insurance to cover long term care and are simply seen as unimportant. These conditions, also aid the study results of Asthma that conclude the illness is higher in our areas as opposed to neighboring communities in Queens such as Glen Oaks, Douglaston, North Shore Towers, and New Hyde Park. I challenge those here to find a waste transfer station or unsheltered ready mix company or any other environmental or health assaulting business in those communities. You're siting regulations in their current form should be seen by you as an embarrassment for those participating in its preparation.

It reveals insensitivity

of its authors, their total disconnect of reality to think no adverse effects exists for those living not an area saturated with waste transfer stations, putrescible and non-putrescible. Being exposed to dust, noise on a twenty-four hour basis; because the Gods of Garbage issue permits for twenty-four hour operations, diesel the fuel emissions from long haul trucks as well as the congestion and safety issues that create the stench of rotting putrescible waste and the vermin that carry disease who gravitate to such an environment.

How strange that New

York Department of Sanitation Environmental Review could yield results of no negative air quality impacts when EPA

lists New York City one of four hundred and seventy-four counties with the worse air and The American Lung Association has given a failed grade of F to Queens, Brooklyn and Bronx since 1998.

Makes you wonder,
doesn't it?

New York Department of Sanitation has willfully ignored Local Law 40, has blatantly refused to invest the necessary time and energy that is needed to address the waste transfer station issues thereby enabling them to you thorough regulations that are as fair to the communities in which they operate as they are for the operators.

Who does New York Department of Sanitation work for anyway?

Because New York Department of Sanitation gives the appearance they do not know where to find the information pertaining to the Zoning Resolutions of New York City, I have provided them with a brief table of code numbers and where in Article Four they might -- where they might be found, for quick reference as so not to bog them down with having to research the information on their own.

MR. ORLIN: Our next speaker is Wynolia Pulliam.

(Applause.)

(Whereupon, Wynolia Pulliam approaches the podium to address the public.)

MS. PULLIAM: Good morning, my name is Wynolia Pulliam. I have lived for forty-six of my eighty-one years in Hollis, Queens.

We moved to Queens and had our house built. The air was clean, I could dry my clothes on the outside, which I appreciated having grown up on a farm in North Carolina. My kids grew up in that neighborhood and loved it so

much they said, Don't sell the house, that community was good to us.

My son lives in Maryland on two and a half acres in a four bedroom house. He is an attorney. My daughter lives in Hollis still and she is a teacher; but they really have to look, just like the City has to look, at what's happening to our community. It is absolutely disgraceful. I can tell you about 2002.

(Ms. Pulliam is holding up a map.)

(Continuing.) -- I created a map showing the transfer stations and dump sites in our neighborhood and the headline was circled; because all of these dump sites have been in two miles of our house, that has to have an effect on the air, on the water, on our living.

Let me briefly review with you daily living with transfer stations in southeast Queens. As I said to you, forty-six of my eighty-one years have been spent in Hollis. Prior to those dump sites, it was really a pleasure.

Now, when I try to return to my home, there is a dump site at 187th Avenue. The traffic is backed up. One day I was coming home and a truck said "Hazardous Waste Do Not Follow." That's what it says. What do I do, I go home this way? I start to pull out my cell phone to call my husband and say, What do I do?

But don't use your cell phone you will get a ticket. I don't have the one you can use without holding in your hand. I was returning home from visiting with my son and daughter-in-law and I got to Penn Station. I got a taxi to go home and we got to 187th two big trucks were blocking the street, cars lined up, horns

blaring and the meter was still ticking. I never had to pay forty-eight dollars to come from Penn Station to home before; but finally one of the officials came out with his pad and he looked at the situation and looked around and he ordered two of the workers to direct the traffic up to the sidewalk. So, we had to ride along the sidewalk in order to get by the two trucks blocking us with all of the garbage.

I would like to really pose a few questions to you: I know that all of the Departments are aware of the hazardous effect of these stations in M 1 areas. M 1 areas as you know are residential areas. They are very much aware of that. So, why does it exist?

Have you thought about this? We are in a prime location, we are within walking distance of the Long Island Railroad and those who are young enough and can walk to the subway, a prime location.

Are we being converted into a love canal? Think about it. Is the City planning to devalue our homes; because they're unfit for living, because the waters are contaminated? They devalue our homes, sell them, clean up the area and then build more expensive homes that we cannot afford so that the wealthy people can get closer to the greatest City in the entire world. Think about it.

(Applause.)

MR. ORLIN: Thank you.

The next speaker is
Mathy Stanislaus.

(Whereupon, Mathy
Stanislaus approaches the
podium to address the public.)

MR. STANISLAUS: Good
morning, my name is Mathy
Stanislaus. I am Technical
Advisor to the Organization of
Waterfront Neighborhoods and I

am basically going to comment on the Commercial Waste Study you did and why it's deficient and it cannot be a basis of siting and operating as well as it's a swamp.

First, the Commercial Waste Study does not provide a basis for siting regulations because the presumed buffer distances and the grandfathering of facilities of siting waste are not based on a demonstration that public health and safety will be protected based on those buffer distances and grandfathering of facilities. I am going to be specific why they are deficient and cannot be used as a basis of siting.

First of all, in the study New York Department of Sanitation's consultants essentially took credit for hypothetical modifications in the future most pronounced in the analyst of odors and noise essentially presume there will be a reduction of impact based on future changes. These future changes New York Department of Sanitation does not state whether they are likely with any legal authority to implement any of those changes and any of them taking credit of future changes.

I think consistent with the Secret Technical Manual, which is the manual of conduct for environmental study, that is each city agency is governed by.

The second major flaw is New York Department of Sanitation's consultants looking at a replacement use which is equally or more noxious than the waste transfer stations as we heard here today. City Planning along with community groups have initiated changes to each of these neighborhoods and those changes are going towards more residential uses and less

manufacturing uses. New York Department of Sanitation's consultants assumed the replacement uses are exclusively manufacturing that is inconsistent with the facts and the agenda put forth by City Planning. New York Department of Sanitation consultants also failed to look at numerous other impacts in the analyst. It failed to look at socioeconomic impacts, specifically, the potential of displacement for residential uses from the clustering of waste transfer facilities particularly a major issue given the fact some kind of total information of displacements of commercial facilities most known one in Hunterspoint. New York Department of Sanitation failed the analyst of health impact.

New York Department of Sanitation's limited analyst of health impacts is basically limited to air pollution analyst.

It did not take a look at the various other health impacts such as from vermin, such as health consequences from odor exposure.

In crafting or delineating the study area the study area was drawn much too narrowly and is again in conflict with the technical manual.

First of all, it is on a single study area. The technical manual prescribes the study manual is based on the kind of impact; for example, air quality begins at about two feet and going broader, land use begins at a quarter mile -- it was on a half mile. We believe that because of numerous receptors, schools, residents in the area that the air quality study area should be anywhere in the order of one half to three quarters miles, which are also bring in a

primary study area to look at direct and indirect impacts. Most notably, the drafting of the crafting of the study area excluded all of the residential areas adjacent to the M 3 zones in their analyst.

As stated previously, the siting does not address residents within the M 3 zones. So effectively the siting regulations have sworn off all residences within the M 3 zones.

Again, there is no basis of commercial study, that doing so is protective of residents within these M 3 zones, New York Department of Sanitation's consultant essentially has interpreted Local Law 74, which requires a study of adverse impacts to mean only overlapping impacts. In doing so, New York Department of Sanitation's consultant has crafted a known study zone around each of the waste transfer stations. Now these "No Study Zones" go from one hundred meters for ex-regulated under Clean Air Act and the first twenty-five meters for P.M. 2.5. This is entirely inconsistent with the technical manual Clean Air Regulation and all principles which prescribe looking at the most severe impacts first and then go broader from that P.M. 2.5. And in the Commercial Waste Study essentially no rational set forth of how we can do a complete study, an adveat study adviot as time will define the sum of impacts. The analyst of sum of impacts could be based on cutting out the most severe impacts.

Lastly, I will close with some major flaws in the air quality analyst. One, New York Department of Sanitation did not study the most significant impacts. Again, they excluded the areas of amongst sever impacts, excluded

the impacts of residential areas and excluded the impacts to residential receptors within the manufacturing zone. New York Department of Sanitation study did not look at the multiple of other sources within that local area, the effect of this is to artificially reduce the level of being pollution. It is entirely inconsistent with SEQRA technical manual prescribing looking at small and mid-size facilities based on various radii of the project. The New York Department of Sanitation Siting was not based on looking at worse case conditions. For example, New York Department of Sanitation look at idling to estimate air emissions and not worse case conditions as prescribed in the SEQRA technical manual. New York City Department of Sanitation consultants use a hypothetical prototypical situation. Even though it has data for each facility permitted separately.

They are representative of the real world conditions and if they are displayed it must be on worse case condition as required by SEQRA technical manual. Despite all these flaws, New York Department of Sanitation consultants conclude there are significant impacts. The P.M. 2.5 impacts exceed the D E C, New York City D E C and the New York City D E B thresholds for P.M. 2.5 impacts. P.M. 2.5 has a major effect on asthma, upper respiratory and cardiovascular illness that was the underlying foundation for EPA to establish that standard. New York Department of Sanitation analyst albeit limited concludes it far in excess of the standard yet New York Department of Sanitation includes insignificant.

Separately, with respect

to the Clean Air Act pollutants
there are impacts up to eighty
percent on background levels
yet New York Department of
Sanitation concludes
insignificant with that.

I will close by saying
that the Commercial Waste Study
cannot be a foundation for the
siting regulations. So, I
would suggest a new proposed
siting regulation be issued
predicated on a new Commercial
Waste Study which addresses all
of the deficiencies in the
Commercial Waste Study.

Roughly, in about a week
or so, on behalf of OWN, we
will be issuing a report on all
of the flaws of the Commercial
Waste Study.

Thank you.

(Applause.)

MR. ORLIN: Thank you.

Next speaker is Gertrude
Gonesh.

(Whereupon, Gertrude
Gonesh approaches the podium to
address the public.)

MS. GONESH: Hello, my
name is Gertrude Gonesh. I am
a member of the Nashville
Boulevard and Montguard Street
Association.

I am a simple minded
person. I look at simply things
and I try to figure out when I
come to these meetings what is
being said. And for instance
one of the things that I notice
the new terminology is
"Particular Matter. And I sat
and I listened to the
counselperson and New York
Department of Sanitation batter
between each other asking
chemistry questions, which I
have the foggiest idea of what
it was.

Asking 2.4 and the
different depths in area of the
matter.

Then I read New York
Department of Sanitation's
report and New York Department
of Sanitation's report spoke
about taking over two agencies

and it clicked to me, the one word every presenter and every organization forgot is "Enforcement." You could put down every rule in the book and you could tell me how to do something; but if you do not follow through, it is worthless.

And now, I am going to read to you and I have written from the different meetings I have attended. My concerns are of twofold; A, particular matter; and B, enforcement.

"When I attend meetings and hearing segments of New York Department of Sanitation's guidelines, topics, information given to the members present, I sit, listen, and observe the presenters carefully.

Recently, on June 21st, 2004 at City Hall I listened carefully to some of the unbelievable information given to the audience and not once did I hear what particular matter was.

The written information particular matter by Commissioner E. Crotty never defined what it was. Nor did she go into depth to explain how to deal with it, how to rid one's neighborhood of this and defining measurements as to what happens if it or they become one.

Does particular matter replace terminology for carcinogens?

How does one lessen the destructive massive matter?

How does\do the enforcers, deal with the destructive mechanisms?

How long does it take to damage the entire or nearby community environment?

Is protective gear needed to deal with this terminology?

Monday, January 21st hearing and debate focused mainly on the chemistry aspects of the word rather than, what

is particular matter.
Are there compounds that
will effect the community of
these enforcers?
What at the compounds
that make a particular matter
most dangerous?
Are there guidelines of
protective materials in place
for such agents found in
particular matter?
When anyone writes about
a chemical compound, it should
be defined and explained for
the lay public to understand.
I for one would like to have
someone in New York Department
of Sanitation define and
explain what particular matter
is.
What chemical compounds
are within and under whose
department will the enforcement
be? And number two, what does
New York Department of
Sanitation mean by the word
enforcement?
What does New York
Department of Sanitation mean
by the word enforcement?
In order for enforcement
to be effective all of the
agencies should work and must
work together as one unit for
the rules not to be challenged.
Transfer stations and
agencies have to be housed in a
building. Buildings have
violations, codes too.
Vehicles have to be used to
transfer materials to and from
this destination as well.
Violations do exist for this
unit as well.
From these units such as
vehicles, buildings and
Department of Health
Environment, codes are
disobeyed. All of the units
should meet to discuss how and
when, why, and where, what
should be done by the units as
a whole should be; defined and
discussed and implemented
effectively without hesitation.
No action by any unit
should be completed as a single

one without communication with each other. A community group within each community should be formed and met and frequently to discuss the positive and negative actions with the company or companies.

Quarterly meetings with all concerned units of New York Department of Sanitation, buildings owners and the necessary agency should and must meet occur so that communities between and amongst all concerned parties could share and be it the residents concerned as well.

Each business owner must work with the community to improve a better relationship and understanding between and amongst each other groups.

In conclusion, I am requesting that New York Department of Sanitation write, create an application with all of the agencies listed so that when a team comes to inspect, each team member could check off the violation or write the code number for the violation. I have given a set of pictures out to the New York Department of Sanitation people and I want them to look at those pictures carefully and examine them carefully and notice that they have the building codes, the Department of Transportation codes and the New York Department of Sanitation codes and they should be covered and have everyone check off the violation and make sure the violations are corrected; because enforcement is the key. If you do not enforce the laws that you write then close down.

Thank you.

(Applause.)

MR. ORLIN: Thank you.

Our next speaker is

Guido and Theresa Cianciotta.

(Whereupon, Guido and

Theresa Cianciotta, are approaching the podium to address the public.)

MRS. THERESA CIANCIOTTA:

Good morning, Deputy
Commissioner, Department of
Sanitation and staff. My name
is Theresa Cianciotta and I
reside in the Williamsberg,
Greenpoint community in
Brooklyn. I am the founder and
current Vice President of the
Concerned Citizens of Wither
Street an area Block
Association my husband, Guido,
here is now the President of
the Block Association. And we
both have worked to improve the
quality of life in our
community since 1978, that is
over twenty-five years, a
community volunteer service.
The Block Association has been
Outraged since 1999 five years.
Williamsberg, Greenpoint
organization united for trash
reduction and equity and we
were proud to be members of
this group I am here today to
testify against the Department
of Sanitation's long-awaited
Commercial Waste Study and to
comment on the proposed
permanent siting regulations to
be included in the City's new
twenty year garbage plan.
Williamsberg Greenpoint handles
forty percent of the City's
garbage and there are sixteen
land based transfer stations in
our community.

Seventy percent of the
waste is commercial waste from
New York, I believe, four
thousand truck trips a day to
the transfer stations. The
City study on commercial waste
conclude there are not any
harmful environmental impacts
from the concentration of
transfer stations in Community
Board One the result and
findings outraged and
disappointed me, local
residents and officials in the
Williamsberg, Greenpoint
community, as well as
Environmental Justice
Activists throughout the City.
Trash the city study on

commercial waste, the data and findings are not accurate. The people conducting this study obviously did not report the true data; because they did not observe Metropolitan Avenue. Please, go to Metropolitan Avenue and observe what we are faced with everyday and tell me there is not an impact on our residential community. On Metropolitan Avenue there is a constant stream of truck traffic, air pollution, noise, noxious odors, rats, these terrible concerns contribute to high asthma rate, emphysema that presents a danger to the health and well being of all of the residents of the community.

Also, our streets are caving in and our homes are faced with cracked walls and deterioration due to the truck driving.

Finally, in response to new siting regulations that indicates more transfer stations for Williamsberg, Greenpoint under the proposed new siting rules, I say, No, no, no more, our community is over saturated now.

We want less, not more transfer stations. We want our fair share concept to be considered for an equitable solid waste management plan for Williamsberg, Greenpoint.

Also, alternate sites is a strategy which could hurt our community in the City Wide Plan and outrage will continue to take a strong stand against it.

Outrage's current strategy, which is working together with other communities in support of garbage equity supporting additional MTS capacity south of 59th Street and encouraging local public officials to take a strong stand on promoting trash solution and against garbage equity borough wide, no new putrescible transfer stations and enforce Local Law 40.

Thank you for giving me
the opportunity to speak on
this issue and please try to be
fair to the residents with a
good decision that will effect
all of the people in our
community for the next twenty
years.

Thank you.
(Applause.)

MR. GUIDO CIANCIOTTA:

My name is Guido Cianciotta. I
am the President of the
Concerned Citizens of Wither
Street. I have read various
articles recently in the paper,
a survey, that says there is no
effect upon my community what
is going on commercial coming
in and out, four thousand
trucks a day come through.
When the man took the survey, I
think he was either asleep or
did not want to give us the
benefit of the doubt. Now, from
experience -- you say to me
what experience have you got?
I put thirty years with Local
831 of the Sanitation Union --
with John Delory, Department of
Sanitation. If you do not know
who that man was, you need to
go do a little research. Go
around and you will find out
that I know what I am talking
about.

Fair share is the answer
to this. They got a Marine
Transfer Station in Greenpoint.
They don't know whether they
should open it or not; but they
rather give you ten or twenty
more added onto what you
already have. I am sick and
tired of you keep putting them
in our area an area that is
growing everyday and every way
you could mention.

People are coming from
all over, every state,
Manhattan and so forth. It is
a growing place and you want to
bring in more garbage.

Now, let's be a little
fair give a little to
Manhattan, a little to this and
a little to that. I think when

you get done with the numbers,
it will even out and everybody
will be happy.

(Applause.)

MR. CIANCIOTTA: Thank
you.

MR. ORLIN: Thank you.
The next speaker is
Diana Guerrero.

(Whereupon, Diana
Guerrero approaches the podium
to address the public.)

MS. GUERRERO: Good
morning, everyone, my name is
Diana Guerrero. I am a
Hunterspoint resident working
in Williamsberg, Greenpoint.

I am here today to speak
briefly on what my viewpoints
are to the siting regulations.
I need to say that the
Commercial Waste Study is an
embarrassment both to
sanitation and people in the
community effected sitting
here; and beyond that, its an
insult to our intelligence and
it is really unfair. I am
working on a study in the
Williamsberg, Greenpoint
community and I stand -- by
myself most of the time -- out
on corners in this community
counting trucks myself and it
is shameful to say that, you
know, I see so many and yet I
have record of them -- I am not
sure exactly where sanitation
people were standing when they
conducted their own study; but
I have personally been harassed
by truck drivers. I seen truck
drivers going down illegal
routes and I have told them to
move and I have called 311 on
numerous occasions.

I come home at night I
stand outside half hour calling
311 reporting transfer station
trucking illegal idling
sometimes overnight in
Hunterspoint and it is
disgusting. And if the study
was conducted in a proper way
they would of seen that as
well; cause I see it everyday.

Not sometimes, not here

not there, everyday the same spots. We are here you know we are in solidarity and we also want to tell you guys that we think it is really unfairly to schedule three hearings for this community -- ten in a time span of two weeks we have had to work. Three times is hard to get people to come out to Monday morning hearings are not exactly the most productive time for people to be able to take off of work and come here it's really hard for us. And on top of that, you want to administer transfer stations to our neighborhoods.

We are a working community, we are a growing community and we just feel that if your plan is going take us into account it has to account for fair equity amongst all five of the boroughs if not closing transfer stations all together. That's all I have to say.

Thank you.
(Applause.)

MR. ORLIN: Our next speaker is Janette Wipper.

(Whereupon, Janette Wipper, approaches the podium to address the public.)

MS. WIPPER: I am from the New York lawyers for the Public Interest and I am testifying today on behalf of the OWN, the Organization of Waterfront Neighborhoods.

OWN is a Citywide coalition of communities based groups from low income neighborhoods and communities of color that was established eight years ago in response to the critical need to develop an equitable solid waste management plan for New York City OWN's neighborhoods are currently disproportionately impacted by the City's existing Solid Waste Management System with as many as ninety percent people of color and over fifty percent living below the level.

OWN neighborhoods handle
eighty percent of city solid
waste.

In July of 2002, the
Mayor announced the City would
pursue the retrofit plan
advocated by OWN as part of
it's earlier work to address
the disproportionate impact of
truck based transfer stations
in the neighborhoods OWN
representatives worked with the
City Council to pass Local Law
40, law mandating regulations
that are issued today. Local
40 mandated en part that New
York Department of Sanitation
adopt rules publishing
requirements appropriate for
protection of the public health
and environment concerning the
siting of dumps, solid waste
transfer stations and truck
operations in relation to other
such facilities and residential
premises.

Local Law 40 is
legislative history
specifically state, the laws
were proposed and adopted to
address the problems associated
with these transfer stations.

The highest volume of
solid waste odors, noise and
increased truck traffic, their
location near residential
communities and fragmented
local resolution seven years
later the Court interpreted
Local Law 40 in Neighborhoods
against Garbage versus Doherty
holding the siting regulations
must address the problem of
clustering in particular
neighborhoods in proximity of
residents, schools and parks to
fulfill the purpose of the
siting regulations.

Since Local Law 40 was
passed New York City Department
of Sanitation has
unsuccessfully attempted to
promulgate regulations three
times; '91, '94, and again in
'98. After the '98 regulations
were passed, OWN sued New York
Department of Sanitation,

'cause the regulations failed to comply with Local Law 40. Through this litigation, OWN was afforded additional procedural rights to participate in promulgation of the regulations. Unfortunately, despite the rights OWN received no advanced notice of the regulations.

In fact, the current timeline for the regulations even with a three week extension undermines the public participation by OWN.

Not only are the regulations segmented from the twenty year solid waste management plan now pending as well as the Commercial Waste Study and operational regulations. They also were not adequately noticed to reach environmental justice communities impacted by them.

In addition to the procedural failures, New York Department of Sanitation's new regulations again failed to comply with Local Law 40 for three reasons: First, the regulations will increase not decrease clustering in our neighborhoods.

Second, the regulations fail to address proximity of existing transfer stations to residents; and Third, the regulations failed the proposed standard to protect the public health in the environment to comply with Local Law 40 and subsequent case law. The final regulations must first close the loopholes for existing transfer stations as required in Washington D.C.

All existing transfer stations should come into compliance with the final regulations within three years or phase out operations and close.

Second, it should limit any increases in putrescible capacity to truck based transfer stations on a

temporary basis pending implementation of the Mayor's MTS retrofit plan and adoption of the final.

Third, they should require a needs assessment and clustering assessment as permit conditions for expansions, conversion of existing facilities as well as siting new facilities according to New York Department of Sanitation's most recent available data, second quarter 2003, fifty percent excess capacity currently available in New York City. The new regulations must also prohibit new transfer stations in M 1 districts, define sensitive receptors consistent with Local Law 40 and Solid Waste Management Plan, develop standards based on actual health and environmental impacts of transfer stations consistent with the mandate of Local Law 40 as well as RQRA for regulating solid waste management facilities, regulate truck traffic including all traffic flow and travel routes also done in Washington D.C. prohibit off-site queuing of trucks, require off-sets that trade actual capacity of the same or less harmful waste in impacted communities, require enclosures of all transfer stations restricted hours of operation rather than the receipt of waste at all transfer stations and regulate fill stations separately from non-putrescible transfer stations consistent with Local Law 40 and State law.

Thank you for the opportunity to testify.

We are also going to submit more detailed written comments by July 19th.

Thank you.
(Applause.)

MR. ORLIN: The next speaker Carlotta Giglio.

(Whereupon, Carlotta

Giglio approaches the podium to address the public.)

MS. GIGLIO: Good

morning, my name is Carlotta Giglio and my report is on a much more personal level.

I live on Metropolitan

Avenue between Manhattan Avenue and Leonard Street in Greenpoint, Williamsberg and I am a member of Outrage. I lived at this address for past five two years. I love my home and I love my neighborhood. What I do not love is what has happened over the past few years; namely, the hundreds of waste management trucks that pass my home on a daily basis. This, coupled with the amount of other truck and vehicle traffic, has made my life unbearable in many ways.

How you say, for

starters the L train runs under Metropolitan Avenue and I live two and a half blocks from the Brooklyn-Queens Expressway and half a block from P.S. 132, which all underwent major renovations in the past few years and will continually undergo renovations. This coupled with the heavy amount of traffic passing my house daily has caused structural damages to the facade, windows, frames and inside corners of my house, not to mention the rat problems we face.

The noise factor is

unbelievable day and night when these trucks deem it necessary to blow their horns; because they feel the traffic is not moving fast enough for their liking. Of course, this sets off a chain reaction and other trucks and vehicles blow their horns at night -- and you can literally have a heart attack awakened by the speed demons barreling down the Avenue and jump out the skin at the screeching brakes and empty dumpsters as it is bouncing in the air from the speed or

hitting glitch in the road.
This, of course, sets
the alarms on the parked cars
along the Avenue.
After this noise, the
noise from the moving trains
and their horns and whistles
the shock factors and the
noises are indescribable.
I can't remember the
last time I had an undisturbed
good night's sleep. Talking
about the odors and fumes from
the truck I can only compare
the smell of dead bodies laying
in the sun too long. The
summertime is the worse, I have
not opened my front windows in
years because of the amount of
dirt and offensive smell from
the trucks. I cannot escape
the heat in my house and sit
outside for the same reason;
therefore, my air-conditioner
is constantly running. If you
think I am exaggerating, ask
the pedestrians covering their
faces or holding nose as the
trucks pass that's how bad the
smells and fumes are. I am
especially annoyed at the
drivers who have the audacity
to park the trucks in front of
our homes and bus stops,
keeping the engines running
while on dinner break or sleep.
I usually wait for the driver
and tell them it's bad enough
we have to endure the odor from
passing trucks, we do not want
the smelly trucks parked on the
residential street. Usually,
they give me the finger and
tell me where to go and how to
get there; but I am so
infuriated that I am not
thinking about bodily harm or
broken windows; because I am
mad as hell and I am not going
to take it anymore. To add to
this problem, it is now become
common practice for sanitation
to park their trucks along
Metropolitan Avenue and I am
talking six, seven trucks at a
time. Since when did my avenue
become a parking lot for

garbage trucks? When was I going to be informed about this?

Let's talk about health

issues. I am retired almost two years now. From July 2003 until now, which is less than a year. I have had three bouts with bronchitis and one resulting in pneumonia, two viral infections and several cases of infected sinuses. When I tell the doctor I live in a high traffic area with waste management trucks, they shake their head as if to say that explains it; because these illnesses, I have had to undergo many blood tests, breathing tests, CT Scans, et cetera. I have had financial loss because of the tests and doctor visits, not to mention money lost because of social functions I paid for but could not attend. And believe me, I did not retire so I could sit in the doctor's office for the rest of my life.

I cannot imagine how the children in elementary school, which is located on the corner of Manhattan Avenue can possibly concentrate on their studies with all of these distractions; that is if they are in school and not at home sick as a result of all the above.

I no longer invite my friends or other family members to my home. I am so embarrassed by the whole situation and I would certainly not subject them or their children to what I have to tolerate on a daily basis.

Yes, I find the situation to be very unhealthy, unnerving and offensive; but what I find most offensive is a group of intelligent people telling me that the amount of waste management trucks and possibly an increase in these trucks that pass my home on a daily basis has not and will

not have a negative impact either physically, mentally or sociologically on my life and that of my neighbors, a constantly growing residential neighborhood I might add. I say poppycock to the Department of Sanitation's report.

In my opinion, a travesty and reeks worse than waste management trucks that pass my home.

In conclusion, I invite any and all of those people instrumental in compiling this data to stay in my home for one week to get a true picture of the conditions we live under.

I'll ensure you your report will read much differently.

Thank you for your time.

(Applause.)

MR. ORLIN: Our next speaker is Aron Korlander.

(Whereupon, Aron Korlander approaches the podium to address the public.)

MR. KORLANDER: Thank you for the opportunity to comment on the proposed amendments to the Rules Governing the Department of Sanitation Siting Transfer Stations. I am here today as a representative of the Greater Jamaica Development Corporation to testify to the New York City Department of Sanitation, a nonprofit organization and has been a leader in business and economic development and an advocate for mixed use urban planning in Jamaica for over thirty years. Jamaica is the business heart of Community District 12.

Greater Jamaica Corporation wants to be on record of following points: We are opposed to any waste transfer station in any M 1 zone.

All waste transfer stations in District 12 are in one part of the district, South Jamaica.

There are a number of recycling businesses that operate as transfer stations but do not appear on the Department of Sanitation's list of permitted waste transfer stations and therefore distort the regulatory environment.

Community District 12 in general, and Jamaica Center in particular, is now the home of AirTrain, new Family Court and Social Services Administration buildings, the Food and Drug Administration Headquarters and laboratories at York College and a new multiplex theater and retail boom. Waste transfer stations are not compatible with this development.

The conversion of Construction and Demolition or Fill permits to Putrescent permits in South Jamaica is, we respectfully submit, unhealthy and unwise.

That being said, we welcome the amendments's recognition of the legal intent of designating areas as M 1 as opposed to M 3 and restrictions on permits for new transfer stations in M 1 zones.

The amendment does not, however, wholly bar expansion. Expansion is permitted as long as it complies with distance restrictions from residential districts, schools, parks and other transfer stations.

The amendment is vague about and in fact does not contain the word "conversion." The Interim Siting Restriction 4-36, b clearly addressed the issue, while the proposed rules do not. We are concerned that conversion from Fill to Construction and Demolition Permits to Putrescible Waste permits will be allowed. We are vociferously opposed to this conversion.

These waste transfer operations are taking place in an area of approximately one-half square mile that employs

up to two thousand people in food processing. Representatives of these firms, which pay above average wages in an economically disadvantaged area have reported that nearby putrescible waste processing putting their operations at risk and causes additional operating expenses.

Although the Department of Sanitation has only five permitted locations for stations in Community District 12 there are recycling stations that function like transfer stations. This type of miscounting is counter to the intent of Local Law 40 and can have serious consequences, now and in the future regarding restrictions on transfer station expansion.

The siting of any transfer station or any conversion of cart recycling, Fill C and D permits to putrescible permits will have profound impact on a community that has attracted over five hundred million in private and public investment in the last five years.

The Jamaica Redevelopment Study by the Queens Office of the New York City Department of City Plans supports an up-zoning plan that is now part of the broader plan to develop a hotel, first class office space, high end retail space and market-rate- housing associated with the three hundred and fifty million dollar AirTrain system. Nearby Transfer stations or existing are not compatible with this development plan.

In sum, we ask the Department of Sanitation to: Specifically identify permit conversion as a target for the amended rules.

Deny permits for new waste transfer stations or conversion of recycling, fill

or construction and demolition permits to putrescible waste permits in Community District 12.

Support other agency's enforcement of all existing, applicable performance standards and building regulations applying to transfer stations in M 1 zones.

Develop a long term plan that will include sufficient marine and rail transfer stations and other strategies that will result in the relocation of all transfer stations out of New York City's M 1 zones.

Thank you.

(Applause.)

MR. ORLIN: The next speaker is Michael Gerrard.

(Whereupon, Michael Gerrard approaches the podium to address the public.)

MR GERRARD: Hello, my name is Michael Gerrard. I am an attorney with the law firm of Arnold and Porter and I am here representing the Durst Development, which is now building a five hundred unit residential tower called Haleen located between 57th and 58th Street between 11th and 12th Avenue in Manhattan not far from the 35th Street transfer station.

It will be ready in 2001.

I would like to briefly touch upon four topics; First enclosure; second, variance; third, buffers and finally SEQRA.

With respect to enclosures, the proposed regulations say that some but not all transfer stations need to be fully enclosed.

They say the transfer stations which are located in over-burdened areas need to be enclosed and others need no enclosures. They are important to mitigate environmental impacts of transfer stations,

important to reduce noise, odors, litter, pests like seagulls and rats and other factors.

We do not think that the requirement for enclosures should be limited only to certain communities under the State Environmental Quality Review Act. Negative environmental impacts that are identified the review process must be mitigated to practical.

Enclosing a transfer station is a way to mitigate adverse impacts. So, we think it should be required for all facilities.

Secondly, with respect to variances as we read the proposed regulations, it is the variance requirements are eased, it becomes easier to grant certain kind of variances. We do not think that's appropriate. We think that the minimum requirements, regulations should be fixed and that the standard requirements for unique conditions. For instance, require the -- variances should apply to any variances sought in these regulations.

With respect to buffers, we have not seen any basis given for establishing that the minimum four hundred foot buffer is adequate to fully mitigate the adverse environmental impacts to communities more over the distance for the buffer should be not from the outline of the building but from the property line of the transfer station facility. A good deal of truck movement and other movements that can create noxious odors and so forth will occur outside the building; but within the perimeter. So, the outside of the perimeter should be the measuring point for determining the buffer distance.

Additionally, as a number of people have indicated

before, the buffer should be measured not only from residents district the New York City Zoning Codes allow residents in commercial districts and in some manufacturing districts and other variances and other legal mechanisms have allowed buildings to be lawfully erected in non-residential areas.

So, the buffer zone should be measured from lawfully occupied multi-family areas whether or not in a resident district.

With respect to SEQRA, it is my understanding that the SEQRA review process is underway, but is not completed and so the people participating in this hearing do not have the benefit of any studies that are prepared under the SEQRA process. It is fine to have this as a preliminary hearing to get some public input; but there should also be a hearing conducted by the Department of Sanitation once the SEQRA documentation has been prepared. It's apparent what we heard today and we know otherwise that the proposed action may have a significant effect on the environment; and therefore, they trigger the requirement for the environmental impact statement of SEQRA. So, a full EIS should be prepared and a hearing should be conducted by the Department of Sanitation based on that drafted EIS.

Additionally, there is also mentioned inappropriate segmentation between the review of these regulations and the review that is going on at the same time of the proposed provisions to the Solid Waste Management Plan. They are so interlinked that it is inappropriate to separate. They should be considered together so that the public has

the opportunity to comment on them and the Department of Sanitation and other relevant agencies can come to a unified coherent decision on the future of solid waste siting in New York City.

Thank you.

(Applause.)

MR. ORLIN: Thank you.

The next speaker is

Venus Bonnett.

(Whereupon, Venus

Bonnett approaches the podium to address the public.)

MS. BONNETT: Good

morning, everybody. My name Venus Bonnett. I am from the Cooper Park Projects in Brooklyn. I am a member of Outrage. I have been since about 1999. However, I have to say about the same as everyone else has said about the buses -- about the four thousand trucks that come down Metropolitan Avenue about the garbage smells, about the rats, all of those are true, all right.

The only thing I can

elaborate a little bit more on is that we have about five schools in the area. We have three Catholic schools, we have two public schools, 110 and 132, 196, P.S. 196 and the Vanhartly High School. Well, these children are being subjected to the bad smells. A lot of asthma has come along in our hospital. I was to a meeting last Wednesday night a coalition meeting by Assemblyman Vito Lopez and Doctor Fishkin spoke there and he said Woodhull Hospital has the highest amount of asthma cases and emphysema cases among the elderly. All right. And that the air needs to be cleaned, all right. And this was our meeting and I can only elaborate on everything else everyone else has said about the garbage trucks. I have waited on the 24 Bus at

Metropolitan and Green Avenue
and I have stood there waiting
at least about five minutes and
started to throw up; because
the smell was so bad...in the
summertime when we had like a
temperature of about 85 or 90,
all right. I mean in the past
years time, okay.

So, that's all I have to
say.

Thank you very much for
letting me speak.

(Applause.)

MR. ORLIN: Thank you.

The next speaker is
Daniel McKay.

(Whereupon, Daniel McKay
approaches the podium to
address the public.)

MR. MCKAY: Thank you.

My name is Daniel McKay.

I am with the Outrage Program
and proud to be. I think I may
be the last speaker here -- no?

I guess I am basically
going to restate what everyone
else has been saying so very
eloquently today and that is
that these trucks going by --
by the way, I live right off of
Metropolitan Avenue -- it is a
total assault on your senses
day and night and it become
quite unbearable in the summer.

You know, I moved to
Williamsberg with my wife about
ten years ago to be part of the
artist community here -- there
and I have really seen the
whole neighborhood just be
transformed, it is amazing and
it would be a terrible shame to
see more trucks and more
pollution and more disease just
destroy this area after people
are starting to love it.

On a more personal note,

I also seen my wife's asthma
become increasingly worse over
the years and I don't know if
anyone has personal experience
with someone who has asthma or
has asthma themselves; but I
see her just gasping for air
and her lungs tightening up and
it's equivalent -- or she

describes it as being held under water where you just cannot breathe. So, that is my personal little input on all of this and thank you for your time.

(Applause.)

MR. ORLIN: Thank you.

The next speaker is

Timothy Logan.

(Whereupon, Timothy

Logan approaches the podium to address the public.)

MR. LOGAN: Hello, I am

Timothy Logan and I am representing UPROSE, the oldest organization in Brooklyn, about forty years old.

UPROSE was founder of

Waterfront Neighborhoods, which is the lead on the fight on transfer stations since 1996 and its inception in the City including such notorious court cases as OVN versus Carbinelli, then acting Commissioner of Department of Sanitation. At that time the suit was brought about siting regulations failure under Local Law 40. 1990 New York Department of Sanitation was required to propose new siting regulations, a number of times including the ones just issued in May. In 2000 again Local Law 474 was passed to conduct a Commercial Waste Study, a study issued just in April and offered for a public hearing by the city Council only a week ago today despite legal requirement for participation in that process, which never happened. It took the City Council in fact to hold a hearing rather than the Department of Sanitation. I think everyone here today has been talking so much about the air quality issues related to the trucks of this truck heavy industry. Speaking of air quality issues, in particular and in relation to them in another case thank you to New York lawyer of Public Interest

for helping litigate UPROSE versus New York Power, 2001. Community organizations help set the precedent that find particular, P.M. 2.5 must be appropriately studied for health impacts that case going forward -- also the public was not being properly protected by the bureaucratic agencies that are put forward to consider the health considerations. In that case, it was with the power plants. In this case, siting regulations put forth by Department of Sanitation. OWN moved forward a retrofit plan adopted by the Mayor July 31, 2002. That design is well underway and as I remember that day when I sat in the room with the Mayor he announced it, it was a big victory for OWN and all the member organizations. And the last thing he said and I'll paraphrase, I don't have the exact quote was that the reason for these -- the retrofit of the Marine Transfer Stations was not about the money, it is about the health of our children. And he was saying this as an alternative to deal with all of these truck based waste transfer stations in our community, which these regulations will have clearly exacerbate. A time now is where solid waste management plans moving towards the retrofit, we need to see the connection which does not exist with the retrofit and is a means for no new facilities. No expansion of existing facilities that would be particularly the conversions proposed from construction demolitions to putrescible and Sunset provisions similar to those in district of Columbia, our nations capitol which is the other Metropolitan area that is considered in regard to waste transfer station by the National Environmental Justice Advisory and D E C was moving

in the opposite direction of New York City that they are proactively looking at the health as opposed to New York City. The City is apparently proactively moving towards clustering of an already impacted community of so many years.

Again, this process is not providing meaningful participating. This process should be after significant time is given for review of the Commercial Waste Study and over a two thousand page document was issued in April and the passage of the Solid Waste Management Plan, which will actually put towards what the City's plan is are prior to giving siting regulations that may have no connection whatsoever to what the City's otherwise planning. This meaning of participating was clarified by the courts in OWN versus Carbinello and it's clearly failed over and over again from the study to now putting this in the mist of hearings about the solid waste management plan. I believe there are ten hearings in the course of two weeks which we are in the middle of in addition to the Commercial Waste Study hearing, which counsel had and now this hearing again.

To have hearing after hearing, day after day after day does not provide meaning of participation for the communities.

I also would like to put forward the lack of adequate language interpretation. I don't see any interpreters here. OWN considers brother and sisters in communities that participate in the Organization of Waterfront Neighborhoods.

The Organization of Waterfront Neighborhoods handles over eighty percent of cases and have a population

with limited English proficiency of up to fifty-five percent of the community. These communities are up to ninety percent of people of color. This is completely inadequate and significant low income populations as well in these communities it is like somebody got out their dart board and said, Where should with target? Pick low-income communities of color that can not speak English; 'cause they don't know what is going on and have no political power. It seems like a good place to move forward. The Proposed Siting Regulations as numbers people spoke about earlier will increase clustering the way that they would put forward everyone with neighborhoods of highest concentration of transfer stations all the existing transfer stations are being grandfathered, which is giving them an exemption under the regulations that's illogical.

These Proposed Siting

Regulations fail to address existing facilities, distance to actual residences; and frankly, they fail to meet up to the standard before Local Law 40 when mandate protection of public health and environment in so many ways.

Essentially, I see the

elected officials within the City moving forward from the Mayor specifically adopting OWN's plan for retrofitted Marine transfer stations to the first comments we heard today from the speaker on behalf of the Councilmen McMahon, Chair of the Solid Waste Committee that asking for just on the 21st said the plan is to close down the putrescible transfer waste stations, that is why we are retrofitting the Marine Transfer Stations and these proposed regulations do nothing of the sort. Instead, they

open additional capacity.

The elected officials are the person put forward by the public to represent them. They are moving in one direction baric Department of Sanitation appears to be moving in a separate and opposite direction and that is clearly unacceptable.

I don't know what

further to say other than I think it is time to scrap what you have put forward by and large and go back to the drawing board and propose something sometime after the Solid Waste Management Plan has been adopted when our City's legislator has had a chance to look at what the proposals are.

(Applause.)

MR. ORLIN: Thank you.

The next speaker is

Stephen Bellino.

(Whereupon, Stephen

Bellino approaches the podium to address the public.)

MR. BELLINO: Good

morning, my name is Stephen Bellino and I am the owner of Jamaica Recycling Corps. I am aware of the Department of Sanitation's recently proposed regulations governing the site of new transfer stations and finalized it regulations will prohibit Jamaica Recycling from obtaining a permit to process construction demolition, putrescible waste at the daily yard facility located 94-29, 165th Street Jamaica, New York.

We are a state of the

art facility. It is totally enclosed to ensure that no odors essentially escape, there is a negative airflow system, which means the air and dust goes through filtration system and is cleaning and purified before the air is released into the environment. There is an underground lining preventing any leeching from seeping into the ground and water table.

There is a run off pretreatment device to purify the water prior to it returning go back to Jamaica Bay.

At last the facility is surrounded by a six inch high berm and eighteen inch of concrete and concrete flooring allowing no liquid to run to the street or penetrate into the ground.

Again, I emphasize that over the years Jamaica Recycling has constantly been a good neighbor to the business directly next to it and the surrounding community.

It is unfair that under section 4-3. 5 A of the proposed regulations Department of Sanitation can issue variances from the various siting provision; but Jamaica Recycling, which is upgraded since 1982 and current New York State D E C station cannot obtain a variance from the applicable buffer requirements. While buffer requirements are important, decisions should be made on a site specific basis. The Jamaica Recycling demonstrate that it will not adversely impact our neighborhood and satisfy the state and city and many other requirements it should not be prohibited from operating.

Similarly, the limitation of three transfer stations in an M 1 zone section four -- 32B 1 (i) appears specifically written to prohibit Jamaica Recycling from opening this transfer station.

While I am aware that some community groups in Jamaica have opposed transfer stations, their concerns were with other operators. Jamaica Recycling should not be forced out of business; because the facilities do not operate properly or are close to homes. Jamaica Recycling has a good history within the community, no complaints and we are

virtually unknown because the geographic location.

Finally, I am

disappointed that this is how our City regulations treat small businesses trying to provide an essential service in New York City.

I will be sending more

detailed additions to this testimony before July 19th, it is just impossible to spend a couple of minutes at this podium and explaining and going through all rules and regulations and processes and things which our facility has.

Thank you very much.

(Applause.)

MR. ORLIN: Our next

speaker is Elena Conte.

(Whereupon, Elena Conte

approaches the podium to address the public.)

MS. CONTE: Hello, good

morning. My name is Elena Conte. I am the Solid Waste and Engineer Coordinator for South Bronx. We are an organization dedicated to implementing projects to improve the environmental health of our community and the neighborhood or immediate neighborhoods in Hunterspoint, larger South Bronx. It is people who live there, seventy percent are Latino and thirty percent are African-American and forms the poorest Congressional District in the entire fifty states. We are a member of Waterfront Neighborhoods from which you heard quite a bit today. We are all fighting for an environmental equitable sound solid waste plan for New York City.

As a member of OWN, we

are trying to protect us from the onslaught of truck base private under-regulated transfer bases that has impacted our neighborhood and contributed to asthma and other environmental related diseases.

Just to give a sense of the point that we are in the South Bronx. We have the second highest asthma rate not only in the City but in the country.

There is a survey that just came out and does not acknowledge that the transfer stations contribute to almost fifty percent of the background level of factors to asthma.

Particle matters are small things that lodge in your lungs and cause and trigger asthma attacks. We are at a breaking point and cannot take it anymore. This does not mean miss school days for kids. It's miss work days for parents who have to be home with kids and it means breaking the spirit of a community that is already struggling, you know, with such beauty and honor to rise above the circumstances that it is in.

So, I am here to tell you a break down into a little more detail that the regulations that the Department of Sanitation has put forth not really only fail to protect us if not compelling enough; but they fail to comply with the Local Law 40 to protect the public health in our neighborhoods.

So, the law lays some proposed standards, buffers, cunares, off sets and enclosures.

Cunares, off set, and enclosures for any transfer stations -- and sanitation is well aware at this point to what the threats are; air pollution, truck traffic -- pedestrians, vehicular safety issues odor, noise, vermin all that exists. The only problem is that the standards proposed are directly tied to the impacts there. For example, the concept of the buffer, right. What is the buffer set out to alleviate?

Okay; is it set out to

alleviate the immediate impact of the transfer station in which case we know that's one hundred meters or nine hundred feet based on the commercial study and was so keen on subtracting. So, we know the immediate impact is one hundred; but all the proposed buffers are less than that. So, what does that buffer actually accomplish in protecting the neighborhood?

But maybe the buffer is intended to deal with the overall problem in which case that does not make any sense either; because we know that in areas close and far from all the transfer stations that the air quality fails to meet D E C and D E P standards for particular matter 2.5. So, you have something you are trying to do and not actually tied to public health impact so not accomplishing that and therefore not successful in complying with Local Law 40. So, to go a little further into that point, to talk about the off set standard, which we have experienced the flaw logic and reasons of personal in the South Bronx. So, the offset standard says that you can trade permanent capacity for one station; but if you want to open up a new station, you have to shut down a station elsewhere.

But the standard is permanent not actual and it also let's you trade different kinds of waste. So, if you were to open a new putrescible waste station, you can close down a fill station or commercial construction demolition waste station.

So, what does that mean? So there is a little company known as Waste Management, right, the largest waste handler in the entire world that has a major station at the Harlem River Rail Yard. So

right now Waste Management is permitted to deal with three thousand tons per day of putrescible waste at that station and has applied for a permit to extend that up to four thousand tons per day or thirty-three percent increase.

But it said, No, No, No, don't worry; 'cause we are really going to do offsets. We want one thousand more tons of permanent capacity.

So, we will shut down an existing station with 1036 tons. So, you will win with thirty-six less tons going on. And we have, you know, rail over here so this is great for the environment.

Well, it sounds nice on paper; but it does not match at all what's going on in the neighborhood. In reality, the station of Waste Management proposed to shut down was only operating at fifty-two tons per day and capacity was one thousand tons per day. So, really, it's fifty-two minus thirty-six -- you are not getting anything. They are not shutting anything that was effectively operating at the same time. The decision they were proposing to shut down was construction demolition. As you know, tearing down a building has completely different impacts. It has impacts different from putrescible waste.

D E C loved this and thought it was great. They did not buy the fact that in reality this was a completely different character. They went with the paper argument and what you have in siting regulations is a continuation of logic that does not acknowledge very real flaws there.

In addition, I just want to talk about a couple of things.

Really, enclosure should

apply for everything. If you are saying effects of the air, then you need all stations to have enclosures and should apply to all stations already operating, should have enclosures. So, I just want to sum up this portion by saying that you cannot just lay this stuff out there. If you are going to say that these are going to address a public health impact, you have to lay out exactly what impact you are trying to address and show and demonstrate that the rule you are putting forward is actually addressing it.

So, even within the neighborhoods with the highest concentration of transfer stations in New York City, all the existing transfer stations are exempt under regulations and all existing transfer stations are allowed to do expansions.

This leaves the neighborhood to further clustering and more transfer stations entering in.

Okay, the regulations, do nothing to address existing problems of the clustering. So, we propose that New York Department of Sanitation should include a deadline of three years or less for existing transfer stations to comply with the final regulations or phase out operations and close.

The regulations also create an incentive for continuation of conversion of existing truck base. Again, this is just to increase the clustering.

I also want to highlight that by -- we want to -- we want to applaud I guess Sanitation's effort to focus on rail and barge export; but really emphasize that you simply cannot do that blindly as in the case of the Harlem River Rail Yard. What's going to happen at the Harlem River Rail

Yard is that locally there is going to be over nine thousand truck trips in and out of the neighborhood everyday. I cannot say that -- sorry, not everyday, every year, pardon me. You cannot just say that because it's going out on a barge or a rail that means it is safe. That is not a free pass to do anything.

There is barge and rail in our neighborhoods and you have to acknowledge what is happening on the whole picture in terms of health. In order to do this, the right way and to really accomplish the goals you are saying you are laying out to do.

Just a couple of more quick things.

The folks from

Williamsburg Greenpoint spoke eloquently and also in Queens about M 1 Zones and the fact that those are right next to places where people live and that there are many people who actually live in M 1 zones. I want to put forth to you that it is not -- that while the people are extremely important, there are also other considerations that need to be taken into account with M 1 zones. In the South Bronx, we have the world's largest food distribution market.

It feeds the entire City

and many other food uses going on right next door of food distribution.

The Mayor has a plan to

rezone that area in M 1 zone to have sort of a separation between food processing and waste processing; because it makes sense to everyone of public health perspective to separate those things. But even if the task force does rezone with the M 1 rezoning, that does not put any impact on the stations that are already there and still waste transfer stations next to food

processing and not only effect
the people in the neighborhood
but effect the entire city in
parts of the region; cause
those things serve the entire
area.

And finally, I want to
bring up last but really not
least is the process points
that other people brought up
today. You know, the current
time line for this really
undermines participation. Just
like what everyone else said
having ten community hearings
plus the commercial waste study
hearing, the siting regulation
hearing all in a two week
period is insane and it is
really showing you are not
trying to involve the people
who are most effected or really
anyone on a city wide level.

Furthermore, asking us
to comment on this stuff now,
before the survey comes out
before a context of it fitting
into a larger picture and doing
export does not make any sense.
It's basically saying you
really do not want input;
because we can not understand
at this point in the game how
these regulations fit in with
all other pieces. If the
siting regulations are not the
way for you to shut down the
line transfer stations that
might be okay if we understand
how you are going to do it.

But, it's not laid out,
so you cannot really ask us
now.

Finally, you know, I
just want to highlight that the
Department itself has gotten
very clear messages in the
South Bronx that there are
problems with the outreach on
our June 22nd hearing. Our
district manager came and it
was testified that he got no
call back date, he had no idea,
no contact. Your outreach is
not sufficient. There were
four people in the hearing for
the alternative site a teacher

from the school was there and had an extensive conversation with the consultant saying he was a teacher of the school and no idea what the hearing was about and the principal had no idea of the hearing. How exactly did people outreach and what was the process and you know this was all unofficial and off the record communications; but we sat afterwards in a meeting and starting asking ourselves saying we understand that this is an insufficient turn out and insufficient communication and we want to know from you how we can do it better. And on the one hand, I want to say that ain't my job, I have enough to do. I got to get the word out, translate the things to the folks in the neighborhood and try and understand it myself. That's really not my issue. On the other hand, I felt that it was coming from a sincere place on his part. He should definitely do a better job with consultants.

But a couple of suggestions, he should -- at least for this issue, this comment period -- should be extended first and hold another hearing when we have all the receipts together and people can actually comment with sufficient notice.

Thank you.

MR. ORLIN: Good morning, next speaker is Councilmember Diana Reyna.

(Whereupon, Councilmember Reyna approaches the podium to address the public.)

COUNCILMEMBER REYNA:

Good morning, this is the fastest I have come to testify. Good morning to the Department as well as our community residents. It's a pleasure to be here. I am Diana Reyna and I am

representing the 34th District in Brooklyn and Queens. I would like to thank you for the opportunity to testify about Proposed Siting Regulations for land base waste transfer stations.

As you know, the internal siting regulations created high concentration of land based transfer stations in certain neighborhoods in New York City.

No concentration is higher than in the community I represent. Community Board Number One in Brooklyn is home to sixteen waste transfer stations that process approximately forty percent of the City's garbage. The new siting regulations should address these unfair concentrations so that certain neighborhoods, predominantly low income neighborhoods, do not shoulder the burden of processing garbage for the rest of the city.

Unfortunately, the proposed regulations do nothing to correct this proliferation of waste transfer stations in neighborhoods such as Williamsberg and Greenpoint they neither seek to reduce the numbers that currently exist nor seek to cap the numbers that could exist in the future.

The regulations are flawed because they are rooted in incorrect assumption that is a result from a deeply flawed Commercial Waste Study. The Commercial Waste Study concluded that a concentration of land based waste transfer stations has no negative environmental impact on surrounding communities. This conclusion is preposterous as any resident from these neighborhoods will tell you. At last weeks council committee on sanitation hearing many flaws of the study were exposed showing negative impacts and

ignored the changes land use pattern and more. This is why the City Council allocated 135,000 to create an alternative study that will show why the commercial Waste Study is flawed and why concentration of waste transfer stations is detrimental to health and quality of life of the community. We all look forward to the results of this study; but in the meantime, I urge the Department of Sanitation to reevaluate the siting regulations for the future of our neighborhoods, those regulations must seek to reduce the number of waste transfer stations overburdening neighborhoods and restrict the number that can be sited in any given community. We must learn from mistakes of the past and implement an equitable solid waste management policy for future generations and ensure that siting regulations address the issue of concentration.

That is crucial as a first step in the right direction.

Thank you.
(Applause.)

MR. ORLIN: Is there anyone else who would like to testify today?

(No response.)

Well, no one else has signed up to speak. So, we will stay until 12:30. If anyone else comes to testify, it does not end until 12:30; but as of now it is the end of the hearing until someone else comes.

Thank you very much for coming.

Off the record.

(Whereupon, a brief recess was taken after which the proceedings continued as follows:)

MR. ORLIN: A representative from Council Member Comrie's office is here to testify.

MR. ORLIN: Our next speaker is Joe Goldbloom on behalf of Council Member Leroy Comrie.

(Whereupon, Joe Goldbloom approaches the podium to address the public.)

MR. GOLDBLOOM: Sorry to be late; but we had a whole number of committee meetings today. I will be very brief.

The Council Member representing the 27th Council District ask me to read this statement on his behalf.

"I represent the 27th Council District, Southeast Queens.

There are seven transfer stations located in this district and a number of them are causing serious problems in reference to odors, truck traffic and sanitary conditions.

I must comment on section 4-32 of the general provisions in which transfer stations are sited in accordance with the Zoning Resolution or by a variance of the Board of Standards and Appeal. The problem is that the Zoning Resolution does not protect residences, community centers and houses of worship and parks that are located near these stations. Four hundred feet is not enough to protect these community facilities from negative effects of these stations.

This section also states that putrescible stations may not expand their sites but are there are no limits stated in these provisions as to the expansion of tonnage or hours of operation.

Paragraph Five states that the four hundred foot buffer distance between what station and a residential district can be waived if a transfer station moves by rail or barge the solid waste it processes. We have two

stations close to a rail yard and we would not want them to expand within the four hundred foot buffer zone.

In connection, it also appears the new restrictions for stations in districts that have twenty percent of total number of existing transfer stations shall not again apply to new stations that ship solid waste by rail.

Again, I have the same reservations as before.

I am also disturbed by the provisions in section 4-35 regarding variances. The definition of "environmental benefit" regarding variances vague in details as to "environmental protective" measures. The statement regarding significant environmental impact does not take in account potential health hazards. And it time, I believe, to bring the Department of Health in the process of determining environmental safety of those living and working near those stations.

Further comments with a written statement I will send to you and I thank you for your courtesy.

And to you, Commissioner, thank you for extending your period of the hearing.

MR. ORLIN: Off the record.

If there is any further speakers, we are still open record until 12:30.

Off the record.

MR. ORLIN: Back on the record.

Councilmember David Yassky from Brooklyn is here to testify.

(Whereupon, Council Member David Yassky approaches the podium to address the public.)

COUNCIL MEMBER YASSKY:
Good morning Department

representatives, thank you very much. My name is David Yassky I have a written statement that I will submit for the record, so I'll just summarize it for you.

Thank you for keeping your hearing open and giving me an opportunity to testify. I represent the 33rd District in Brooklyn, which is the neighborhood Greenpoint, Williamsberg specifically, Community Board Number One. So, the district I represent have a particular interest in these proposed rules; because as you know, more than twenty percent of the transfer stations in the entire city are located in Brooklyn Community Board One. So more than a fifth of the entire City's load of transfer stations is localized in Brooklyn's Community Board One. I want to start by saying I credit the Department for recognizing the unique situation of Community Board One. I see that you have special rules and I credit the Department for doing that. I believe though that the proposed rules need to be approved in a few key respects before finalized. The first is that the proposed rules would permit expansion of existing licensed transfer stations in Community District One. That is a departure from your internal rules now in place.

So, in other words, that would be a relaxation of restrictions on transfer stations in Community District Number One, would permit an increase in capacity in that overburdened district that is not permitted. That I think would be a serious error. And I urge you to correct that before the rules become final.

You have one neighborhood -- and you don't need me I am sure you heard from members of the public

before about the litney of ills and burdens associated with such a concentration of transfer stations. I won't go through that again; but to say that given when you have a neighborhood that is subject to all that to allow an expansion, I think would be a grave error.

Second, as I understand

it your rules allow a new transfer station in Community District One as long as it's offset by elimination of capacity and existing transfer stations that -- am I correct -- okay. As long as -- that, I think makes a lot of sense except for the fact again my understanding is that your propose the would allow a new putrescible transfer station or new transfer station handling putrescible waste as long as offset by reduction in capacity of a non-putrescible station since it is putrescible really accounts for really many of the odors rodents and health burdens that the transfer station poses. I think that's also something that needs to be improved. The offset I think is excellent; but it should be putrescible -- non-putrescible non-putrescible.

Third, if I understand

it, the -- I do believe I am corect here, you allow -- your proposed rules allow a new transfer station that will use barge or rail to export the trash.

Provided that it is

offset by a reduction of half the capacity I suppose in existing land base.

So, in other words, if

you build a new ten thousand ton rail base transfer station or barge base transfer station if you eliminate five thousand tons of the capacity, again I think the off set concept makes sense and I understand why it's done that two for one ratio the main problem -- the biggest

problems posed by the diesel trucks removing the trash even more so than the trucks bringing it in. However, I think this needs to be mandatory -- in other words as we begin to bring on-line the Marine base transfer station that the city is going to be responsible for or other private barge or rail based transfer stations, I think we have to ensure that that capacity at the truck base transfer stations are reduced.

So, I would urge that to be a requirement that when a new -- when there is new barge or rail capacity that the land base, truck base transfer station must be reduced. Those are my comments. I thank you very much for the opportunity. And I guess I would stress again I think they are all -- those are all important, necessary improvements. Also, rules do require that when there is a prior Marine Transfer Station a barge base or rail base transfer station that that would of had to have been accompanied by reduction in capacity of the transfer station; but you do not have any such provisions for the city operated Marine Transfer Station that we see on the rise and what I am saying is these rules should provide a mechanism to guarantee that when a city operated or privately operated or whatever kind of Marine Transfer Station is built as part of the City's long term solid waste management that there must be an accompanied reduction in the land based truck base transfer stations. That I think is, you know, just a necessary guarantee that should be made to these communities. Because I'll tell you this totally and honestly forward, I go to Greenpoint\Williamsberg and defend the solid waste

management, defend the idea of re-opening the M T S transfer station in Greenpoint in time or having a new one nearby -- whatever it is you are going to wind up doing and that's not very popular. I will tell you one hundred people in Greenpoint will say, We already have so much garbage in here. How is it fair to re-open this M T S? Now, I do believe and I am -- I am convinced myself that the mayor's proposal for re-opening the M T Ss is in the best interest of the city; but when you're locating one of these M T Ss in the neighborhood that already has these truck based ones, it's only fair to say to them, Okay, when we open this M T S you are going to see a reduction in the truck based transfer stations that are five, eight blocks away.

So, that's the piece I think that is missing from here and that's what I urge. And I do think that doing so will smooth the way considerably for the M T S plan itself; because neighborhoods will understand that it really is in the benefit -- frankly, Greenpoint still is going to get more garbage trucks when the M T S comes; but at least they will stay the city wide benefits made concrete to them.

If you say that we are going to reduce the truck transfer stations at the same time. So, that is what I think.

"As a City Council representative from Brooklyn Community District One, I am very much concerned with proposed amendments to the rules governing the Department of Sanitation's siting requirements regarding transfer stations. As you know, the "interim plan" has not been kind to the people of North Brooklyn. Community District

One is home to a staggering twenty-two percent of the city's private solid waste transfer stations.

The communities of

Greenpoint and Williamsburg see thousands of garbage truck trips everyday, and suffer the environmental, health safety and quality-of-life degradations that come with that level of exposure.

In recognition of these

facts, the previous Administration agreed to a moratorium on siting new waste transfer stations in Community District One. As the salient facts that made this agreement so necessary have not changed, I am dismayed to see that the newly proposed rules appear to double back on previous commitments.

Specifically, there are

four major points with which I take issue:

First, that the

Department shall authorize the operation of a new transfer station if the applicant obtains a reduction in the lawful permitted capacity at another transfer station within the same community district by an equal or greater amount.

I appreciate the

acknowledgement that the existing permitted capacity in these two neighborhoods should not increase. I am concerned, however, that a non-putrescible facility could be exchanged for a putrescible facility. The community is generally of the opinion that putrescible trash is much more offensive to the community than construction and demolition debris - the community would not be pleased to see a regulation that caps the tonnage, but allows that capped tonnage to become more odorous and offensive.

Moreover, I do not believe that an equal exchange is an adequate solution. A new

facility shall be established only if the applicant obtains a reduction in the lawful permitted capacity at another transfer station within the same community district at a rate of two tons for every one new ton of capacity.

Second, that new transfer station can be placed in districts that contain twenty percent or more of the total number of existing lawfully operating transfer stations as long as the trash is containerized and exported by rail or barge and the applicant obtains a reduction in the lawful permitted capacity at another transfer station within the same community district at a rate of one ton for every two new tons of capacity.

While I applaud your focus on barge and rail alternatives - barge and rail options are certainly cleaner and less intrusive to the community - such a regulation would still allow the permitted capacity of these neighborhoods to increase.

As it currently stands, the South Bronx and Greenpoint\Williamsburg handle seventy-five percent of the city's solid waste. Both neighborhoods have industrial waterfront space and access to rail links. It is my fear that this new regulation will result in cleaner, more community friendly facilities, but that these new facilities adding to the overall trash in the most put-upon communities. It is unacceptable to increase the permitted capacity in these neighborhoods. At the very minimum, I think we should expect that for every one ton of trash permitted to a new barge or rail facility, one ton of trash should be removed from an inland truck to trailer facility.

Third, that any transfer station that is lawfully operating may expand its operations, but must comply with the distance requirements.

This rule flatly unacceptable. Under no circumstances shall an established stations be permitted to expand. Moreover, it is not adequate to identify as has been done in numerous instances throughout this document expansions and additions without specifying whether the trash will be putrescible or non-putrescible.

Fourth, there are not rules set forth regarding the reduction of land based transfer stations in communities where marine transfer stations are built.

As long-term solid waste management plan entails the construction of marine based transfer station in Community Board One, it is necessary to correlate the opening of these stations with the closing of land-based transfer stations.

Whether or not this is something to be included in these siting rules, is perhaps debatable. I will, not, however, approve of any final draft of rules till such a conversion policy is established.

Thank you for inviting me to comment on these rules and I sincerely hope you take these suggestions into consideration.

There are fifty-nine community boards in New York City and nearly seventy-five percent of the trash is handled by just two of them: Brooklyn, Community Board One and Bronx Community Board Two. The new siting requirements should send a clear message that these two neighborhoods handle more than their share, and that trash handling capacity needs to be

spread more equitably
throughout the city. With such
a tremendous percentage of the
City's commercial and
residential waste stream flows
through North Brooklyn transfer
stations - we should be looking
to remove transfer stations in
Community District One, not add
them.

Thank you.

THE HEARING OFFICER: It
is now 12:30 and the hearing is
officially concluded.

Thank you all for
attending.

It is now 12:30 the
hearing is officially
concluded.

CERTIFICATION

STATE OF NEW YORK)

) ss

COUNTY OF SUFFOLK)

I, LESLEY SIMPSON, a
Stenotype reporter and Notary Public within
and for the State of New York, do hereby
certify, that:

PUBLIC HEARING

herein setforth was duly sworn by me, and
that such Examination Before Trial is a true
and accurate record of the testimony given by
said witness; and I further certify that I am
not related to any of the parties to this
action by blood or marriage and that I am in
no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of June, 2004.

LESLEY SIMPSON