

**State Environmental Quality Review/City Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**CEQR # 08-DOS-001K**

March 26, 2008

This notice is issued pursuant to the New York State Environmental Quality Review Act (SEQRA), the State Environmental Quality Review regulations (Title 6 of the New York Codes, Rules and Regulations [NYCRR] Part 617), New York City Executive Order of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR). The New York City Department of Sanitation (DSNY), and the New York City Department of Small Business Services (SBS) as co-lead agencies have determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Sunset Park Materials Recovery Facility (MRF) – 30th Street Pier, Brooklyn

**SEQR Classification:** Type I

**Location:** 30<sup>th</sup> Street Pier, Block 662, part of Lot 1, within the South Brooklyn Marine Terminal (SBMT), west of Second Avenue and marginal street/wharf/place, extending into Gowanus Basin.

**Community District:** Brooklyn CD 7

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**Description:** The applicant Sims Municipal Recycling of New York LLC (Sims) is seeking a lease from the New York City Department of Small Business Services (SBS) for the use of the 30th Street Pier located within the South Brooklyn Marine Terminal (SBMT) in Sunset Park, Brooklyn to construct and operate a materials recovery facility (MRF), also known as a recyclables handling and recovery facility. Sims also proposes to enter into a long-term contract with the New York City Department of Sanitation (DSNY) to process and market source-separated recyclables delivered by DSNY. The lease and contract term are expected to be both 23 years, with one 10-year renewal option and a subsequent seven-year renewal option. Materials to be handled at the proposed facility would include New York City-designated recyclables consisting of metal containers and bulk metal, glass, plastic bottles and jugs (“MGP”); newspaper, magazines, mixed paper and cardboard (collectively, “Paper”), and certain scrap metal, and would be transported to and from the facility by barge and/or truck. DSNY would fund certain improvements Sims would make to the Pier. Sims would construct and operate the MRF. The site to be leased comprises approximately 499,000 square feet (sf), or 11.45 acres. The contract would replace the current short-term contract with Simsmetal East LLC (an affiliate of Sims) under which DSNY-collected MGP is delivered to Simsmetal East facilities at 850 Edgewater Road, Bronx, 30-27 Greenpoint Avenue, Long Island City, Queens, and 1 Linden Avenue East, Jersey City, NJ. Under the long-term contract, DSNY would continue to deliver to these facilities, but add the 30<sup>th</sup> Street Pier facility as a tipping location.

The MRF would consist of seven connected buildings, including a 32,600 sf enclosed barge unloading facility (EBUF), a 38,500 sf MGP & tipping area, a 76,500 sf MGP processing area, a 28,000 sf bale storage area, a 26,000 sf ferrous material storage shed, a 7000 sf administrative office, a 6000 sf education/visitors center, parking areas, truck scales, a security booth and fencing (all dimensions approximate). The facility would include an approximately 850-foot-long by 27-foot-wide relieving platform that would function as a marginal wharf, and a 195-foot-long by 10-foot-wide barge mooring pier. The pier would be elevated above the 100-year flood plain by the addition of approximately two feet of stabilized dredge material and/or clean fill, capped by pavement. Dredging of approximately 4.3 acres would include removal of debris (concrete decking, rebar, timbers, etc.) associated with a pile-supported finger pier formerly located adjacent to the southern edge of the 30th Street Pier that was demolished/collapsed, and removal of bottom sediment to facilitate movement of barges to and from the project site (dredge volume of approximately 53,158 cubic yards, including debris and 2-foot allowable over-dredge).

MGP from Manhattan, the Bronx, and Queens would be delivered by barge, while MGP from Brooklyn Districts 2 and 5 through 18 and Paper from select Brooklyn Districts would be delivered by truck. Paper, ferrous metal and glass (mixed color cullet) would be removed by barge, while plastic bales, non-ferrous metal, and residue would be removed by truck initially, with the possibility of future rail transport from the facility. MGP processing will include screening, magnetic sorting, eddy current separation, air classification, optical sorting, manual sorting and baling. By 2024 the facility is projected to receive and process approximately 1047 TPD (316,492 tons per year - TPY) of DSNY-collected MGP and 219 TPD of DSNY-collected Paper (66,138 TPY). Under the contract, Sims facilities would eventually accept City Paper from certain districts, estimated to total approximately 150,000 to 190,000 TPY. Most of this curb-side Paper will be barged from Sims facilities in the Bronx and Queens to Sims' Jersey City facility. The 30<sup>th</sup> Street Pier facility would accept an estimated 150 tons per day (46,800 TPY) of private ferrous scrap in 2024. The facility would operate 24 hours per day, six days per week. Facility construction is expected to take approximately 24 months.

Construction and operation of the proposed facility would require actions, permits and/or approvals from DSNY, SBS, U.S. Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Office of General Services, and New York State Department of State.

By developing this state-of-the-art recycling facility, the proposed actions would realize a central component of the City's recycling plans set forth in the 2006 Solid Waste Management Plan, while expanding the City's marine-based movement of goods and reducing DSNY and area-wide truck trips and thus reducing vehicle miles traveled (VMT) by truck by over 200,000 annually. This proposal would also further the economic development of the SBMT.

## **STATEMENT OF NO SIGNIFICANT EFFECT**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York, the New York City Departments of Sanitation (DSNY) and Small Business Services (SBS) assumed the roles of co-lead agencies for the purpose of making the following determination. Based on a review of information about the project contained in an Environmental Assessment Statement dated March 2008, pursuant to Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.7, the DSNY and SBS have determined that the proposed action will not have a significant adverse effect on the environment.

## **SUPPORTING STATEMENTS**

The above determination is based upon on the Environmental Assessment Statement (EAS) for the Sunset Park Materials Recycling Facility, dated March 2008, together with analysis done for the facility as part of the 2005 Final Environmental Impact Statement prepared for New York City's New Solid Waste Management Plan, and incorporated by reference herein. Analysis methods followed guidance set forth in the 2001 City Environmental Quality Review Technical Manual.

The DSNY and SBS have determined that construction and operation of the Sunset Park MRF at the 30th Street Pier, as proposed, would not result in potential significant adverse environmental impacts with respect to any of the following categories: land use, zoning, or public policy; socioeconomic conditions; community facilities; open space; shadows; historic resources; urban design/visual resources; neighborhood character; natural resources; hazardous materials; Waterfront Revitalization Program; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality; noise; construction impacts; or public health. A brief summary of the most pertinent impact category analyses follows.

### **Traffic**

The area is served by I-278/Brooklyn-Queens Expressway/Gowanus Expressway, a through truck route, and 3<sup>rd</sup> and 4<sup>th</sup> Avenues, both major arterials and local truck routes. Facility trip generation was estimated and traffic and vehicle classification counts were taken at six signalized intersections: 3<sup>rd</sup> Avenue and 20<sup>th</sup> Street, 3<sup>rd</sup> Avenue and 29<sup>th</sup> Street, 3<sup>rd</sup> Avenue and 32<sup>nd</sup> Street, 3<sup>rd</sup> Avenue and 39<sup>th</sup> Street, 2<sup>nd</sup> Avenue and 39<sup>th</sup> Street/Gowanus Expressway southbound exit ramp, and 4<sup>th</sup> Avenue and 39<sup>th</sup> Street. Trips generation would involve DSNY collection trucks from certain Brooklyn districts, Sims trucks with recovered recycled products for delivery off-site, third-party private trucks delivering scrap metal from local businesses, and employees commuting. There would also be occasional visitor trips to the site's recycling education center. Trips were projected to 2029, with an assumed 10% increase. (Material that would be delivered to/from the facility by barge and tug would generate additional trips by water; these were included in the air analysis, below.)

The project is projected by 2029 to generate daily truck trips (in and out) of approximately 212 DSNY trucks, 78 Sims trucks, 46 large scrap trucks, 254 small scrap trucks, and 96 employee commuter vehicle trips. On the average peak day (Friday) in 2029, site-generated traffic would be greatest between 11 AM and 12 PM, with approximately 30 DSNY trucks delivering and 30 leaving, plus other trucks, for a peak facility hour of 82 trips.

The project includes minor shifts of signal timing, to be implemented in coordination with the New York City Department of Transportation, at the following intersections: 3<sup>rd</sup> Avenue and 29<sup>th</sup> Street, 3<sup>rd</sup> Avenue and 39<sup>th</sup> Street, 2<sup>nd</sup> Avenue and 39<sup>th</sup> Street and the BQE Exit Ramp, and 4<sup>th</sup> Avenue and 39<sup>th</sup> Street. With these improvements, the proposed project would not result in any significant adverse traffic impacts, compared to the Future No Build Condition.

### **Air and Noise**

The potential for the facility to cause impacts to ambient air quality was analyzed. Peak hour trips would not exceed the City's screening threshold (100) for the analysis of carbon monoxide. As per Local Law 39 of 2005, by 2012 all of DSNY's collection truck fleet will be equipped with best available control technology such as diesel particulate filters or otherwise meet USEPA's strict standards for 2007 model year heavy duty diesel engines. The trucks must also utilize ultra low sulfur diesel fuel, under recent federal law. As a result, projected DSNY and private truck aggregate emissions would not exceed the screening level of 5.1g/mile for fine particulate matter (PM<sub>2.5</sub>) at any location in an hour. Oxides of nitrogen (NOx), together with volatile organic

compounds, are precursors to the formation of ground-level ozone. The proposed action would reduce DSNY collection truck travel by more than 200,000 vehicle miles traveled per year, and therefore would not be expected to cause a significant increase in regional ozone levels. Stationary air emission sources were also taken into account, including tug boats docked at the facility, non-road engines, and fugitive dust. The resulting dispersion analysis predicted PM<sub>2.5</sub> levels at sensitive receptors and found that the relevant impact guidance values would not be exceeded. Odor control measures will include an air ventilation system that achieves at least 6 air changes per hour, and odor and dust controlling misters. A tire washing procedure would be employed to minimize tracking of dust from the facility. The facility would not have a significant adverse impact upon air quality.

Mobile and stationary noise impacts from the project were considered and predicted not to be significant, using CEQR Technical Manual criteria. The facility would comply with the New York City Zoning Resolution Performance Standard for Manufacturing Districts, with the New York City Noise Control Code, and with applicable state regulations.

### **Natural Resources**

Terrestrial natural resources on the site are minimal, as it is a paved parking lot. Dredging will be required to a depth of 12 feet below Mean Low Water (MLW) within an approximately 4.3-acre area along the southern side of the 30th Street Pier. Approximately 0.25 acres of the area proposed to be dredged is rocky/mudflat intertidal area (primarily unvegetated) and approximately 1.51 acres of the area proposed to be dredged is littoral zone tidal wetlands. The remaining portion of the proposed dredged area (2.51 acres) is in waters deeper than 6 feet at MLW. Dredging will be performed using an environmental bucket dredge (an enclosed clamshell bucket with the hoist speed limited to less than 2 feet per second to minimize turbidity). Dredged material would be placed directly into sealed barges with no barge overflow permitted. Dredging would take approximately 60 days and would not occur during over-wintering periods established for certain fish species.

The overwater coverage due to the EBUF roof would be approximately 0.48 acres. Total overwater coverage by the EBUF canopy and new finger pier (described below) would be approximately 0.56 acres. An approximately 17-foot-wide by 200-foot-long finger pier would be located at the southern edge of the canopy parallel to the wharf. The concrete deck of the finger pier would be supported by steel pipe piles and a fender system supported on H piles. Overwater coverage due to this finger pier would be approximately 0.08 acres. Construction of an approximately 195-foot-long by 10-foot-wide barge mooring pier, 0.05 acres, on the western edge of the new wharf would extend into Gowanus Bay. The 10-foot-wide concrete deck of this pier would be supported by steel pipe piles with 15 to 20-foot bent spacing. Of the 0.64 acres of water column and bottom habitat that would be under platforms constructed for the MRF, 0.59 acres would be under platforms wider than 15 feet. Shading within this approximately 0.59-acre area would affect fish habitat, including essential fish habitat (EFH), but would not be significantly adverse.

As required for applicable permits, loss of wetland habitat will be offset by on-site and off-site habitat creation and/or restoration. These activities will be finalized in conjunction with the New York State Department of Environmental Conservation (DEC) and the U.S. Army Corps of Engineers (USACE). Measures being considered include on-site habitat creation along the shoreline edges of the pier outside the currently paved area that will result in the development of plant communities (upland and tidal wetland) comprising plant species characteristic of maritime coastal areas within the New York metropolitan area. An estimated 0.74 acres of these maritime communities may be developed along the waterfront area of the pier, approximately 0.19 acres of which may be low marsh. Off-site marine resource improvement measures are expected to include removal of certain structures that shade the marine environment at Bush Terminal, and

wetlands restoration at certain City park lands. The project will not result in significant adverse impacts to natural resources.

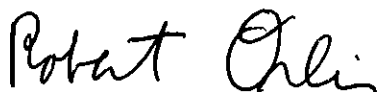
### **Hazardous Materials**

The site is a parking lot and contains urban fill material typical of industrial waterfront areas, with levels of certain contaminants that are above background levels. Since additional fill would be placed to raise the proposed development out of the floodplain, disturbance of the existing fill would be limited, but would include some excavation for installation of new utilities and potentially some excavation for building foundations. A Remedial Action Plan/Soil Management Plan (RAP) and a Construction Health and Safety Plan (CHASP) will be prepared in coordination with the City's Department of Environmental Protection prior to the start of any construction at the project site. Dredging will involve removal of sediments containing elevated levels of certain contaminants typical of New York Harbor. Such dredge spoils would be handled in accordance with all applicable federal, state and local regulations. An above-ground diesel fuel tank would be used on site. No hazardous materials would be processed at the facility. The project would not result in a significant adverse impact from hazardous materials.

### **Solid Waste and Sanitation Services**

DSNY issued a Request for Proposals to Accept, Process and Market Recyclables on August 27, 2003. The proposed contract with Sims is the result of this procurement. The facility will be able to accommodate the next generation of recyclables sorting and processing technology, and is expected to increase the efficiency and improve the economics of the City's recycling program and potentially help increase the City's recycling rate. The facility will be sufficiently large to accommodate processing of additional plastic items (beyond bottles and jugs) that may be designated by DSNY for curbside recycling in the future, such as Number 3 to Number 7 plastic containers. DSNY will continue to deliver MGP to Sims' facilities in the Bronx and Long Island City, and after 5 years would add deliveries of Paper to those locations and to the 30<sup>th</sup> Street Pier facility for export by barge to Sims' facility in Jersey City. MGP from Staten Island may be processed at Jersey City as at present, with the option of transport to the 30<sup>th</sup> Street Pier by barge for processing; this option was assumed for the analysis, to be conservative. MGP from Manhattan would be delivered to the proposed Gansevoort Peninsula transfer location for transport by barge to the 30<sup>th</sup> Street Pier facility, or would be driven to the Sims Jersey City and Bronx facilities, as at present. The facility would shift jobs from Sim's processing facility in Long Island City and create approximately 70 net new jobs in New York City which will generate minor amounts of solid waste requiring disposal. This would be handled by private truckers, who will also remove residue from the processing of MGP and Paper. The proposed action will result in a reduction in DSNY collection truck travel of more than 200,000 VMT annually with resulting savings, efficiencies and environmental benefits. The facility is located near a rail line such that rail transport from the site is a future possibility, which would further reduce truck traffic. The visitor's education center will help further public understanding of and commitment to recycling. The project will have a beneficial impact upon solid waste and sanitation services.

No other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable.



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