

CHAPTER 1 PROPOSED ACTION

1.1 Introduction

The New York City (City) Department of Sanitation (DSNY) is proposing a New Comprehensive Solid Waste Management Plan (Draft New SWMP) for the next 20-year planning period. As lead agency principally responsible for undertaking the action, DSNY has caused this Final~~Draft~~ Environmental Impact Statement (F~~D~~EIS) to be prepared in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617) and City Environmental Quality Review procedures (CEQR) set forth in Executive Order 91 of 1977, as amended, and Rules of Procedure for CEQR found in Section 6, Title 62 of the Rules of the City of New York (RCNY). The F~~D~~EIS is intended to support the adoption of the Draft New SWMP and its related approvals, which together constitute the Proposed Action. As further discussed below, the Draft New SWMP incorporates elements of the existing SWMP and includes major changes to the City's Long Term Export Program for DSNY-managed Waste,¹ to the City's Recycling Program, and to management of Commercial Waste² in the City.

A Draft New SWMP, published in October 2004, describes the Proposed Action that, in summary, is to:

- Improve DSNY's Curbside Recycling Program through the award of a 20-year processing contract and the development of a new in-City Recyclables processing facility as well as a Manhattan Recyclables acceptance facility.
- Implement the City's Long Term Export Program through: the development of four Converted Marine Transfer Stations (Converted MTSs); award up to five contracts with private transfer stations for barge or rail export of DSNY-managed Waste for disposal; and, enter into an intergovernmental agreement to dispose of a portion of Manhattan's DSNY-managed Waste at a waste-to-energy (WTE) facility in Newark, New Jersey.

¹ DSNY collects and disposes of Putrescible and Non-Putrescible Waste from all residences in the City, institutions, not-for-profit organizations, lot cleaning operations, and other City, state and federal agencies (DSNY-managed Waste).

² Commercial Waste is those wastes, including recycled material, generated in the City by business establishments and construction activity and collected by private carters that are respectively defined in DSNY's Rules as Putrescible Waste and Non-Putrescible Waste. Most, but not all, Commercial Waste generated is processed through the City's putrescible and non-putrescible transfer stations

- Provide the capacity for barge export of Putrescible Commercial Waste from the City at one existing Manhattan MTS as well as the four Converted MTSS.

Sections 1.3, 1.4 and 1.5 describe the Proposed Action for Long Term Export, Recycling and Commercial Waste Management, respectively, as well as the reasonable Alternatives that were considered.

The SEQRA/CEQR environmental review process is intended to ensure that the protection and enhancement of the environment, and human and community resources be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on the Proposed Action. The FDEIS provides a means for agency decision makers and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. The FDEIS facilitates the weighing of social, economic and environmental factors early in the planning and decision-making process.

1.2 Purpose and Need

In accordance with the requirements of New York State's Solid Waste Management Act (New York Environmental Conservation Law, Section 27-0707) and implementing regulations (6 NYCRR Subpart 360-15), the City's first Comprehensive Solid Waste Management Plan, approved in 1992 (1992 SWMP) established the framework for its solid waste management and recycling programs over a 10-year period. Approved modifications to the 1992 SWMP (1996 SWMP Update and Modification) focused on further expansion of recycling. In 2000, further approved amendments to the SWMP (2000 SWMP Modification) were made, which principally focused on the City's plan to address the closure of the Fresh Kills Landfill on Staten Island. The 1992 SWMP, as amended (Existing SWMP), expires at the end of October 2004. The At the request of the City and the City Council, have requested that the New York State Department of Environmental Conservation (NYSDEC) extended the 1992 SWMP, as amended, (Existing SWMP) to cover the period between the submittal of the Draft New SWMP to the City Council and its adoption and the approval of the adopted Draft New SWMP by NYSDEC through April 2005.

Each day, the City's 8.1 million residents, commuters, visitors, businesses and residential and commercial construction activity generate very large and diverse quantities of solid waste material. The Draft New SWMP sets forth a plan for the long-term management of the City's solid waste in a cost-effective and environmentally responsible manner and, in addition to the Proposed Action, incorporates by reference the Existing SWMP to support Existing Programs, including the New Initiatives described in the Draft New SWMP. These Existing Programs and New Initiatives approved pursuant to the Existing SWMP are therefore not part of the Proposed Action that is subject to environmental review in this FDEIS.

The City's existing solid waste management system:

- Recycles or disposes of approximately 14,000 tons per day (tpd) or 4,240,000 tons per year (tpy) of DSNY-managed Waste currently generated in the City;
- Recycles or disposes of approximately 10,000 tpd (3,000,000 tpy) of Putrescible Commercial Waste that is generated, and approximately 20,000 tpd to approximately 27,700 tpd (6 million to 8.3 million tpy) of Non-Putrescible Commercial Waste that is currently generated; and
- Provides for the management of Biosolids, Medical Waste and Dredge Spoils and Fresh Kills closure construction and end use.

1.3 Proposed Action – Long Term Export

1.3.1 Existing Conditions/No Action

Since delivery of waste to the Fresh Kills Landfill ceased in 2001, the City has relied on interim export contracts for disposal (Interim Export). Under these existing Interim Export contracts, all DSNY-managed Waste is: (i) tipped at in-City, private transfer stations and transferred primarily by trailer (except for approximately 1,4800 tpd transferred by rail from the Harlem River Yard in the Bronx) to out-of-City disposal sites; or (ii) direct-hauled in collection vehicles to out-of-City transfer stations or disposal facilities. For purposes of environmental review, Interim Export constitutes Existing Conditions/No Action. If the Draft New SWMP were not adopted, DSNY would continue the export of DSNY-managed Waste from the City under Interim Export

Contracts, the No Action Alternative. Interim Export contracts are for three year period and can be extended in accordance with their terms for two one-year extensions. After expiration of the term these contracts would be re-bid, as necessary.

Under the Interim Export contracts as they currently exist, significant numbers of DSNY collection vehicles deliver to private transfer stations within the City, where the waste is transferred to private long-haul transfer trailers for transport to disposal facilities. Existing transfer stations are located in manufacturing zoned areas and their distribution is uneven throughout the City. The areas of the City where private transfer stations are relatively concentrated experience correspondingly more heavy truck traffic as a consequence of transfer trailer traffic. For example, the East Williamsburg Industrial Park in Brooklyn Community District #1 has three transfer stations currently utilized by Interim Export for approximately 2400 tpd of Brooklyn's DSNY-managed Waste. This volume represents about 20% of the City-wide DSNY-managed Waste exported. Based on recent figures, DSNY vehicles delivered an average of approximately 909 tons per day to the Waste Management transfer station at 485 Scott Avenue in approximately 83 collection vehicles per day, requiring 42 daily outbound transfer trailers trips³. DSNY delivered approximately 1394 tpd to the Waste Management transfer station at 123 Varick Avenue in approximately 127 collection vehicles per day, requiring about approximately 64 daily outbound transfer trailers trips. DSNY delivered 92 tpd to the Allied/BFI transfer station at 598 Scholes Street in approximately 9 collection vehicles per day, requiring approximately 5 outbound transfer trailers trips. On an annual basis, the Interim Export contracts result in approximately 6000 tpd of DSNY-managed putrescible waste being transported through the City's truck-to-truck transfer stations.

Table 1.3-1 lists both the in-City and out-of-City transfer stations or disposal sites that currently receive waste delivered by or on behalf of DSNY and the maximum capacity available at each facility under current Interim Export contracts.

³ Truck figures are estimates based on tonnages reported for the period August through December, 2004, using 11 tons per DSNY collection vehicle and 22 tons per transfer trailer, as per the Preliminary Mayor's Management Report for FY 2005. Numbers have been rounded up.

**Table 1.3-1
Facilities Utilized for Interim Export**

Borough Served	Facility Name/Operator	Facility Address	Maximum Capacities Available for DSNY-managed Waste (tpd)
Bronx	Waste Management/ Harlem River Yard	98 Lincoln Street, Bronx, NY	1,800
	Waste Services	920 East 132 nd Street, Bronx, NY	1,500
Brooklyn	Waste Management of NY	215 Varick Street, Brooklyn, NY	1,400
		485 Scott Avenue, Brooklyn, NY	1,400
	IESI NY Corp.	110 50 th Street, Brooklyn, NY	1,000
		577 Court Street, Brooklyn, NY	500
	BFI – Waste Services	598-636 Scholes Street, Brooklyn, NY	220
	Solid Waste Transfer and Recycling	444 Frelinghuysen Avenue, Newark, NJ	500
	LIPCo (Covanta)	1499 Route 1 North, Rahway, NJ ⁽¹⁾	125
ONYX Waste Services, Inc.	301 Maltese Drive, Totowa, NJ	250	
Manhattan and Staten Island	Waste Management of NY	666 South Front Street, Elizabeth, NJ	625
		864 Julia Street, Elizabeth, NJ	635
	Solid Waste Transfer and Recycling	444 Frelinghuysen Avenue, Newark, NJ	200
	TransRiver Marketing L.P.	American Ref-Fuel, Essex County, NJ ⁽¹⁾	1,700
Queens	ONYX Waste Services, Inc.	30-35 Fulton Street, Patterson, NJ	1,000
		301 Maltese Drive, Totowa, NJ	480
		264 Broadway, Jersey City, NJ	350
	Solid Waste Transfer and Recycling	444 Frelinghuysen Avenue, Newark, NJ	1,025
	Tully Environmental	127-20 34 th Avenue, Queens, NY	900
	TransRiver Marketing L.P.	American Ref-Fuel, Hempstead, NY ⁽¹⁾	150
	Waste Management of NY	38-50 Review Avenue, Queens, NY	958

Note:

⁽¹⁾ Denotes a WTE facility.

tpd = tons per day

1.3.2 Long Term Export – Proposed Action

The City has long recognized the importance of moving quickly to develop a more permanent system of waste export, to address both the rising cost of nearby landfill disposal as well as the current over-reliance on a truck-dependent system. In July of 2002, Mayor Bloomberg announced a plan to establish a system that would take advantage of the City's waterways and existing infrastructure. The plan called for the physical conversion of the City's existing Marine Transfer Stations (MTSs) to enable waste to be containerized on site, making the waste suitable for out-of-City barge and rail export.

The Proposed Action for Long Term Export, described herein, builds on the Mayor's previously announced plan, but offers an expedited timeframe, a lower cost and reduced reliance on complex MTS conversions outlined initially. The Proposed Action adheres to the ~~two main~~ principles of the Mayor's earlier plan: the containerization of waste and the long-distance export of that waste in containers by barge or rail by primarily relying on a mix of Converted MTSs at existing MTS sites and existing private transfer stations with the addition of the use of existing the Essex County Resource Recovery Facility (Essex County RRF) in Newark, New Jersey, ~~where-to which~~ waste would be delivered in collection vehicles.

The Proposed Action for Long Term Export has the following specific elements.

- For the entire Bronx wasteshed, enter into a long-term contract with one or two private ~~transfer station~~-waste companies for truck-to-rail disposal ~~for~~ of DSNY-managed Waste from existing transfer stations in the Bronx.
- For the Brooklyn wasteshed formerly served by the Greenpoint MTS (Brooklyn CDs #1, #3, #4 and #5), enter into a long-term contract with one or two private ~~transfer station~~-waste companies for truck-to-rail or truck-to-barge disposal of the DSNY-managed Waste from existing transfer stations in Brooklyn CDs 1, 3, 4, and 5.
- For the Brooklyn wasteshed formerly served by the Hamilton Avenue MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18 will be received and containerized.

- For the Brooklyn wasteshed formerly served by the Southwest Brooklyn MTS, develop a City-owned Converted MTS on the adjacent site of the former Southwest Brooklyn Incinerator, where DSNY-managed Waste from Brooklyn CDs 11, 12, 13 and 15 will be received and containerized.
- For the Manhattan wasteshed, Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12, enter into a long-term service agreement with the Port Authority of New York and New Jersey for the use of the Essex County RRF in Newark, New Jersey to receive and process DSNY-managed Waste delivered in City collection vehicles.
- For the Manhattan wasteshed formerly served by the East 91st Street MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Manhattan CDs 5, 6, 8 and 11 will be received and containerized.
- For the Queens wasteshed formerly served by the Greenpoint MTS, enter into a long-term contract with a private transfer station for truck-to-rail or truck-to-barge disposal of the DSNY-managed Waste from Queens CDs 1 through 6.
- For the Queens wasteshed formerly served by the North Shore MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Queens CDs 7 through 14 will be received and containerized.
- For the four wastesheds served by Converted MTSs, enter into 20-year service agreements with one or more waste management companies, for transport of containerized waste by barge directly from an MTS to disposal facilities or to intermodal facilities for transloading to railcars or a larger barge, and for disposal at an appropriately permitted out-of-City facility.

Figure 1.3-1, Locations of Draft New SWMP Long Term Export Facilities and Wastesheds Served, identifies the boroughs and CDs that would be assigned to specific facilities.

Table 1.3-2 lists the potential Long Term Export facilities proposed in the Draft New SWMP. In the Bronx and Brooklyn CDs 1, 3, 4 and 5, noted in Table 1.3-2, the decision as to whether DSNY contracts for export of DSNY-managed Waste generated in these wastesheds with one or two potential transfer stations will be determined by upcoming negotiations with the proposing companies.

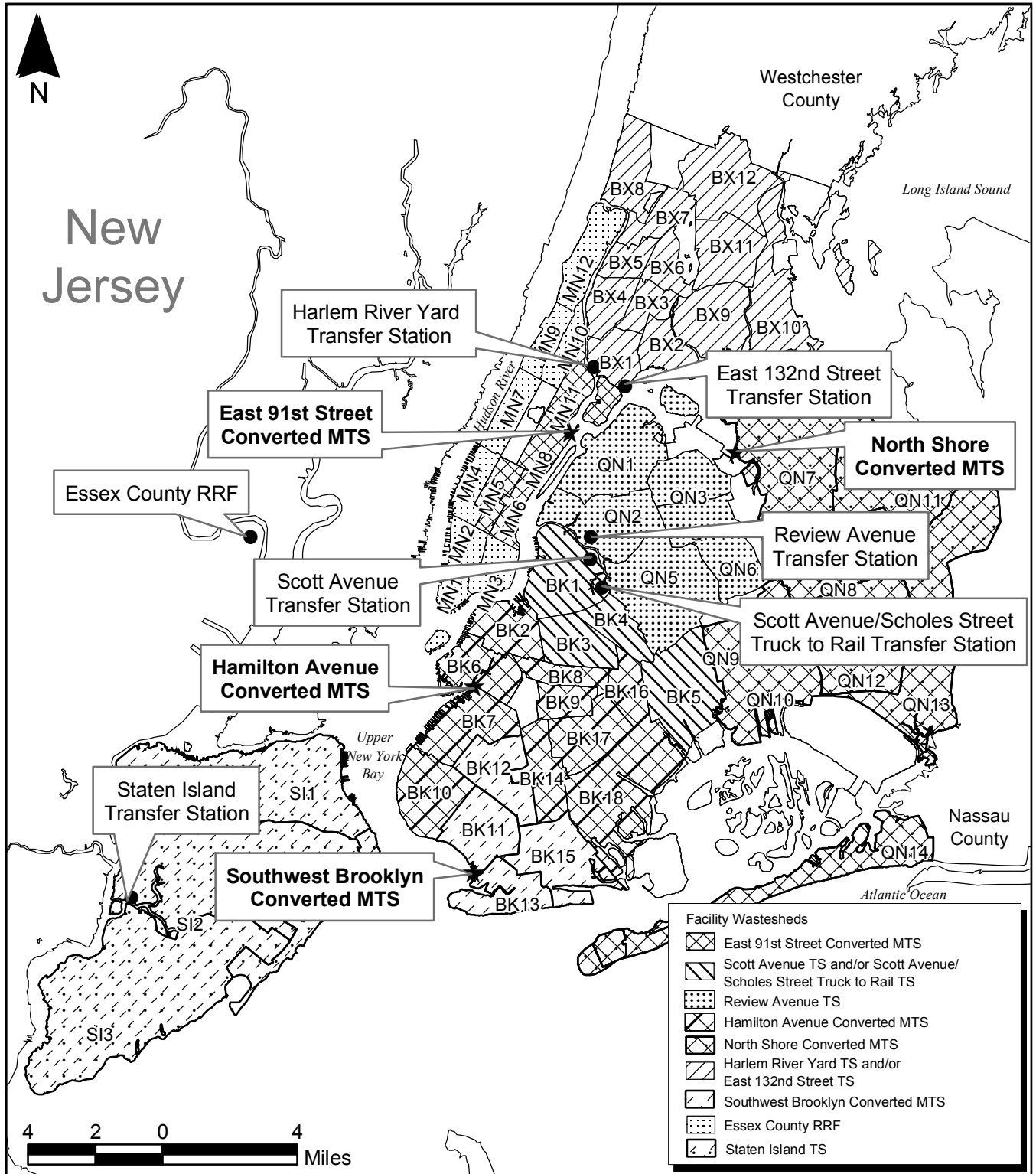


Figure 1.3-1
Long Term Export Facilities and Wastesheds

CITY OF NEW YORK
DEPARTMENT OF SANITATION



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**Table 1.3-2
Proposed Draft New SWMP Long Term Export Facilities and Potential Contractors**

Facility Type	Owner, Facility Name, and Address	Community District	Wasteshed Served – Community Districts
Converted MTS ⁽¹⁾	DSNY, Hamilton Avenue Converted MTS, Hamilton Avenue at Gowanus Canal, Brooklyn	Brooklyn 7	Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18
Converted MTS ⁽¹⁾	DSNY, Southwest Brooklyn Converted MTS, Shore Pkwy at Bay 41 st Street, Brooklyn	Brooklyn 11	Brooklyn CDs 11, 12, 13 and 15
Converted MTS ⁽¹⁾	DSNY, East 91 st Street Converted MTS, East 91 st Street and York Avenue, Manhattan	Manhattan 8	Manhattan CDs 5, 6, 8 and 11
Converted MTS ⁽¹⁾	DSNY, North Shore Converted MTS, 31 st Avenue and 122 nd Street, Queens	Queens 7	Queens CDs 7 through 14
Truck-to-Rail TS	Waste Management, Harlem River Yard, 98 Lincoln Avenue, Bronx	Bronx 1	Bronx CDs 1 through 12
Truck-to-Rail TS ⁽²⁾	Allied Waste Services, East 132 nd Street Transfer Station, Bronx and Oak Point Rail Yard, Oak Point Avenue and Barry Street, Bronx	Bronx 1	Bronx CDs 1 through 12
Truck-to-Barge IS	Waste Management, 485 Scott Avenue, Brooklyn	Brooklyn 1	Brooklyn CDs 1,3, 4 and 5
Truck-to-Rail TS	Allied, 72 Scott Avenue-598 Scholes Street, Brooklyn	Brooklyn 1	Brooklyn CDs 1, 3, 4 and 5
Truck-to-Rail/Barge TS ⁽³⁾	Waste Management, 30-58 Review Avenue, Queens and the LIRR Maspeth Rail Yard, Maspeth Avenue and Rust Street Queens	Queens 2	Queens CDs 1 through 6
Waste-to-Energy Facility ⁽⁴⁾	Port Authority of New York and New Jersey, Essex County RRF, Newark, New Jersey,	NA	Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12

Notes:

- (1) From among the selected proposers responding to DSNY's MTS RFP, DSNY will award one or more contracts for the acceptance, transport and disposal of containerized waste from the Converted MTSS.
- (2) This facility would include use of an off-site intermodal rail yard, as noted in the Table, where containers would be loaded onto railcars.
- (3) Pending the outcome of negotiations between DSNY and Waste Management, the Review Avenue Transfer Station would be modified to operate as either a truck-to-barge or a truck-to-truck-to-rail facility. If operated in a truck-to-rail mode, an off-site intermodal rail yard, as noted in the Table, would be required, where containers would be loaded onto railcars.
- (4) The Essex County RRF is a permitted and operating WTE facility in Newark, New Jersey. DSNY-managed Waste would be delivered in collection vehicles to this facility or via hopper barges from the existing MTSS, if an enclosed barge unloading facility (EBUF) were to be developed in the vicinity of the Essex County RRF some time in the future.

LIRR = Long Island Rail-Road

Development of the Converted MTSs will also require support facilities such as a ~~barge staging area and~~ intermodal facilities for transloading containerized waste to railcars or larger barges that are subject to review in this FDEIS. Rail export from certain of the private transfer stations in the Proposed Action would require use of off-site intermodal facilities.

Currently, Interim Export contracts provide for disposal of all DSNY-managed Waste. The principal features of Interim Export are:

- DSNY contracts with 21 private transfer stations (located both within and outside the City) or out-of-City disposal facilities, to provide sufficient capacity to dispose of approximately 12,500 tpd on an average daily basis.
- 48% of DSNY-managed Waste is moved to out-of-City disposal sites by transfer trailers.
- 14% of DSNY-managed Waste is moved to out-of-City disposal sites by rail.
- 38% of DSNY-managed Waste is moved to out-of-City disposal sites in DSNY collection vehicles.⁴

The following considerations guided the formulation of the Long Term Export Program:

- Reducing the City's dependence on transport by transfer trailer to disposal sites is a priority. Some 93% of all truck-transferred DSNY-managed Waste is disposed in landfills and most of the landfills under contract are within a radius of 200 miles of the City. A combination of factors is causing the depletion of this capacity and an increase in disposal price. The recent re-bidding of some Interim Export contracts that rely on truck transport to landfills has reflected an average increase of 19% over the initial contract prices.
- Remote disposal capacity remains available, but truck-based transfer is not economically viable.
- Developing a barge/rail transport system capable of accessing this remote capacity could offset potential increases in disposal costs.
- Developing a long-term solution that is equitable to the greatest extent possible.
- An alternative to long-distance transport, the delivery of DSNY-managed Waste in collection trucks to regional WTE facilities, achieves an approximately 75% reduction in the volume of waste (ash residue and non-processible waste) disposed in landfills, and reduces the potential impact of landfill price inflation. A long-term disposal contract with a WTE facility can provide a buffer against inflationary price increases that are likely to affect regional landfill capacity.

⁴ Includes Interim Export from Manhattan and Staten Island.

The proposed Long Term Export Program is a comprehensive plan that balances the City's need to export waste over the long term with the environmental benefit of significantly reducing the transfer trailer traffic associated with Interim Export. Its major advantages include the following:

- DSNY-managed Waste delivered to private transfer facilities in the Bronx, Brooklyn and Queens will be exported by barge or rail and, depending on the outcome of negotiations, the Commercial Waste processed at these facilities may also be exported by barge or rail.
- The in-City facilities proposed would be developed on either existing MTS or private transfer station sites.
- The proposed combination of facilities provides the City with redundancy in the DSNY-managed Waste system that accommodates future increases in waste generated in the City as a function of population growth. Occasional conditions that may affect certain components of the system will not disrupt future waste export.
- Use of existing private transfer station and Essex County RRF capacity: (i) allows some components to be implemented on a faster timetable; and (ii) avoids City investment in new capital projects.
- The Converted MTSs will provide capacity that could be available to containerize Commercial Waste for barge/rail export. (This advantage is addressed in more detail in Section 1.5.2.)
- The projected economics of the Proposed Action are less costly to the City than four alternative scenarios that were evaluated (see Chapter 34) and the Mayor's original plan.

Table 1.3-3 lists the support facilities that may be required for the implementation of the Long Term Export Program. These facilities include: ~~(i) the 52nd Street Barge Staging Facility that would be used as a temporary mooring facility for flat bed barges being routed to maintenance facilities; and~~ (ii) several in-City intermodal facilities that are potential locations, depending on the outcome of the City's negotiations with selected waste management companies, for providing services and facilities to transload containerized waste between barges shuttling to/from the Converted MTSs and railcars or larger ocean-going barges. This FDEIS also presents an environmental review of these facilities, as applicable.

**Table 1.3-3
Proposed Draft New SWMP Long Term Export – Potential Support Facilities**

Facility Type	Owner, Facility Name, and Address	Community District	Wasteshed Served – Community Districts
Support Facilities			
Barge Staging Area ⁽¹⁾	DSNY, 52 nd Street Barge Staging Area, 52 nd Street and 1 st Avenue, Brooklyn	Brooklyn 7	NA
Intermodal Barge to Rail Yard ⁽²⁾	Waste Management, Harlem River Yard, East 132 nd Street and St. Anns Avenue, Bronx	Bronx 1	NA
Intermodal Truck-to-Truck-to-Rail Yard ⁽³⁾	Oak Point Rail Yard, Oak Point Avenue and Barry Street, Bronx	Bronx 2	Bronx CDs 1 through 12
Intermodal Barge to Rail Yard ⁽²⁾	NYCEDC, 65 th Street Intermodal Yard, 65 th Street Rail Yard, Brooklyn	Brooklyn 10	NA
Intermodal Yard Truck-to-Truck-to-Rail ⁽³⁾	LIRR, Maspeth Rail Yard, Maspeth Avenue and Rust Street, Queens	Queens 2	Queens CDs 1 through 6

Notes:

⁽¹⁾ The 52nd Street Barge Staging Area historically served the existing MTSs as a location where barge movements between individual MTSs and Fresh Kills could be staged. A replacement in-kind of the pier structure is proposed. Its purpose in the Long Term Export Program will be more limited; principally, a supply storage facility and a location to temporarily moor barges that are scheduled for maintenance at other facilities.

⁽²⁾ Two intermodal barge to rail facilities at Harlem River Yard and the 65th Street Rail Yard may be constructed as transload facilities to move containers between the Converted MTSs and railheads. DSNY has instituted a ministerial process to register intermodal facilities handling containerized waste that is not subject to environmental review. However, the USACE Section 10/404 permits and the NYSDEC Article 15/25 permits pertaining to waterfront construction are subject to environmental review. Note that there are other existing intermodal facilities that may be used for intermodal transfer of containers from the Converted MTSs.

⁽³⁾ Both the East 132nd Street Truck-to-Truck-to-Rail Transfer Station in the Bronx and the Review Avenue Truck-to-Truck-to-Rail Transfer Station in Queens would dray containers between their respective transfer stations and intermodal rail yards that are in the respective project service areas but not at the same sites as the transfer stations. These intermodal yards are existing facilities that would receive non-discretionary permits from DSNY for handling solid waste and, as such, are not subject to environmental review. However, the movement of containers on tractor chassis between the transfer stations and the intermodal yard is subject to an environmental review that is reported in the FDEIS section reporting the environmental review of the respective transfer station.

NYCEDC = New York City Economic Development Corporation

LIRR = Long Island Rail Road

1.3.3 Alternatives to the Proposed Action

In July 2002, Mayor Michael Bloomberg completed an evaluation of the Long Term Export Program and directed DSNY to evaluate waste containerization and export from the City's eight existing Marine Transfer Stations (MTSs). The Long Term Export Program was an element of the City Council and State approved 2000 SWMP Modification supported by an October 2000 FEIS that analyzed long term export options at some 20 different sites with 25 different facility options across the City. (The 2000 SWMP Modification and supporting FEIS are available from DSNY on request.) The Mayor's decision to pursue containerization at the MTSs was made after a determination that insurmountable problems prevented the implementation of the Linden EBUF project. The Linden project, a key component of the 2000 SWMP Modification, would have received waste from five existing MTSs, three in Manhattan, Hamilton Avenue IN Brooklyn and North Shore in Queens. The Alternatives evaluated in the 2000 SWMP FEIS were not acceptable substitutes for Long Term Export from the three Manhattan and the North Shore MTS wastesheds, which comprised four of the five MTSs wastesheds that the Linden Project would have served.

In July 2002, the Mayor announced that the City would move in a new direction by redeveloping all eight of the MTSs as facilities capable of containerizing waste for intermodal transport by barge or rail to out-of-City disposal facilities (Converted MTSs). Since that announcement, DSNY has worked diligently with other City agencies to implement the Mayor's policy directive, while also considering other Alternatives. As a result of that effort, the Draft New SWMP proposes to implement four Converted MTS projects, not eight. Other Long Term Export options have been identified to serve the West 135th and West 59th Street wastesheds in Manhattan, and the wastesheds formerly served by the South Bronx and Greenpoint MTSs. These options are now part of the Proposed Action, because DSNY believes they can be implemented more quickly, are more cost effective than developing Alternative Converted MTSs for those wastesheds and also avoid adding new in-City waste transfer capacity, particularly in the Bronx and Brooklyn where there is a relative concentration of private waste transfer stations.

Table 1.3-4 lists the Alternatives to the Proposed Action that were considered and that are also reviewed in this FEIS. These Alternatives include: (i) conversions at four other existing MTSs sites; (ii) the development of a new truck-to-rail facility in Brooklyn CD 1 that was a proposal submitted in response to DSNY's Request for Proposals (RFP) procurement for private transfer station capacity for the Brooklyn portion of the Greenpoint wasteshed; and (iii) the use of the existing MTSs, assuming substantial refurbishing of these facilities, to supply waste in open hopper barges to an enclosed barge unloading facility (EBUF) in the New York/New Jersey harbor region where it would be containerized for transport to disposal sites, although the location of such an EBUF has not been identified.

In addition to the Alternative sites referenced in Table 1.3-4, Volume V of the Commercial Waste Management Study (CWMS or Study),⁵ Manhattan Transfer Station Siting Report, investigated four potential sites for truck-to-rail/barge transfer stations in Manhattan and concluded that three of these sites were technically infeasible, and that the fourth posed very significant land use constraints that would have to be overcome. None of these four sites currently serve or are permitted as waste transfer facilities. Facility conceptual designs and site plans were prepared to determine the feasibility of using each site as a minimum 1,000 tpd transfer station. Based on the conceptual designs developed for the sites, three of the four the sites were found to be technically problematic for use as waste transfer facilities for the reasons identified below. The Draft New SWMP includes the potential use of the West 13th Street (Gansevoort) site as a Recyclables processing facility. The technical difficulties with the three remaining sites, as reported in the CWMS are summarized below.

West 140th Street

- There is insufficient property to ramp trucks up to the required site level; and
- The existing rail elevation (+30') determines the building elevation (+44'). The building elevation (+44') is substantially higher than the existing road (+10') and there is insufficient room to ramp up to the facility at an acceptable grade.
- Approximately 100,000 cubic yards of backfill would be required to construct a facility at the same elevation as the existing rail line;

⁵ The CWMS is available on the DSNY website: www.nyc.gov/sanitation and on a compact disk form as an Appendix to the Draft New SWMP and in print form at the Public Repositories listed in Table 1.6 within the CWMS Study in Appendix I of this FEIS.

Table 1.3-4

Alternatives Considered in the 2000 SWMP FEIS

<u>Type of Facility</u>	<u>Location/ Borough</u>	<u>Export Mode</u>	<u>New or Permitted Facility</u>
<u>EBUF</u>	<u>Waste Management, Harlem River Yard, 132nd Street and Lincoln Avenue, Bronx</u>	<u>Rail</u>	<u>New ⁽¹⁾</u>
<u>EBUF</u>	<u>American Marine Rail, 500 Oak Point Avenue, Bronx</u>	<u>Rail</u>	<u>New</u>
<u>EBUF</u>	<u>Waste Management, Erie Basin, Beard and Halleck Streets, Brooklyn</u>	<u>Barge</u>	<u>New ⁽²⁾</u>
<u>EBUF</u>	<u>BFL, 65th Street and upper New York Bay, Brooklyn</u>	<u>Rail</u>	<u>New</u>
<u>EBUF + Truck Receiving</u>	<u>Republic Services, Inc., 920 E. 132nd Street, Bronx</u>	<u>Barge or Rail</u>	<u>New ⁽³⁾</u>
<u>EBUF</u>	<u>Port Ivory Recycling and Transfer Alliance, located on Arthur Kill along Richmond Terrace and Western Avenue, near Port Ivory</u>	<u>Rail</u>	<u>New</u>
<u>EBUF + Truck Receiving</u>	<u>Waste Management, Harlem River Yard, 132nd Street and Lincoln Avenue, Bronx</u>	<u>Rail</u>	<u>New ⁽⁴⁾</u>
<u>Truck Receiving</u>	<u>Waste Management, Harlem River Yard, 132nd Street and Lincoln Avenue, Bronx</u>	<u>Rail</u>	<u>Permitted</u>
<u>Truck Receiving</u>	<u>Department-proposed facility, 500 Oak Point Avenue, Bronx</u>	<u>Rail</u>	<u>New ⁽⁵⁾</u>
<u>Truck Receiving</u>	<u>Republic Services, Inc., 920 E. 132nd Street, Bronx</u>	<u>Rail</u>	<u>Permitted ⁽⁶⁾</u>
<u>Truck Receiving</u>	<u>Republic Services, Inc., 920 E. 132nd Street, Bronx</u>	<u>Barge</u>	<u>New ⁽⁷⁾</u>
<u>Truck Receiving/ MTS Replacement in Kind</u>	<u>DSNY South Bronx MTS, Farragut Street, Bronx</u>	<u>Barge</u>	<u>New ⁽⁸⁾</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY South Bronx MTS, Farragut Street, Bronx</u>	<u>Barge</u>	<u>New ⁽⁹⁾</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY Greenpoint MTS, N. Henry and Kingsland Avenue, Brooklyn</u>	<u>Barge</u>	<u>Permitted</u>
<u>Truck Receiving / Conversion to Barge</u>	<u>Waste Management, Inc. 485 Scott Avenue, Brooklyn on Newtown Creek</u>	<u>Barge</u>	<u>Permitted ⁽¹⁰⁾</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY Southwest Brooklyn MTS, Shore Parkway at Bay 41st Street, Brooklyn</u>	<u>Barge</u>	<u>Permitted ⁽¹¹⁾</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY Hamilton Avenue MTS, Hamilton Avenue in the vicinity of Second Avenue at the Gowanus Canal, Brooklyn</u>	<u>Barge</u>	<u>Permitted ⁽¹¹⁾</u>

Table 1.3-4 (continued)
Alternatives Considered in the 2000 SWMP FEIS

<u>Type of Facility</u>	<u>Location/ Borough</u>	<u>Export Mode</u>	<u>New or Permitted Facility</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY 59th Street MTS, West 59th St at the Hudson River, Manhattan</u>	<u>Barge</u>	<u>Permitted ⁽¹¹⁾</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY 91st Street MTS, East 91st Street at the East River, Manhattan</u>	<u>Barge</u>	<u>Permitted</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY 135th Street MTS, West 135th Street and 12th Avenue, Manhattan</u>	<u>Barge</u>	<u>Permitted ⁽¹¹⁾</u>
<u>Truck Receiving/ MTS Conversion</u>	<u>DSNY North Shore MTS, 31st Avenue and 122nd Street, Queens</u>	<u>Barge</u>	<u>Permitted ⁽¹¹⁾</u>
<u>Truck Receiving</u>	<u>Waste Management, Review Avenue Transfer Station, Review Avenue, Queens</u>	<u>Barge or Rail</u>	<u>Permitted ⁽¹²⁾</u>
<u>Truck Receiving</u>	<u>DSNY, 310 West Service Road, Fresh Kills Landfill, Staten Island</u>	<u>Rail with Interim Truck</u>	<u>New ⁽¹³⁾</u>
<u>Truck Receiving</u>	<u>Pier 42, East River, Manhattan</u>	<u>Barge</u>	<u>New</u>
<u>Truck Receiving</u>	<u>W. 30th Street and 11th Avenue, Manhattan</u>	<u>Rail</u>	<u>New</u>
<u>Truck Receiving</u>	<u>140th Street/Henry Hudson Parkway, Manhattan</u>	<u>Rail</u>	<u>New</u>
<u>Truck Receiving</u>	<u>The Elmhurst Gas Tank Site on the Conrail Hell Gate Line, 7751 through 7801 57th Avenue, Elmhurst, Queens</u>	<u>Rail</u>	<u>New</u>

Notes:

Source: FEIS for the 2000 SWMP (Notes reflect status of sites in 2000 FEIS.)

- (1) The barge receiving facility was evaluated as an addition to a permitted truck receiving/rail export facility at this site. As an EBUF, it would only receive barge-delivered waste.
- (2) Two different size facility options were considered at this site.
- (3) The barge receiving facility was evaluated as an addition to a permitted truck receiving rail/truck-to-rail export facility at this site. As an EBUF and truck receiving facility, it would receive waste delivered by both barge and truck. The EBUF includes two options for export by either barge or rail.
- (4) The barge receiving facility was evaluated as an addition to a permitted truck receiving rail/truck-to-rail export facility at this site. As an EBUF and truck receiving facility, it would receive waste delivered by both barge and truck.
- (5) The truck-to-rail facility evaluated that was evaluated at this site is neither proposed nor endorsed by AMR.
- (6) The facility now exports by both rail and truck. If selected by the Department for long term export, it would be required to export all Department-managed waste by rail. Truck-to-rail export is accomplished by draying containers a short distance from the facility site to the Oak Point rail yard.
- (7) This facility option was evaluated based on barge export of all waste received by truck.
- (8) Formerly used by the Department as an MTS, but closed since 1997, this facility is evaluated as a replacement in-kind of the former MTS.
- (9) At the Department's closed MTS site, this new facility was evaluated based on containerizing waste for export by barge. Two different size facility options were evaluated.
- (10) This facility was evaluated in the 2000 FEIS based on modifications to enable operation as a truck to barge facility.
- (11) The MTS conversion option evaluated the construction of a substantially modified facility for containerizing waste at the Department's existing MTS site.
- (12) This facility currently exports by truck. It was evaluated based on modifications to enable export by barge or rail. The barge and rail options are evaluated as different facility types.
- (13) This facility was evaluated as a new transfer station at Fresh Kills which would export by rail after the completion of interconnections with the Staten Island Railroad and freight lines in New Jersey.

West 140th Street (continued)

- Backfilling would eliminate the existing access road;
- A new ramp providing truck access between the transfer station and West 144th Street would interfere with the current access to an existing facility in the northeast section of the site;
- On-site truck maneuvering room would be severely constrained and is considered to be insufficient -- outbound commercial trucks would have tight turning radii and minimal queuing distance prior to the outbound scale;
- Employee traffic would be mixed with collection truck traffic entering and leaving the site and there is limited on-site parking (the maximum number of parking stalls that fit on the design is seven).

Pier 42 On The East River

- Queuing would be limited to only one truck on site.
- The relatively small size of the site would cause potential problems in locating an outbound scale and parking on site, and in providing adequate maneuvering room for trucks, front-end loaders and a gantry crane.
- Since the gantry crane cannot permanently project over the U.S. Pierhead Line, the crane would need to retract when not in use.
- There is no room for ramps. Therefore, it would have to be a single level facility and containers would have to be filled with waste using a less efficient lift and load operation. this is not clear
- There is no access to the dock. This limitation will not allow for waste processing equipment stock to be located at the dock level.
- All access to the Pier 42 site is gained by a proposed access drive at the intersection of South and Montgomery Streets. The intersection is currently signalized. South Street is a local, two-way, four-lane surface street that runs parallel to the elevated FDR Drive. Montgomery Street is a two-way, two-lane roadway featuring a wide, painted, center median.
- South Street is designated by the City as a local truck route between State Street and Pike Slip. To access the site, trucks will be required to travel along South Street between Pike Slip and Montgomery Street, which is a section of South Street that is not designated as a local truck route. For these movements to occur, the designation of South Street as a local truck route will need to be extended, by the City, to the Montgomery Street intersection. This may be difficult to accomplish because the neighborhoods along the north side of South Street are heavily residential and are located in the "Zone E – Lower East Side" limited truck zone.

West 30th Street

- The City, along with Friends of the High Line and other groups, are supporting use of the High Line as a pedestrian trail before the Surface Transportation Board.
- Interconnecting with the existing elevated rail line would require construction of a processing facility and platform at the same elevation as the rail line and require providing a ramp up from the ground level.
- The site's limited size does not accommodate the structural arrangements necessary to connect to the existing overhead rail and, therefore, rail operations would not be feasible.
- There is insufficient storage area for waste;
- There is no room on site for parking;
- There is no room for container storage; and
- The available square footage of the conforming portion of the site would severely limit queuing and maneuvering space.
- West 30th Street is the only street available for the trucks to access the site. At the location of the site, West 30th Street is a one-way eastbound street. The intersection of 12th Avenue and West 30th Street is a signalized intersection. Twelfth Avenue is designated by the City as a local truck route, as well as West 30th Street between Broadway and 11th Avenue. However, the section of West 30th Street used by traffic traveling to the proposed facility is not designated as a local truck route. For operation of trucks to occur on West 30th Street between 12th Avenue and 11th Avenue, the City will need to extend the truck route designation to this section.
- The intersection of West 30th Street and 11th Avenue is a signalized intersection. Eleventh Avenue is a one-way southbound street at the intersection with West 30th Street, and is designated by the City as a local truck route. Upon exiting the facility, trucks must travel onto West 30th Street. Access to the network of local truck routes can be gained via West 30th Street, 11th Avenue, 10th Avenue and West 23rd Street. The addition of the truck traffic expected at this facility may impact the operation of the site intersections.

The fourth site, the former site of the Gansevoort MTS was found to be problematic because of land use issues but is an element of the Proposed Action for Recycling that would serve as a Recyclables Acceptance facility for Recyclables from Manhattan and as recycling education center.

During the re-procurement of Interim Export contracts for DSNY-managed Waste from Manhattan awarded in November 2004, DSNY established that the LIPCo/Covanta waste-to-energy facility in Rahway, New Jersey, had insufficient capacity to serve as a primary disposal facility. This facility was awarded an Interim Export contract for backup capacity in the amount

of 125 tpd, substantially less than is generated in any of Manhattan's three wastesheds. Moreover, the facility operates from 5:30 a.m. to 5:00 p.m. on weekdays and from 5:30 a.m. to 12 noon on Saturdays, which is not consistent with DSNY's needs.

Also, DSNY had, in the 2000 Final Environmental Impact Statement (2000 SWMP FEIS), evaluated the technical feasibility and environmental suitability of 24 export facility options on 15 different sites, as the basis for preparing the 2000 SWMP Modification. In the 2000 SWMP FEIS, DSNY evaluated: (1) sites capable of accommodating an Enclosed Barge Unloading Facility (EBUF) (barge receiving with barge or rail export) as proposed by respondents to a procurement process that were identified through an RFP issued by DSNY; (2) existing truck-receiving MSW transfer sites that could export (or be modified to export) by barge, rail, or truck to rail; and (3) new sites that could be developed as truck-receiving MSW transfer sites that would be capable of exporting by barge, rail, or truck to rail. Twenty sites were initially identified but the number was reduced to 15 in an initial screening process. A total of 25 facility options at the 15 sites were evaluated in the 2000 SWMP FEIS. These site/facility alternatives are listed in Table 1.3-5. They were identifies through processes that included the following:

- Conducting a generic economic assessment that provided a comparative economic analysis of alternatives;
- Issuing a Request for Expressions of Interest that elicited 34 responses from private companies presenting conceptual proposals for export services;
- Issuing in 1997 an MTS RFP that identified the available EBUF options to receive waste from the City's existing MTSS; and
- Conducting investigations of available rail transfer station options.

In terms of alternatives considered, the development of the 2000 SWMP was an exhaustive process. Those sites that remained feasible following the Mayor's redirection of current SWMP planning in 2002 are evaluated in this FEIS. DSNY's consideration of alternatives also evaluated the information obtained through a Request for Expressions of Interest (RFEI) to Provide Waste Disposal Capacity on February 17, 2004, that sought expressions of interest to (1) sell or otherwise provide to DSNY, for its exclusive use, permitted waste disposal capacity in New York State; (2) sell or otherwise provide to DSNY, for its exclusive use, land in New York

State that is suitable to serve as a site for a waste disposal facility; and/or (3) serve as a host community for a disposal facility located in New York State that would receive waste managed by DSNY. No practicable alternatives emerged from this RFEI.

Chapter 2 of this FEIS provides detailed descriptions of the design features and operations of the Draft New SWMP Long Term Export Facilities, Support Facilities and Alternatives. In addition, this FEIS includes site descriptions of the 215 Varick Street truck-to-rail transfer station in Brooklyn and the Steel Style intermodal site in New Windsor, New York. These facilities were not reviewed in the DEIS, but could potentially become elements of the Long Term Export program, as outcome of the procurement processes DSNY is currently conducting. In that case, these facilities would be subject to environmental review, as required.

1.4 Proposed Action – Recycling Facilities

1.4.1 Existing Conditions/No Action

Through the first half of 2002, DSNY collected and recycled metal, glass and plastic (MGP) and Paper materials sufficient to divert 20% of the DSNY-managed Waste (curbside/containerized) waste stream from disposal. The program flourished ~~in many respects,~~ and compared favorably with the recycling programs of other major cities throughout the United States.

On July 1, 2002, the City's recycling program, having incurred budget cuts in the aftermath of the events of September 11, 2001 and the subsequent economic recession, temporarily suspended glass and plastic recycling. Diversion rates suffered; however, plastic and glass recycling programs were restored in Fiscal Year (FY) 2003 and FY 2004, respectively, and funding for composting and other services was restored in FY 2005.

1.4.2 Recycling Proposed Action

Moving forward, cost-effective recycling programs are now an even greater priority. To address this priority, the Proposed Actions for recycling will commit the City to a 20-year contract for processing MGP. This long-term commitment will facilitate the development of state-of-the-art

processing infrastructure in the City, which, in turn, will generate the consistent streams of materials necessary to foster reliable secondary materials markets. The 20-year contract also ushers in a new era of waterborne transportation of Recyclable materials, mirroring the transportation goals of the Draft New SWMP as a whole. Consistent with the commitment to emphasize waterborne transport as an element of the Draft New SWMP, the City will also develop a Recyclables acceptance facility in Manhattan that would transport Manhattan Recyclables by barge to the newly proposed Recyclables processing facility in Brooklyn.

Accordingly, the Proposed Action for recycling has the following new elements.

- Develop a materials processing facility at the 30th Street Pier (in Brooklyn Community District 7) through a public-private partnership involving a 20-year service agreement with a private Recyclables processor; and
- Develop a Recyclables acceptance facility in Manhattan.

1.4.2.1 Recyclables Processing Facility

The City plans to enter into an agreement with the Hugo Neu Corporation (HNC) for the acceptance, processing and marketing of the MGP and a portion of the mixed Paper⁶ (Curbside Recyclables) collected by DSNY. As part of the agreement, HNC will finance the development of a materials processing facility on City-owned land at the 30th Street Pier in the South Brooklyn Marine Terminal (SBMT).

In addition, HNC will use its existing regional network of waterfront acceptance facilities and its own fleet of barges to transport material to the new facility at SBMT. Recyclable material will arrive at the new materials processing facility as follows:

- DSNY trucks collecting Curbside Recyclables in the Bronx will tip this material at HNC's existing acceptance facility in the Bronx, where HNC will transfer material to barge for transport to SBMT.

⁶ This is the portion that is not already committed to Visy Paper (NY), Inc. (Visy), for processing in its recycled paper mill on Staten Island.

- DSNY trucks collecting Curbside Recyclables in Staten Island CDs will tip this material either at the new Staten Island Transfer Station for consolidation into transfer trailers that will drive to SBMT or at HNC's existing acceptance facility in Jersey City, where HNC will transfer material to barge for transport to SBMT.
- DSNY trucks collecting Curbside Recyclables in northern Brooklyn and Queens CDs will tip this material at HNC's existing acceptance facility in Long Island City, where HNC will transfer material to barge for transport to SBMT.
- DSNY trucks collecting Curbside Recyclables in Manhattan CDs will tip this material at a Manhattan acceptance facility. Until the new acceptance facility is on line, trucks from southern Manhattan will tip at HNC's existing acceptance facility in Jersey City; trucks from northern Manhattan will tip at HNC's existing facility in the Bronx where HNC will transfer this material to barge for transport to the 30th Street Pier at SBMT, when this facility is developed.
- DSNY trucks collecting Curbside Recyclables in southern Brooklyn CDs will drive to SBMT and tip directly at the materials processing facility.

1.4.2.2 Manhattan Recyclables Acceptance Facility

DSNY proposes to develop a Recyclables acceptance facility in Manhattan. The West 59th Street MTS is currently the transfer site for the mixed Paper which DSNY collects in Manhattan CDs and Visy Paper, Inc. barges to its ~~recycled paper~~-mill on Staten Island for recycling paper into boxboard.

As described in the Proposed Actions for Commercial Waste (see Section 1.5.2), DSNY is proposing to reserve the West 59th Street MTS to facilitate the export of a portion of Manhattan's Commercial Waste by barge. To maximize the throughput capacity required for this scenario, the truck-to-barge operation for mixed Paper would need to be relocated. To facilitate this relocation, as well as to reduce the number of vehicle miles traveled by DSNY trucks, DSNY proposes to develop a Recyclables acceptance facility in lower Manhattan. This proposal would also fulfill the goal of the Draft New SWMP to distribute waste management facilities more equitably in all five boroughs.

The most promising location for this Manhattan Recyclables acceptance facility is the former site of DSNY's Gansevoort MTS on Pier 52 in Manhattan Community District 2. The Gansevoort MTS has not been used by DSNY since 1991. For this proposed project to move forward, several issues must be resolved, such as acceptable integration of the facility design (including an environmental education center) and operation into the plans for the Hudson River Park, and amendment of the Hudson River Park Act.

Table 1.4-1 lists all of the facilities that would be elements of the Recycling Program in the Draft New SWMP, including those that are part of the Proposed Action and reviewed in this EDEIS, as well as those facilities that are elements of Existing Programs.

**Table 1.4-1
Proposed Action Recycling Facilities**

Facility Type	Operator/Owner, Facility Name, and Address	Community District
Recyclables Processing/Acceptance⁽¹⁾	Hugo Neu Corporation, 30 th Street Pier at the South Brooklyn Marine Terminal, Brooklyn	Brooklyn 7
Recyclables Acceptance⁽²⁾	DSNY, Former site of Gansevoort MTS, Pier 52, Manhattan	Manhattan 2

Notes:

⁽¹⁾ This 30th Street Pier at SBMT is a complex of facilities that would be designed to receive and process DSNY Curbside Recyclables. Curbside Recyclables collected in Brooklyn would be delivered by truck to this facility. Curbside Recyclables from other boroughs would be delivered by barge. Recyclables would be transferred from this facility by barge. As a recycling facility, it is not subject to regulation as a solid waste facility. However, the waterfront construction requires USACE Section 10/404 permits and the NYSDEC Article 15/25 permits that are subject to environmental review.

⁽²⁾ The timetable for designing, permitting and constructing this facility, which would receive truck deliveries of DSNY MGP Curbside Recyclables collected in Manhattan for barge transfer to the 30th Street Pier at SBMT for processing, is approximately seven years. Accordingly, the environmental review of this facility is deferred until more detailed design information is available. However, an analysis of the potential for off-site traffic, air quality and noise impacts from directing DSNY's Manhattan Recyclables collection vehicles to this destination was conducted.

1.4.3 Advantages of the Proposed Action – Recycling Facilities

1.4.3.1 *Recyclables Processing Facility*

The major advantages of the Proposed Action to develop a Recyclables processing facility are that it:

- Commits the City to maintain its Curbside MGP Program over the next 20-years.
- Creates a relationship in which the processor has economic incentives to expand product markets, and thereby increase the net recovery rate for MGP. Historically, DSNY has had considerable difficulty in establishing stable and cost-effective relationships with the contractors that have processed its Curbside MGP, in part due to the practice of contracting for a five-year term with a short-notice cancellation clause. This created economic uncertainty for the contractor and discouraged investments in facility upgrades to improve recovery rates. The 20-year term of the service agreement removes these disincentives and will create a relationship in which the processor has economic incentives to expand product markets and increase the net recovery rate for MGP processed.
- Enhances the opportunity to produce and market new products by recovering materials that are now marginal. The City's Curbside MGP have high proportions by weight of glass, particularly mixed-color broken glass, a material that does not have economic markets. Better technology to be used in the materials processing facility, in addition to aggressive research and development – both afforded by a long-term contract – will address this situation.
- Secures competitive price terms for the City and stabilizes costs over the long term.
- Creates a waterborne transportation network that is consistent with the City's goal of reducing truck traffic. An estimated 85% of the Recyclable materials will be delivered to the new Recyclables processing facility via barge, and 75% will leave post-processing via barge. This is a shift that will help reduce truck traffic on City streets, and improve the local environment.
- Creates significant local employment opportunities through creation of an estimated 160 construction jobs and 100 permanent jobs when facility operations commence.

1.4.3.2 *Manhattan Recyclables Acceptance Facility*

The major advantages of the Proposed Action to develop a Recyclables acceptance facility in Manhattan are that it:

- Eliminates the need for Recyclables collection vehicles to travel from Manhattan to acceptance or processing facilities in other boroughs or New Jersey.

- Facilitates the relocation of the recycled Paper barge operation now based at the West 59th Street MTS to Gansevoort, which will enable the West 59th Street MTS site to be potentially developed for export of Commercial Waste.
- Results in a more equitable distribution of transfer facilities among the City's boroughs.

1.4.4 Alternatives to the Proposed Action

The No Action Alternative to the Proposed Action for Recycling to help develop and contract on a long-term basis with an centralized MGP Recyclables processing facility, built by HNC at the South Brooklyn Marine Terminal, would be the continuation of the status quo arrangement by which MGP Recyclables are delivered to several metropolitan area MGP processing facilities by DSNY collection vehicles pursuant to short-term contracts. The No Action Alternative would not involve the development of a state of the art facility with processing equipment, economies of scale, and the barge transport capability of the HNC centralized processing facility at the SBMT that is expected to improve the economics of MGP recycling, for processing MGP from Curbside collection that would not result in the economic benefits to the Curbside Recycling Program afforded by the Brooklyn Recyclables processing facility.

Several other alternatives were considered as a result of a Request for Proposals (RFP), issued by DSNY in 2003 for services to accept, process and market MGP and Paper Recyclables. In addition to the HNC processing facility at the SBMT that is the Proposed Action, DSNY received two other proposals deemed responsive, but lacking certain advantages afforded by the HNC proposal. Therefore, these alternative proposals were not the subject of a detailed environmental review in this FEIS for the following reasons: (i) one proposal would have utilized two locations on Staten Island to receive MGP, but the delivery of MGP from the rest of the City to Staten Island presented logistical and transport problems for DSNY; and (ii) the second proposal offered two sites for acceptance facilities that were in close proximity to each other in Brooklyn, but DSNY delivery to these locations would be less efficient compared to delivery to other facilities more evenly distributed in the City. A third proposal was deemed non-responsive for technical reasons.

The Alternatives—to developing a Recyclables acceptance facility at the site of the former Gansevoort MTS would be continued~~ing~~ delivery of Manhattan MGP to facilities in New Jersey and the Bronx or potentially using another existing MTS facility in Manhattan. The environmental review in this FDEIS of the existing MTSs as Alternatives for Long Term Export evaluates the potential for significant adverse impacts associated with using the existing MTSs for Long Term Export. The potential for impacts associated with use of the existing MTSs as Recyclables acceptance facilities would be less than the impacts analyzed because of the lower number of DSNY collection vehicles associated with delivery of Recyclables to these sites, compared to those associated with delivery of DSNY-managed Waste to these sites. Therefore, no additional environmental review of this Alternative is required.

1.5 Proposed Action – Commercial Waste Management

1.5.1 Existing Conditions

Commercial Waste management is as complex a system as the DSNY-managed Waste counterpart. The volume of Putrescible and Non-Putrescible Commercial Waste managed in the City is even larger, accounting for nearly 75% of the City's total waste stream. Commercial Waste is managed by the private sector through a system of private carters and private transfer stations. Both elements of the systems are subject to regulation – the private carters by the City's Business Integrity Commission (BIC), and the private transfer stations by DSNY and NYSDEC. NYSDEC also regulates registered recycling facilities.

Except for that portion of Commercial Waste carted directly out of the City, waste export occurs through a network of land-based transfer stations, points at which waste from local collection trucks is transferred for long-haul export. These transfer stations are generally located in M3 districts (districts reserved for heavy industry) which are well buffered from residential communities. However, waste trucks traveling to and from these transfer stations often pass through residential communities on their way to the-designated truck routes.

Local Law 74 of 2000 (LL74) amended the Administrative Code to require that DSNY contract with a consultant to conduct a comprehensive study of Commercial Waste management in the City. DSNY conducted a series of public meetings in November and December of 2002 to solicit comments, and issued a Draft Study Scope of Work on March 3, 2003 for further public comment. Comments were received and reviewed, and a Final Study Scope was issued on July 31, 2003.

In September 2002, the consultant began work on detailed analyses of a range of Commercial Waste management issues. DSNY submitted the report, including Volumes I through VI of the CWMS, to the Mayor and the City Council in March 2004. The Study extensively characterized the City's Commercial Waste management system, providing information on the quantity of Commercial Putrescible, Non-Putrescible and Fill Material generated in the City, recycled, and disposed in- and out-of-City; the locations and operations of the City's Putrescible, Non-Putrescible and Fill Material Transfer Stations;⁷ and the effects of transfer stations located in geographical proximity in certain CDs in the City.

The Study included recommendations involving changes in current practices, laws and regulations affecting the design and operation of privately owned and operated transfer stations in the City. These recommendations addressed improvements in the environmental control systems and practices used at existing permitted transfer stations in the City that have the benefit of improving potential effects associated with the operation of these facilities. The complete Study can be accessed on DSNY's website: www.nyc.gov/sanitation and is also included on a compact disk as Appendix E of the Draft New SWMP. Printed copies of the Study are available at the List of Repositories in Table 1.6-1.

There are currently 58 private waste transfer station facilities in the City with 65 permits. This is down from 220 transfer stations in 1990, shortly after the 1988 increase in tipping fees for Commercial Waste at the Fresh Kills Landfill and at certain City MTSs. Approximately one third of the facilities accept Putrescible Waste, one-third accept construction and demolition (C&D) debris, and one-third accept clean Fill Material (some facilities accept more than one

⁷ These types of transfer stations are permitted under DSNY's Operating Rules.

category of materials). As discussed in more detail in the Study, these facilities are located in Manufacturing Districts (M1, M2 and M3), and therefore, are not distributed evenly among the City's 59 CDs. For example, Community District 1 in Brooklyn has 14 facilities with 17 permits, while Bronx Community District 2 has 8 facilities and Queens Community District 7 has 5 facilities. At present, ~~only one two facilities~~ at Harlem River Yards in the Bronx and 920 East 132nd Street by draving to Oak Point Yard, uses rail to transport putrescible waste out of the City. There are two registered sites for the intermodal transfer of containerized solid waste, where sealed containers may be delivered by truck, and transloaded onto a railcar for further transport without being opened or undergoing any processing.

Two features of the current Commercial Waste management system have served as the focus of recent concern. The first is that Manhattan has no private transfer stations, despite the fact that over 40% of the City's Putrescible Commercial Waste is generated in Manhattan. As a result, although some waste is driven directly out of the City, most of Manhattan's Commercial Waste is driven to another borough before it is exported from the City. Further, because only ~~one two~~ of the City's 19 private Putrescible Transfer Stations exports waste by means other than transfer trailer, the export of waste—not just its collection—creates truck traffic.

1.5.2 Proposed Action – Commercial Waste Management

To achieve a more balanced distribution and reduce effects from Commercial Waste transfer operations in those CDs that currently have the greatest number of transfer stations, the following measures are proposed:

- Make the existing Manhattan West 59th Street MTS site available to private waste management companies to use for the transfer of Commercial Waste collected by private carters in Manhattan. The facility could be: (i) refurbished and used in conjunction with an EBUF; or (ii) redeveloped as a containerization facility.
- Design measures to encourage private carters to deliver Commercial Waste during the 8:00 p.m. to 8:00 a.m. time period to the four Converted MTSs that are elements of the Proposed Action for Long Term Export (Hamilton Avenue and Southwest Brooklyn, Brooklyn; East 91st Street; Manhattan; and North Shore, Queens).
- Negotiate arrangements with the owners/operators of the selected private transfer stations in the Bronx, Brooklyn and Queens that submitted proposals in response to the BQB RFPs and that are potential elements of the Proposed Action to require Commercial Waste (in addition to DSNY-managed Waste) processed at these facilities to be containerized and exported from the project service area by barge and/or rail.

1.5.3 Advantages of the Proposed Action

These Proposed Actions, if fully implemented, would facilitate the City's transition from an almost wholly truck-based waste export system to a predominantly rail- and/or barge-based export system for the City's Putrescible Waste.

1.5.3.1 West 59th Street MTS Site for Commercial Waste Transfer

Developing this site for transfer of a portion of Manhattan-generated Commercial Waste would:

- More equitably distribute the impacts of Commercial Waste transfer among the City's boroughs;
- Reduce the volume of transfer trailer truck traffic in the City;
- Provide the site most proximate to midtown, a major generator of Commercial Waste; and
- Shorten carters' current runtime from the end of their midtown collection route to their tipping locations in other boroughs, resulting in a decline in the overall duration of commercial collection operations and fewer vehicle miles traveled in the City.

1.5.3.2 Commercial Waste Transfer at Four Converted MTSS

The advantages of using the Converted MTSSs to containerize Commercial Waste include that it:

- Capitalizes on unused capacity during the hours when private carter collection operations occur. As DSNY would tip during the day and private carters at night, there is minimal potential for conflict in terms of processing both waste streams at the Converted MTSSs.
- Potentially removes approximately 178 transfer trailers from the City's streets that would otherwise be transporting waste for export. As containerization facilities, the four Converted MTSSs have potentially available capacity for processing up to approximately 3,772 ~~945~~ tpd of Commercial Waste.

1.5.3.3 Containerization and Rail Export from Private Transfer Stations

1.5.3.3 Containerization and Rail Export from Private Transfer Stations

The advantages of requiring private transfer station owners/operators who are containerizing and exporting DSNY-managed Waste by barge and/or rail to also containerize and export by barge or rail any Commercial Waste processed at their respective facilities are that it:

- Reduces outbound transfer trailer traffic from the private transfer stations, thus reducing truck traffic in these communities; and
- Accelerates the conversion of the City's private transfer network towards a barge-and/or rail-based system that will have long-term economic and environmental benefits for the City.

1.5.4 Other Commercial Waste Initiatives

In addition, there are several other related actions that DSNY has taken, or will be taking, with respect to the private transfer station industry and Commercial Waste management that form an important part of the Draft New SWMP, although detailed environmental review necessarily has been or will be conducted separately, because these measures have independent utility or are the subject of ongoing litigation. Many of these measures derive from DSNY's continuing effort to ensure that the Commercial Waste management industry meets applicable regulatory and performance standards while minimizing impacts on residents and the City.

In 2003, DSNY adopted rules to encourage the use of intermodal facilities such as rail yards or port facilities where sealed containers of solid waste may be transloaded for further transport via rail or barge. By providing a process for such facilities to obtain DSNY registrations, DSNY seeks to encourage such intermodal transport and reduce the truck traffic and related impacts associated with long-haul transfer trailer transport of solid waste.

DSNY's regulation of commercial solid waste transfer stations has been the subject of litigation brought both by community groups and by the industry. DSNY adopted temporary rules in 2003 prohibiting the siting of most new transfer stations while the CWMS was being prepared. Following the release of the CWMS in 2004, DSNY has taken certain steps to implement many

of its recommendations and comply with judicial rulings and concerns regarding the need for additional siting restrictions on transfer stations (see DSNY's website, www.nyc.gov/sanitation).

1.5.4.1 New Siting Rules for Transfer Stations

In May 2004, DSNY initiated a rulemaking process, ~~that became final on~~ ~~expected to be final by~~ ~~early November 7, 2004, to amending the rules~~ ~~DSNY administers for rules on~~ the siting of private putrescible and non-putrescible transfer stations and for potential expansions of existing facilities. A separate environmental review was undertaken for this rulemaking, which has independent utility from the Draft New SWMP and was motivated, in part, by litigation over the proper interpretation of Local Law 40 of 1990. In brief, the rules ~~will create~~ five categories of siting restrictions that vary by Community District, depending on the number of the City's transfer stations that are currently in each Community District. The rules effectively set a cap on new capacity for any kind of private transfer station in two CDs that currently have the largest number of such facilities: Brooklyn Community District 1 and Bronx Community District 2. Thus, new capacity in such districts would require a corresponding offsetting reduction in permitted transfer station capacity in the same Community District.

In addition, a buffer would be required between a new putrescible transfer station and an existing transfer station. Buffer distance requirements from a new transfer station to sensitive receptors (defined as residence districts, schools, parks and hospitals) ~~would be increased~~ are greater for districts that currently have the highest number of transfer stations. The new rules would generally allow a new transfer station in a light manufacturing (M1) district, subject to buffer requirements and zoning performance standards, as was the case until 1998. However, a new transfer station would not be permitted in an M1 district in a Community District that already has at least three transfer stations in M1 districts. The rules would apply to all applications and include more stringent standards for obtaining a variance. More information on this rule-making is available on DSNY's website at www.nyc.gov/sanitation.

DSNY's transfer station siting rule amendments encourage the use of barge or rail to transport solid waste. Specifically, an applicant would not be prohibited from siting a new transfer station within the buffer distance to another transfer station, if the new facility uses a vessel or rail to transport at least 90% of the waste received. In addition, in obtaining offset waste tonnage for

new capacity to be sited in the two CDs with an overall cap on new capacity, an applicant that uses vessel or rail to transport at least 90% of the waste received could utilize offset tonnage from a different permitted waste type. For example, existing permitted tonnage for C&D debris could be used to offset new Putrescible Waste capacity.

1.5.4.2 New Operating Rules for Transfer Stations

In addition, in August 2004, following certain recommendations outlined in the CWMS, DSNY announced proposed amendments to operating rules for new transfer stations. These rules, which were published in final form on March 17, 2005 and take effect April 16, 2005, were the subject ~~are the subject~~ of a separate environmental review, as they are independent of the Draft New SWMP. The operating rules, which would apply to existing as well as new transfer stations, ~~would~~ require putrescible transfer stations to upgrade odor and dust control and ventilation systems. Non-putrescible transfer stations ~~would~~ have to implement measures to reduce the tracking of dirt offsite, control dust, and ensure that visible air emissions from off-road diesel equipment do not exceed certain opacity standards or leave the property boundary. More information on this rule-making is also available on DSNY's website at www.nyc.gov/sanitation.

1.5.4.3 Enhanced Permit and Inspection Capability

DSNY has stated that it will work with the City Council to amend the Administrative Code to increase the fees charged for annual permits for putrescible and non-putrescible transfer stations. The additional revenue will help pay for additional expertise and training of the inspection staff to enforce air emission standards and to approve and oversee the proper facility use of enhanced odor and ventilation systems, among other things. Such legislation would be the subject of a separate environmental review.

1.5.4.4 Seek to Alleviate Transfer Station Truck Traffic near Residences

In coordination with community groups and the City Department of Transportation (NYCDOT), DSNY proposes to undertake a study of transfer station truck traffic that passes near residential areas in certain parts of the City with the greatest number of transfer stations, to identify practical

opportunities to minimize the impacts associated with such traffic. Such measures might include near-term initiatives such as enhanced enforcement of existing truck route restrictions, improved signage, targeted waste hauling truck prohibitions along designated roadways and/or other steps.

1.5.4.5 Define Authority Needed to Reduce Transfer Station Capacity in Certain Districts

Once ~~DSNY's the Converted MTSs conversion program becomes~~ are operational, DSNY proposes to work with community groups and the transfer station industry to explore, in a systematic way, how legal and regulatory mechanisms, whether under current law or requiring local legislation, might be used appropriately to ~~reduce~~ further reduce the number of transfer stations in areas of the City with the greatest concentration of ~~such~~ those facilities. As appropriate, any necessary environmental review would be undertaken ~~separately~~ prior to taking final action on ~~such a~~ any proposed reduction in transfer station capacity.

1.6 Public Review Process – CEQR and SEQRA

Approval of the Proposed Action will provide the basis upon which the proposed Long Term Export Program and, if applicable, other solid waste management policies or programs, can be implemented. The City's commitment of resources to these programs is predicated upon the findings presented in the FDEIS that, consistent with social, economic and other essential considerations of state and City policy, and from among the reasonable Alternatives, the Proposed Action is one that minimizes or avoids significant adverse environmental effects to the maximum extent practicable. In addition, any potential significant adverse effects disclosed would be minimized or avoided by incorporating mitigative measures that are identified as practicable (2001 CEQR Technical Manual, pages 1 through 11, Section 270, Agency Findings). Pursuant to CEQR/SEQRA rules and procedures, DSNY is lead agency for the environmental review of the Draft New SWMP; involved agencies with discretionary approval of the Draft New SWMP are the City Council and NYSDEC. The City planning Commission has discretionary approval of the Uniform Land Use Review Procedure (ULURP) applications pending for the Converted MTSs.

1.6.1 Long Term Export

Agencies interested in the Long Term Export Program elements of the Proposed Action and assessments of facilities and services related to that program that are included in the FDEIS are listed below.

1.6.1.1 Federal Agencies

- United States Army Corps of Engineers (USACE)
- United States Environmental Protection Agency (USEPA), Region 2

1.6.1.2 New York State Agencies

- Department of State
- Office of Parks, Recreation and Historic Preservation (OPRHP)
- Office of General Services (OGS)

1.6.1.3 New York City Agencies

- City Office of Environmental Coordination (OEC)
- Department of Environmental Protection (NYCDEP)
- Department of Transportation (NYCDOT)
- City Planning Commission
- New York City Economic Development Corporation (NYCEDC)
- Landmarks Preservation Commission (LPC)
- Department of Health (NYCDOH)
- Department of Parks and Recreation (NYCDPR)

1.6.2 Preparation of the FDEIS

The purpose of the FDEIS is to provide decision makers with an understanding of the potential environmental consequences of the Proposed Action so that they may make an informed decision about the actions they are asked to undertake. In addition, the FDEIS provides the basis to make reasoned comparisons of the Alternatives to the Proposed Action. ~~An~~ The initial step in the Environmental Impact Statement (EIS) process, is the preparation of the Draft Environmental Impact Statement (DEIS) for public comment, has been completed.

A series of Public Scoping Meetings were held between June 15 and July 1, 2004 to solicit comments and concerns from the public and regulatory agencies regarding the proposed approach to evaluation of the Proposed Action (see Section 1.8, Public Outreach Process/Environmental Justice, for a description of the public participation and outreach program). In addition to comments received at the Scoping Meetings, written comments were accepted until July 11, 2004. The Final Scoping Document was revised to address consideration of the public comments received.

~~An issuance of a Notice of Completion of the DEIS is required to initiate consideration of any required permit actions and approvals. As part of the Environmental Impact Statement (EIS) process, this FEIS was prepared after: (1) a public process extending from October 22, 2004 to January 24, 2005 (a period of 94 days); and (2) eight public hearing(s) on to provide an opportunity for the public to comment on the DEIS, held in the communities potentially affected by the Proposed Action, to solicit comments and concerns from the public and regulatory agencies on the DEIS. Additionally, public hearings on ULURP applications for the four Converted MTSs were held by the Community Boards of the Community Districts potentially affected by these elements of the Proposed Action.~~

Following the close of the DEIS comment period, all comments received at the public hearing and in writing were reviewed and are addressed in Chapter 40 of this FEIS. This FEIS also includes necessary revisions, additions and clarifications to the document, as well as categorized responses to comments received. Issuance of this FEIS is required for: (1) City Council adoption and NYSDEC approval of the Final New SWMP; (2) City Planning Commission approval of the pending ULURP applications; and (3) approval by the appropriate issuing authorities of other permits required to implement the Proposed Action.

~~will be were held within approximately 30 days of the distribution of the DEIS during the period of December 1 to December 20, 2004. The FEIS is available at DSNY's website: www.nyc.gov/sanitation. Copies of the DEIS will can be available for viewingviewed at DSNY, Bureau of Long Term Export, 44 Beaver Street, 12th Floor, New York, New York, and at the List of Public Repositories listed in Table 1.6-1. Compact disks of the FEIS can be obtained by sending a mail or fax request to Assistant Commissioner, Harry Szarpanski P.E., DSNY Bureau of Long Term Export, 44 Beaver Street, New York, New York 10004, fax number (212) 269-0788.~~

Issuance of an FEIS is required for final approval of required permits. These FEIS findings are will be used to support all other public actions and approvals inclusive of the anticipated potential permit actions listed in Chapter 1, Section 1.7 of this FEIS. Additionally, Chapter 2, Section 2.5 provides a table listing the possible applicability of permit requirements to specific sites.

**Table 1.6-1
List of Public Repositories**

Repository Location	Repository Address	Days and Hours	Phone Number
Manhattan			
Manhattan CB 8 Office	505 Park Avenue	call for days and hours	(212) 758-4340
96 th Street Public Library	112 East 96th Street	call for days and hours	(212) 289-0908
Manhattan CB 9 Office	565 West 125th Street	call for days and hours	(212) 864-6200
George Bruce Public Library	518 West 125th Street	call for days and hours	(212) 662-9727
Manhattan CB 4 Office	330 West 42 nd Street, 26 th Floor	call for days and hours	(212) 736-4536
Riverside Public Library	127 Amsterdam Avenue	call for days and hours	(212) 870-1810
Brooklyn			
Brooklyn CB 7 Office	4201 4 th Avenue	call for days and hours	(718) 854-0003
Sunset Park Public Library	5108 Fourth Avenue at 51 st Street	call for days and hours	(718) 567-2806
Brooklyn CB 11 Office	2214 Bath Avenue	call for days and hours	(718) 266-8800
New Utrecht Public Library	1743 86th Street	call for days and hours	(718) 236-4086
Brooklyn CB 1 Office	435 Graham Avenue	call for days and hours	(718) 389-0009
Leonard Public Library	8 Devoe Street	call for days and hours	(718) 486-3365
Queens			
Queens CB 2 Office	43-22 50th Street, Woodside	call for days and hours	(718) 533-8773
Court Square Public Library	25-01 Jackson Avenue, Long Island City	call for days and hours	(718) 937-2790
Queens CB 7 Office	45-35 Kissena Boulevard, Flushing	call for days and hours	(718) 359-2800
Mitchell-Linden Public Library	29-42 Union Street, College Point	call for days and hours	(718) 539-2330
Bronx			
Bronx CB 2 Office	1029 East 163rd Street	call for days and hours	(718) 328-9125/6
Hunts Point Public Library	877 Southern Boulevard	call for days and hours	(718) 617-0338
Bronx CB 1 Office	384 East 149th Street	call for days and hours	(718) 585-7117
Woodstock Public Library		call for days and hours	(718) 665-6255
Staten Island			
St. George Library Center	5 Central Avenue	call for days and hours	(718) 442-8560
Office of the Borough President Attn: Nicholas Dmytryszn	Borough Hall, Room 120	M-F, 9:00 a.m. – 5:00 p.m.	(718) 816-2200

1.7 Required Actions, Permits and Approvals

Potential major permit approvals for the Proposed Action that are known to be required are listed below. If subsequent approvals or permit actions are identified, a determination will be made by DSNY and the respective interested/involved agency(ies) as to what subsequent environmental assessments and determinations are required, if any.

1.7.1 Federal

1.7.1.1 U.S. Army Corps of Engineers

- Section 10 (River and Harbors Act) for structures and work in navigable waters of the United States;
- Section 103 of the Marine Protection Research & Sanctuaries Act;
- Section 404 (Clean Water Act) for discharging of dredged or fill material in waters of the United States; and
- Section 401 (Clean Water Act) Water Quality Certification.

1.7.2 New York State

1.7.2.1 Department of Environmental Conservation

- Article 27, Title 7 (6 NYCRR 360) Environmental Conservation Law solid waste permit to construct and operate a solid waste management facility;
- Article 15, Title 5 (6 NYCRR 608 – Protection of Waters) Environmental Conservation Law permit for the disturbance of a streambed or banks or excavation in or fill of navigable waters;
- Article 15, Title 5 (6 NYCRR 608 – Protection of Waters) Section 401 Water Quality Certification;
- Article 25, (6 NYCRR 661 – Tidal Wetlands Act) Environmental Conservation Law;
- Article 36 (6 NYCRR 500 – Flood Plain Management) Environmental Conservation Law permit for a facility located in a floodplain;
- Article 17, State Pollutant Discharge Elimination System (SPDES) General Permit (Section 402 of Clean Water Act) for stormwater discharges from construction activities; and

- Coastal Zone Consistency Certification (19 NYCRR 600).

1.7.2.2 Department of State

- Article 42 of the State Executive Law;
- Consistency with Federal Coastal Zone Management Act (15 CFR Part 930);
- New York State Office of Parks, Recreation and Historic Preservation (OPRHP); and
- Consultation under Section 106 (National Historic Preservation Act) and New York State Historic Preservation Act Section 14.09 compliance requirements.

1.7.2.3 Office of General Services

- Use of Lands Under Water

1.7.3 New York City

1.7.3.1 City Planning Commission

- Consistency with local Waterfront Revitalization Program (WRP); and
- Conformance with the Uniform Land Use Review Procedure (ULURP) for a Site Selection Action will be required in connection with the development of the four Converted MTSs. ~~at the existing MTS sites.~~

1.7.3.2 Department of Environmental Protection

- Sewer connection permit under Title 24 of the New York City Administrative Code (NYCAC) and Title 15 of the RCNY; and
- Industrial Pre-Treatment Approval.

1.8 Public Outreach Process/Environmental Justice

1.8.1 Introduction

NYSDEC issued policy guidance on Environmental Justice (EJ) and Permitting in March 2003 (EJ Policy). The Policy applies to certain NYSDEC permitting actions where NYSDEC is the

lead agency, including the permits for New SWMP Long Term Export facilities sought by DSNY under 6 NYCRR Part 360. This section describes DSNY's enhanced public participation and outreach program (EJ Program), ~~new underway~~ for the Draft New SWMP Long Term Export facility permitting processes that are part of the Proposed Action under consideration in this document. The EJ Program focuses on: the Public Scoping Meetings held for the Draft New SWMP DEIS; the Public Hearings that DSNY ~~will hold~~ held on the Draft New SWMP DEIS; and the Hearings expected to be held by NYSDEC on the ~~New SWMP facility permits, including permits required to develop~~ the four Converted MTSs. ~~and other potential private waste containerization facilities.~~

The EJ Policy is being implemented in the potential EJ Communities that are identified in project area maps appended as Attachment A to the Final Scoping Document. These project area maps were prepared using the USEPA database, as prescribed in the EJ Policy, to identify the census block groups with populations that meet the EJ Policy criteria (EJ Community). The project area maps also identify the facilities in the project area that would be included in an environmental burden analysis conducted in the event that significant impacts from the project are found. The maps also provide information about the environmental review analyses ~~to be~~ provided in the this FDEIS. The EJ Communities would be the focus of the EJ Program described herein. For reference, a copy of the NYSDEC EJ Policy is included as Attachment B to the Final Scoping Document.

The EJ Policy is specifically intended to ensure that the Draft New SWMP Long Term Export facility permitting processes and the environmental review for the Draft New SWMP Long Term Export facilities that are part of the Proposed Action consider EJ issues and promote the participation of EJ Communities in this process. Both the Draft New SWMP, and the facilities to be developed as part of the Draft New SWMP is implemented, are subject to environmental review pursuant to CEQR/SEQRA. The Converted MTSs also require permits and other authorizations that would be issued by NYSDEC, the USACE and other parties.

1.8.2 The EJ Program

DSNY, as lead agency for the FDEIS for the Proposed Action, is implementing an EJ Program to provide opportunities for citizens to be informed about and involved in the review of the Long Term Export facility permitting portions of the Proposed Action. The EJ Program described

herein includes enhanced public outreach, information dissemination and community meetings accessible to each EJ project area. Upon completion of these activities, including outreach that will be implemented after the issuance of this FEIS, DSNY will submit a written certification to NYSDEC that it has complied with the outreach plan, and ~~will submit a report detailing the~~ activities that occurreding in each EJ project area.

1.8.2.1 Public Scoping Phase

DSNY, as a basis for enhancing the participation of EJ Communities in Public Scoping Meetings, has completed the following:

- Identified stakeholders to the EJ projects in the Proposed Action (including Alternatives to the Converted MTSs);
- Distributed and posted written information on the EJ projects in the Proposed Action (including Alternatives to the Converted MTSs) and related permit review processes in an easy-to-read format, and translated, as appropriate;
- Complied with the CEQR timetable for advance notice of the Scoping Meetings;
- Established easily accessible document repositories near or in potential EJ Communities at which draft Part 360 Solid Waste Facility Permit applications for the Converted MTSs are available for review by the public;
- Conducted 10 Public Scoping Meetings in project areas potentially affected by the Proposed Action or Alternatives;
- Published all comments received; and
- Issued a summary of comments and responses in Attachment C of the Final Scoping Document.

Because nine of the ten potential Long Term Export facility project areas for the Proposed Action are located within EJ Communities, DSNY implemented the EJ Program in all ten project areas, beginning with Public Scoping Meetings in locations accessible to each of the EJ project areas. Locations for written information include, but are not limited to:

- Official document repositories;
- Public libraries;
- Community liaison offices within pertinent state and federal agencies;
- Borough halls; and

- Legislative offices.

In addition, the following toll-free hotline ~~has been~~ was established: 1-888-NYC-SWMP. Messages are ~~to be~~ being documented and substantive comments considered by DSNY.

~~In the same time frame as the publication of the DEIS, DSNY will submit final permit applications for the Converted MTS projects,⁸ addressing all comments received in consultation with NYSDEC. The final permit applications for the Converted MTS projects were placed in the document repositories for public review, along with any NYSDEC Notices of Complete Application or Notices of Hearing that are issued subsequent thereto.~~

1.8.2.2 DEIS Publication Phase

The DEIS ~~will identify~~ identified on project area maps the facilities that potentially place an environmental burden on the EJ Community. The facilities and land uses shown on the project area maps, in addition to the Proposed Action Long Term Export facilities and Alternatives, include private waste transfer stations and major industrial or transportation facilities (including rail yards and DSNY garages) or utilities infrastructure (such as power plants, substations, water pollution control plants [WPCPs], etc.). The maps are not intended to imply that all facilities have the same potential effects on their environs, however, or that potential effects are identical to those impacts predicted for the Proposed Action Long Term Export facilities and Alternatives. The maps serve as a starting point to provide the community with information that may be relevant to the EJ process. As such, they are not intended to depict the type or extent of any environmental burden in the EJ Community.

If potentially significant adverse impacts ~~are~~ were disclosed for a Proposed Action Long Term Export facility in the DEIS, appropriate evaluation of existing facilities in the EJ project area that may impose similar environmental burdens ~~will be~~ would have been presented.

On issuance of the DEIS, enhanced public participation and outreach efforts ~~will~~ continued to provide a flow of up-to-date information, ~~that will include~~ including the following:

- **One-page topical fact sheets, including frequently asked questions (FAQs):** Distributed and posted on the DSNY website and translated, at a minimum, into Spanish. Other dominant non-English languages ~~will be~~ were identified through conversations with stakeholders and materials ~~will be~~ were translated, as appropriate.
- **Flyers/mailings:** Copies of mailings and public notices ~~will be~~ were posted throughout potential EJ Communities. Mailings ~~will be~~ were distributed to stakeholders after the Public Scoping Meetings and prior to the DEIS Hearing (three mailings in total).
- **Public notices:** These notices ~~will be~~ were published in mainstream and local newspapers read both by the general public and by residents in potential EJ Communities. Lists of weekly and monthly newspapers ~~will be~~ were compiled with the assistance of stakeholders and CD offices.
- **Electronic/websites:** The DSNY website (www.nyc.gov/sanitation) ~~will~~ posts project-related documents and information. Other ~~websites (including the New York City Environmental Justice Alliance, www.nyceja.org)~~ will be invited to link to the DSNY website.

Public information materials are tailored to each EJ Community and: (1) describe the facility permitting activities that are part of the Proposed Action; (2) describe the design and operation of the Proposed Action Facilities, including Alternatives considered; (3) answer FAQs; and (4) present other pertinent information on the permitting process.

1.8.2.3 NYSDEC Permit Review Process Information Dissemination

Using the DEIS Hearings as an opportunity to inform the public about the NYSDEC permit review process, the format for the DEIS Public Hearings for the Converted MTSs was augmented with Power Point presentation slides and handouts that contained information about the state environmental permit applications (solid waste management facility, air and marine resources) for the Converted MTSs under review by the NYSDEC, and available at the public repositories for the Converted MTS EJ project areas. The slides provided information about the NYSDEC permit review process and details on how and when, as part of DSNY's DEIS public comment period, to submit comments on the state environmental permit applications provided for review in the public document repositories. A handout was distributed that expanded on the

⁸ ~~Development of permits (where applicable) for the private transfer stations that are part of the Proposed Action is the responsibility of the companies selected to develop these facilities. These permitting activities will proceed on a separate schedule from the permitting of the Converted MTSs.~~

information in the Power Point presentation and provided targeted information for each Converted MTS EJ project area on the location, contact information, and hours for its public document repository.

DSNY Uniform Land Use Review Procedure (ULURP) applications for each of the Converted MTSs were the subject of public hearings in January 2005 in the community boards in which the Converted MTSs are proposed to be sited. DSNY's presentation included information about the NYSDEC permit review process and the availability and contents of the state environmental permit applications on file for each of the Converted MTSs. Handouts that described the permit review process were provided to the hearing attendees. The DSNY presentations were followed by question and answer sessions at which attendees were given the opportunity to ask questions about the NYSDEC permit review process and DSNY's state environmental permit applications for the Converted MTSs.

These Permit Review Process Informational Meetings/ULURP Hearings were also the subject of Public Notices published as display advertisements in local newspapers for the Converted MTS communities in the last week of December 2004, including in Our Town (proposed East 91st Street Converted MTS, Manhattan) and the College Point/Whitestone Courier (proposed North Shore Converted MTS, Queens). A flyer targeted to each Converted MTS community was mailed to stakeholders for these communities in the last week of December 2005. The flyer provided information on the: (1) NYSDEC permit review process; (2) DSNY's state environmental permit applications on file and under review by NYSDEC; (3) public document repositories for the Converted MTS community; and (4) an invitation to the Permit Review Process Informational Meeting/ULURP Hearing held by the affected community boards. The EJ stakeholder lists were expanded to include those who provided comments on, or attended the Permit Review Process Informational Meetings/ULURP Hearings.

1.8.2.43 Joint Public Permit Hearing Phase

~~The outreach documents/materials have been and will continue to be distributed widely through various mailings and the DEIS Public Hearings that will be held within or near the~~ potential EJ

~~Community Communities where the Proposed Action facilities in which the four proposed Converted MTSs would be located. These hearings will be Joint Hearings held with the participation of by NYSDEC and also invitewill provide an opportunity for public comment on the Part 360 Solid Waste Facility Permit and other permit applications that will be before NYSDEC for consideration. The Joint H permit hearings will also be the subject of enhanced, targeted outreach that will comply with CEQR requirements. (Note that any permitting actions for those private transfer stations that are part of the Proposed Action will proceed on a separate schedule.) It is anticipated that, after DEIS publication and prior to the DEIS Hearing, NYSDEC would issue Notices of Complete Permit Applications for the Converted MTSs that are part of the Proposed Action. Key stakeholders will bewere informed of the DEIS publication, will receive notice of this FEIS, and will be informed of the Joint Hearings permit hearings no fewer than two weeks in advance.~~

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