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THE NEW SOLID WASTE MANAGEMENT PLAN
DEIS PUBLIC HEARING
FOR THE PROPOSED EAST 91ST STREET
MARINE TRANSFER STATION
HELD AT: 310 East 67th Street
New York, New York
December 20th, 2004, 5:52 p.m.

Reported by:
MARC RUSSO
Job#: 167373

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2	PUBLIC SPEAKERS: PAGE:	2	MR. SZARPANSKI: Good
3	Liz Krueger 19	3	evening everybody. My name is
4	Jonathan Bing 28	4	Harry Szarpanski, I'm the Assistant
5	Scott Stringer 35	5	Commissioner for the Bureau of Long
6	Peter Grannis 40	6	Term Export with the Department of
7	Eva Moskowitz 47	7	Sanitation. I welcome the
8	Jessica Lappin 49	8	opportunity to appear before you
9	Micah Kellner 54	9	tonight.
10	Rick Muller 61	10	With me are also Sarah
11	Jackie Ludorf 67	11	Dolinar, Walter Czwartacky, Vaughan
12	Philip Opher 73	12	Arnold and Brij Shrivastava from
13	Marjorie Flannigin Maclachlan 80	13	the Department of Sanitation. We
14	Elaine Friedman 85	14	also have Joyce Mariani, Susan
15	Greg Costello 90	15	Raila and Dan Harkins with the firm
16	Gale Brewer 93	16	of Henningson, Durham and
17	Tony Ard 96	17	Richardson, HDR. HDR is the firm
18	Carol Tweedy 98	18	responsible for conducting the
19	Richard G. Leland 105	19	environmental review.
20	E. Arthur Livingston 114	20	We also have representatives
21	Kathryn R. Edmunds 116	21	from the firm of Ecology and
22	Kendall Christiansen 122	22	Environment who helped us organize
23	Evan Firestone 129	23	this meeting tonight.
24	Neal Flomenbaum 136	24	As you may know, in October
25	Benjamin Miller 142	25	of 2004, the Department of

1
2 Sanitation issued the New York City
3 comprehensive solid waste
4 management plan for the next 20
5 years. As required, the new SWMP,
6 as we refer to it, has been
7 submitted as a draft to the City
8 Council. The new SWMP is proposed
9 to replace the current SWMP and
10 must be approved by the City
11 Council before it can be submitted
12 to the New York State Department of
13 Environmental Conservation.

14 The new SWMP plans for the
15 management of all of the solid
16 waste generated in the City over
17 the next 20 years and is supported
18 by a draft environmental impact
19 statement or draft EIS on which we
20 will take comments this evening.

21 My comments tonight will be
22 brief. I will make a short power
23 point presentation before the
24 public portion of the meeting
25 begins. Copies of my statement and

1
2 so that we can hear everyone who
3 wants to speak, we ask that you
4 keep your statements to three
5 minutes. A digital display and
6 slides are provided to help you
7 keep track of the time.

8 If you do not wish to speak
9 but would like to provide us with
10 written comments, please complete a
11 comment card that has been provided
12 for you use. Thank you for coming
13 and I'll now begin my short power
14 point presentation.

15 If there are empty seats
16 next to someone in the audience,
17 could you just raise your hand;
18 there are people standing in the
19 back (audience complies.)

20 Those who are standing, if
21 you'd like to find a seat, please
22 come down. Okay, thank you.

23 (Showing slides) this is a
24 public hearing on the DEIS for the
25 draft comprehensive solid waste

1
2 the presentation will be available
3 as you leave.

4 Because the real focus of
5 this public hearing will be your
6 comments, if you plan to make a
7 statement for the record, please
8 take a moment to fill out the
9 speaker sign up sheet and submit it
10 to the individuals sitting at the
11 front table. You will be assigned
12 a number and I will call your name
13 when it is your turn to speak.

14 Spanish translation
15 assistance is available if you
16 require it. Also note that elected
17 officials, who may be attending
18 many meetings on behalf of their
19 constituents on any given night,
20 will have an opportunity to speak
21 first.

22 We are interested to make a
23 complete record of your comments.
24 Please state your name clearly and
25 slowly for the stenographer. And

1
2 management plan. Both the SWMP and
3 the DEIS were issued by the
4 Department of Sanitation.

5 The draft EIS also supports
6 the State solid waste, air and
7 marine permits that are required
8 for the construction and operation
9 of the converted marine transfer
10 stations. Both these documents are
11 available on the Department's
12 website and in six public
13 repositories in Manhattan. The
14 State permit application for the
15 converted MTSS are also available
16 at these public repositories.

17 We understand that the City
18 Council plans to hold hearings on
19 the new SWMP, one in each of the
20 boroughs in January.

21 The draft new SWMP has three
22 major broad categories: It covers
23 recycling, it covers
24 Department-managed waste and
25 commercial waste.

1
2 With respect to the
3 recycling, the goals are to hold
4 down the cost of recycling and
5 expand barge transport of
6 recyclables; to meet a 25 percent
7 recycling goal for the Department
8 Curbside Program by 2007 and by
9 that same date, meet a 35 percent
10 recycling goal for all
11 Department-managed waste.
12 The specific initiatives in
13 the area of recycling include
14 entering into a 20-year contract
15 for metal, glass and plastic
16 processing and marketing, and for a
17 new recycling processing facility
18 at the South Brooklyn Marine
19 Terminal; to enhance composting and
20 waste prevention programs; develop
21 an electronics recycling program;
22 establish a recycling education
23 center and recycling acceptance
24 facility at the Gansevoort
25 Peninsula or an alternative site in

1
2 Southeast Brooklyn site and those
3 are the four.
4 Enter into a long term
5 contract for the disposal of a
6 portion of Manhattan's waste at the
7 Essex County Resource Recovery
8 Facility in Newark, New Jersey; use
9 private transfer stations for barge
10 and rail export of containerized
11 waste from the Bronx and for the
12 Brooklyn and Queens communities
13 once served by Greenpoint and the
14 South Bronx Marine Transfer
15 Stations.
16 And complete the
17 construction of the Staten Island
18 Transfer Station and begin export
19 of Staten Island waste by rail.
20 With respect to commercial
21 waste, we're looking to limit new
22 or expanded transfer stations in
23 communities where they are already
24 concentrated; establish new
25 operational regulations to reduce

1
2 Manhattan.
3 The Gansevoort Peninsula is
4 on the West Side of Manhattan just
5 below 14th Street.
6 And in July of 2004, weekly
7 collection of metal, glass and
8 plastic and paper was restored
9 City-wide.
10 With respect to
11 Department-managed waste, our goals
12 are: To end the use of long-haul
13 trucks for waste transport and
14 export more waste by barge or rail;
15 stabilize waste export cost;
16 distribute waste transfer
17 facilities throughout the City and
18 containerize waste to get more
19 transport and disposal options.
20 With respect to the long
21 term export program, we're
22 proposing to build four new marine
23 transfer stations at existing MTS
24 sites, the East 91st Street, North
25 Shore, Hamilton Avenue and the

1
2 noise, odor and dust at private
3 waste transfer stations; study how
4 to lessen waste transport on truck
5 routes through residential areas;
6 expand barge and rail export of
7 commercial waste from
8 Department-contracted transfer
9 stations; export some commercial
10 waste through the converted marine
11 transfer stations and offer the
12 West 59th Street Marine Transfer
13 Station for export of commercial
14 waste.
15 The draft DEIS evaluates
16 environmental consequences of sites
17 and facilities that are or may be
18 part of the proposed new action.
19 It evaluates alternative sites and
20 facilities. It identifies the
21 things that the City would do to
22 avoid potential significant
23 impacts, and meets City and State
24 environmental review and permit
25 requirements.

1
 2 This is a map showing
 3 various wastesheds throughout the
 4 City. It shows the locations of
 5 the four proposed converted marine
 6 transfer stations and those private
 7 sites where we're proposing to
 8 contract with private companies.
 9 Specifically for the
 10 wasteshed formerly served by the
 11 East 91st Street MTS, we're looking
 12 to develop a City-owned marine
 13 transfer station on the same site
 14 where waste will be placed into
 15 containers and exported by barge.
 16 The expected average daily
 17 throughput is about 720 tons per
 18 day of Department-managed waste,
 19 and potentially 781 tons of
 20 commercial waste.
 21 Now, with respect to truck
 22 queuing, the facility would
 23 accommodate six collection vehicles
 24 inside, and up to 19 on the ramp.
 25 And based on the estimated peak

1
 2 hour arrival rates, the space in
 3 the facility and on the ramp is
 4 more than adequate.
 5 On-street queuing will not
 6 be needed and will not be allowed.
 7 If necessary, collection vehicles
 8 will be diverted to the garage.
 9 And a Department employee will be
 10 stationed at the ramp entrance to
 11 ensure pedestrian safety.
 12 With respect to commercial
 13 waste at this facility, it will
 14 only be accepted during the
 15 nighttime hours between 8:00 p.m.
 16 and 8:00 a.m.
 17 Only putrescible commercial
 18 waste will be accepted, not
 19 construction and demolition debris
 20 or film material, and no more than
 21 about 780 tons of commercial waste
 22 will be delivered during the
 23 nighttime to avoid adverse noise
 24 impacts.
 25 Based on the environmental

1
 2 review, there will be no
 3 significant adverse on-site noise,
 4 traffic or air quality impacts.
 5 This is a map showing the
 6 various wastesheds in Manhattan.
 7 The area in gold is the East 91st
 8 Street converted MTS wasteshed.
 9 The summary of the findings
 10 of the draft EIS with respect to
 11 traffic show no significant adverse
 12 traffic impacts with traffic signal
 13 changes.
 14 With respect to air quality,
 15 no significant adverse on-site or
 16 off-site impacts. The
 17 environmental review also showed no
 18 significant adverse odor impacts.
 19 With respect to noise, the
 20 facility will not exceed the noise
 21 code at the property boundary and
 22 the Department will limit the
 23 number of commercial waste trucks
 24 accepted to 14 during the three
 25 a.m. to four a.m. hour to avoid

1
 2 noise impacts.
 3 With respect to permits and
 4 approvals, the converted MTS will
 5 require State, Federal and Local
 6 permits and approvals. It's
 7 subject to the Uniform Land Use
 8 Review Procedure ULURP, as a site
 9 selection for a capital project.
 10 The converted MTS ULURP
 11 application was certified on
 12 November 15th and the ULURP process
 13 is ongoing. Manhattan
 14 Community Board 8 is expected to
 15 hold a meeting or hearing to
 16 consider and vote on the ULURP
 17 application.
 18 The converted MTS State
 19 Environmental Permit Application
 20 including solid waste, air and
 21 marine permits was submitted in November to
 22 the New York State DEC. DEC will
 23 hold a hearing and establish a
 24 public comment period on the
 25 converted MTS permit application as

1
2 part of its permit review process.
3 And if you want to submit
4 comments you can provide them
5 verbally tonight or fill out a
6 comment sheet; submit a written
7 statement or mail comments to me at
8 the address above or to our
9 consultant. And we ask that we
10 receive comments no later than
11 January 24, '05.

12 We'll now call upon
13 speakers, and we'll ask elected
14 officials to speak first.

15 Our first speaker is Liz
16 Krueger.

17 MS. LIZ KRUEGER: Good
18 evening. Thank you, good evening,
19 ladies and gentleman. (Adjusting
20 mic) thank you very much.

21 Well, you heard some of the
22 response from my community already.

23 What garage? I have to ask,
24 what kind of garage are we talking
25 about? Are we building a garage to

1
2 questions that were originally
3 posed remain inadequately addressed
4 or ignored today. And while I do
5 support incorporating marine
6 transfer stations into the City's
7 waste disposal solution and believe
8 that we must be responsible for our
9 own garbage, placing an MTS at the
10 proposed site still seems
11 irresponsible and myopic.

12 There must be (applause) --
13 thanks. I only have three minutes.

14 There has to be a better
15 site for this facility and yet this
16 community keeps asking what kind of
17 analysis has been done about
18 alternative sites or what measures
19 were used to determine why this
20 sight is better than the other
21 nondisclosed sites.

22 The residential character of
23 the surrounding neighborhood and
24 the presence of Asphalt Green-- a
25 unique city resource-- adjacent to

1
2 put the trucks in? I suppose this
3 is not an open question and answer,
4 but it wasn't part of my testimony
5 but it becomes it when I don't
6 understand what garage we might put
7 surplus trucks into.

8 My name is Liz Krueger, I'm
9 the State Senator for the 26th
10 District consisting of Midtown
11 Manhattan and the East Side. And
12 I'd like to thank you for holding
13 this hearing. And frankly, we'll
14 need more of them.

15 I was alarmed when initially
16 notified of DSNY's intention to
17 resume operations at the 91st
18 Street Marine Transfer Station and
19 I testified in June in this room to
20 express my dismay.

21 The draft DEIS does not
22 appear to have regarded my concern
23 or that of many community leaders
24 and residents as legitimate,
25 because many of the reasonable

1
2 the MTS makes 91st Street an
3 inappropriate location.
4 Furthermore, the DEIS sets
5 inadequate parameters for an
6 environmental impact statement
7 that, as of now, will neglect both
8 the full capacity of the MTS site
9 and subsequently, a comprehensive
10 examination of the impact and
11 required mitigation for the
12 community. To be blunt, an MTS
13 located at 91st Street will
14 absolutely have deleterious effects
15 on area traffic, odor, noise, air
16 quality, public health, the
17 character of the neighborhood and
18 the vitality of Asphalt Green and
19 the surrounding park area.

20 This DEIS severely neglects
21 the maximum operational capacity of
22 the converted MTS as forecasted.

23 Again, the frustration you
24 heard from the community when you
25 submitted your slides, reflects the

1
2 fact that people like myself don't
3 understand how you can claim that
4 you'll only be using the site for
5 1,700 tons of trash per day despite
6 having the capacity to accommodate
7 4,290 tons.

8 I know that the City --
9 (applause) thank you. I know that
10 the City is currently grappling
11 with a financial shortfall as is
12 the State, and therefore, I have to
13 assume that the City would not
14 waste its money by erecting a
15 facility it didn't -- that it --
16 excuse me, I have to assume the
17 City would not waste money by
18 erecting a facility that it intends
19 to underutilize. We have to assume
20 that if you're building a facility
21 of 4300 tons, that you expect to
22 use it for 4300 tons which gives
23 rise to this community's
24 assumption, and I think it's a
25 reasonable one, that the numbers

1
2 that you were sitting in your charts
3 are not valid (applause.)

4 Now, when you talk -- thank
5 you, I know I'm going to go over
6 three minutes so I'm going to ask
7 people not to applaud just so I can
8 get this done and everybody else
9 can have a chance to speak.

10 4300 tons of trash from four
11 community boards would operate six
12 days a week and receive trucks
13 throughout the day and night. And
14 on peak collection days, under a
15 4300-ton scenario, the MTS would
16 receive 469 vehicles, not the 130
17 projected.

18 On off-peak days, the site
19 would still need to accommodate,
20 given a conservative assumption of
21 a 15 percent less traffic pattern,
22 398 trucks or 17 per hour.

23 All trucks would be driving
24 straight through Asphalt Green. In
25 order to go through the site,

1
2 unload its contents into nonspill
3 containers, turn around, and then
4 exit, each truck would require more
5 than three-and-one-half-minutes
6 average that the current plan would
7 allow for.

8 Reconfiguring a few
9 intersections or altering some
10 traffic light patterns seem like
11 hopeless remedies for this
12 potential plague on the community.

13 As trucks take longer to
14 unload their cargo, those that
15 arrive later will begin to line up
16 along the delivery routes, the
17 narrow streets running east and
18 west and on congested York Avenue,
19 a thoroughfare that already barely
20 accommodates two bus routes, the
21 FDR Drive access and a high volume
22 of cars.

23 While idling, waiting to
24 unload the waste that they carry,
25 the trucks would be sitting with

1
2 their motors running, releasing
3 carbon, nitrogen and sulfur-based
4 pollutants, emitting pungent odors
5 and creating a din.

6 This situation would cause
7 problems for which there is no
8 adequate mitigation plan. And if
9 you think that driving on York
10 Avenue is already frustrating, wait
11 until there are standing trucks
12 constantly clogging the road. And
13 if you currently enjoy a restful
14 evening of sleep, remember it
15 fondly as diesel engines roar
16 throughout the night.

17 Beyond the environmental and
18 quality of life problems that the
19 MTS would cause at this location,
20 there would also be a significant
21 health risk to public health. With
22 dozens of schools sending thousands
23 of children to Asphalt Green
24 everyday, permitting heavy
25 polluters like diesel fuel trucks

1
2 to constantly idle near the site and
3 imperil a population particularly
4 susceptible to respiratory ailments
5 is not only unsafe, but negligent.

6 Unfortunately, this DEIS
7 neglects the realistic scenario,
8 instead relying upon a series of
9 complex measurements to justify a
10 plan that seems to have been chosen
11 long before the impact statement
12 study was even undertaken.

13 If the City of New York is
14 serious about its need to reduce
15 waste and find better ways to
16 accommodate it, there are a number
17 of alternatives that should be
18 included in the solid waste
19 management plan.

20 It could start by supporting
21 State-level efforts like my "bottle
22 bill," that was carried by Peter
23 Grannis in the Assembly to expand
24 recycling programs, increase bottle
25 deposits and cover more types of

1
2 There are more options to
3 explore, both in decreasing our
4 waste stream which we all know we
5 want to support and I know that the
6 City does as well. And also
7 reevaluating the decisions that
8 were made to get us here tonight
9 where the only option you're
10 looking at at the East Side of
11 Manhattan, which is 91st Street
12 which is never going to be an
13 acceptable site for this plan.

14 Thank you very much for your
15 time (applause.)

16 MR. SZARPANSKI: Thank you.

17 Our next speaker is
18 Assemblyman Jonathan Bing
19 (applause.)

20 MR. JONATHAN BING: Good
21 evening. I'm Assemblyman Jonathan
22 Bing and I'm here today to speak on
23 behalf of the residents of Holmes
24 Towers-Stanley Isaacs Housing
25 Development located in my district

1
2 beverage containers.
3 This would create a
4 dedicated revenue stream that could
5 preserve and promote City
6 recycling, insulating it from the
7 often senseless budgeting process.

8 New York could also work to
9 decrease its waste stream by
10 cutting back on the distribution of
11 unwanted direct mail and
12 catalogues, often known as junk
13 mail. Managing bulk waste would
14 also behoove the City in
15 implementing a system to
16 redistribute items like computers,
17 bicycles and furniture could
18 potentially result in a 15 percent
19 reduction in the waste stream.

20 We can also talk about City
21 agencies adopting a waste
22 prevention incentive program
23 because these arms of government
24 and other major institutions get
25 free collection services.

1
2 near the site of the East 91st
3 Street Marine Transfer Station.

4 Although I am not the
5 representative for the WTS, I
6 believe that the residents of the
7 Holmes and Isaacs Development will
8 be directly and negatively impacted
9 by the activation of the waste
10 transfer station and I urge the
11 Department of Sanitation to
12 thoroughly and exhaustively examine
13 alternate sites.

14 Bordering on the
15 neighborhoods of Yorkville and East
16 Harlem, the Holmes-Isaacs complex
17 is home to a diverse population
18 that truly reflects the many walks
19 of life found in New York City.
20 Approximately 2,278 people
21 live in the Holmes-Isaacs complex
22 in five residential towers located
23 between First Avenue and the East
24 River, from 92nd street to 96th
25 Street.

1
 2 Senior citizens and children
 3 make up the majority of the
 4 population of Homes-Isaacs with
 5 approximately 40 percent of the
 6 population over the age of 60 and
 7 approximately 25 percent under the
 8 age of 18.
 9 I'm extremely concerned
 10 about the City's plan to reactivate
 11 the 91st Street waste transfer
 12 station and its effect on
 13 Holmes-Isaacs. This residential
 14 complex is located within the
 15 primary study area for the City's
 16 DEIS. By situating a huge garbage
 17 dump less than one block away from
 18 so many children and senior
 19 residents, I believe that the
 20 proposed location is a danger to
 21 the health and safety of my
 22 constituents at Holmes-Isaacs and
 23 it will negatively (applause)
 24 impact the community facilities and
 25 services, pedestrian traffic, open

1
 2 space, health and aesthetic value
 3 of this vibrant community.
 4 Further, the Holmes-Isaacs
 5 Development is home to a number of
 6 social programs serving the
 7 residents of the complex and the
 8 surrounding communities of
 9 Yorkville and East Harlem.
 10 The Stanley Isaacs
 11 Neighborhood Center, located on the
 12 grounds of the complex, is the
 13 administrator of these programs and
 14 it's a neighborhood center in its
 15 truest sense. The center serves
 16 roughly 6,000 community residents
 17 per year.
 18 I'm concerned that the
 19 reactivation of the 91st Street
 20 transfer station will negatively
 21 impact the operation of programs at
 22 the Isaacs Center. The increased
 23 traffic, noise and odor will
 24 discourage participants from using
 25 the open space available on the

1
 2 grounds of the complex and could
 3 discourage people from traveling to
 4 take part in services altogether.
 5 The southern boundary of the
 6 complex is 92nd Street, an
 7 eastbound street that will serve as
 8 an access route for the huge
 9 garbage trucks carting refuse to
 10 the station via York Avenue. These
 11 huge trucks will rumble their way
 12 directly past the open space of the
 13 Holmes-Isaacs complex on its
 14 southern side, posing a safety
 15 hazard to pedestrians.
 16 The traffic congestion along
 17 92nd Street between First and York
 18 Avenues is already a risk to
 19 pedestrians, particularly using a
 20 much utilized bus stop at 92nd and
 21 York Avenue. Introducing hundreds
 22 of truck trips per day to the
 23 neighborhood, will deteriorate the
 24 situation further to the point of
 25 being extremely dangerous. How can

1
 2 the City expect to introduce a
 3 traffic increase of this magnitude
 4 along a residential street and not
 5 foresee tragic accidents in the
 6 making? (Applause.)
 7 The residential towers of
 8 the complex are surrounded by
 9 significant open space along 92nd
 10 Street. Currently residents
 11 frequently enjoy the open space by
 12 walking, playing games and
 13 congregating on the green grass of
 14 the complex grounds. Benches allow
 15 residents to rest and enjoy leisure
 16 time activities.
 17 If the 91st Street site is
 18 reactivated, the pungent odors, the
 19 noise and the ugly sight of the
 20 trash trucks will certainly make
 21 for an unpleasant stroll along the
 22 grounds of Holmes-Isaacs. This is
 23 not merely conjecture based on the
 24 guess about the future, because the
 25 residents of the complex remember

1
 2 the last time the 91st Street site
 3 was operational (applause.) They
 4 remember the trucks hauling traffic
 5 past their homes. They remember
 6 the rats, the noise, the smell,
 7 particularly in the warm summer
 8 months. This time, if the site is
 9 reactivated, all of these factors
 10 will be worse, due to the increased
 11 capacity of the station, as all the
 12 signs back here says, "This plan
 13 stinks." (applause).

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

22 In conclusion, I strongly
 23 urge the City to reexamine the need
 24 for the reactivation of the 91st
 25 Street waste transfer station.

1
 2 The mixture of heavy trash trucks
 3 plus a dense population of children
 4 and seniors is a dangerous and
 5 unacceptable equation. Thank you
 6 (applause.)

7 MR. SZARPANSKI: Thank you.
 8 Our next speaker is Assembly
 9 member Scott Stringer.

10 MR. SCOTT STRINGER: Good
 11 evening. I serve in the State
 12 Assembly and I represent the West
 13 Side and Clinton community on the
 14 other side of town and I'm here to
 15 speak to you because my community
 16 recognizes how important it is for
 17 neighborhoods to build coalitions
 18 when other communities are
 19 threatened; their air, their life,
 20 their quality of life and their
 21 health. So on behalf of my
 22 constituents, we're here
 23 (applause.)

24 And I thank all of you
 25 because we're dealing with a small

1
 2 project on the West Side called
 3 "the stadium" so we're going to
 4 need you too.

5 But we're here today, but
 6 I'm here today because I believe
 7 that siting such a facility is a
 8 process ripe with difficulty.

9 While we acknowledge the
 10 need for such a station, no one
 11 desires a waste transfer station in
 12 their backyard. They're right, it
 13 does not belong in this backyard
 14 but it also doesn't belong in
 15 anyone's backyard. Be it Harlem,
 16 the Upper East Side, in residential
 17 neighborhoods, (applause) in
 18 residential neighborhoods.

19 We can all agree on one
 20 thing, waste transfer stations do
 21 not belong and they don't belong
 22 for a litany of reasons. They do
 23 not belong in residential
 24 neighborhoods for health reasons.
 25 The Melman School of Public Health

1
 2 at Columbia found a link between
 3 diesel exhaust and asthma rates.
 4 Higher rates of diesel fumes were
 5 emitted from large trucks found at
 6 bus stations and waste transfer
 7 stations.

8 Adjacent to the proposed
 9 site on 91st Street is Asphalt
 10 Green Park, a recreational space
 11 used for swimming, basketball,
 12 soccer and other sports by more
 13 than 42 schools and 12,000 children
 14 each year. Why would we put at
 15 risk 12,000 children? It's not
 16 worth it and we shouldn't do it
 17 (applause.)

18 Now, these facilities don't
 19 belong in the neighborhood, in
 20 local neighborhoods for traffic
 21 reasons. Residents who live here
 22 when the station was opened,
 23 Assembly Bing says we'll tell you
 24 about the long line of trucks
 25 outside the facility, he'll tell

1
2 you about the havoc the trucks
3 cause on the roads in and around
4 the neighborhood. They will tell
5 you that there is far less heavy
6 traffic in the neighborhood today
7 because the station is in the past.
8 And we're here today to ensure that
9 the station stays that way, in the
10 past.

11 The Department of Sanitation
12 and the Mayor must reverse course
13 and furthermore, the proposed
14 station should go to a commercially
15 zoned location.

16 Now, I would urge you to
17 come up with a real master plan,
18 not just for this community, but
19 for the entire City. We're
20 frustrated as neighborhood people
21 because we think that the resources
22 that the City brings to bear in
23 terms of planning and development
24 is about a patch of land on the
25 West Side, it's about a stadium

1
2 that shouldn't belong and if we
3 took our energy and resources and
4 worked with communities like this
5 and the local elected officials to
6 come up with a way to dispose of
7 our waste, we would all be
8 healthier, we would all be safer,
9 and we would be a better City
10 because of it.

11 So on behalf of the West
12 Side, we come here today to ask you
13 to change your mind, do the right
14 thing and we're going to work with
15 this community and other
16 communities Uptown and Downtown to
17 have a reasonable, sane policy as
18 regards to our waste. Thank you
19 all very much (applause.)

20 MR. SZARPANSKI: Thank you.

21 THE AUDIENCE: Do the right
22 thing.

23 THE AUDIENCE: He doesn't
24 know how.

25 MR. SZARPANSKI: Our next

1
2 speaker is Assembly member Pete
3 Grannis.
4 MR. PETE GRANNIS: Good
5 evening Commissioner, I have a
6 longer statement which I've
7 submitted and ask that you include
8 in the record and I just want to
9 highlight a few points that I make
10 in my statement and I won't read it
11 to you.

12 We've obviously looked at
13 the generic impact statement very
14 carefully and I've come up with a
15 number of conclusions which I set
16 out in my statement that I think
17 that there are major deficiencies.
18 I've been in office a long
19 time, as many people in this room
20 may know and I've seen a number of
21 projects in which there have been
22 these very rosy statements about no
23 significant impact. In fact, the
24 draft impact statement here claims
25 that this project will have no

1
2 significant adverse impact on the
3 community.
4 I find that very troubling,
5 because my experience over the last
6 30 years has been those rosy
7 projections inevitably turn out to
8 be wrong when the project is
9 finally in place.

10 Whether it was converting
11 the 31 bus line to go all the way
12 across town because we were going
13 to take care of all the traffic, it
14 was going to be faster and easier,
15 or any of the projects, that
16 projections tend to be far more
17 optimistic on paper than they turn
18 out to be and the impacts tend to
19 be far worse.

20 The number of MTSSs, marine
21 transfer stations as originally
22 planned to be converted was eight
23 and now we're down to four and I
24 suspect that a number of those
25 others, that they're no longer on

1
2 the list, were kept put off the
3 list because of their proximity to
4 residential communities. And I
5 think that that clearly is the case
6 here.

7 We are not going to sit by
8 and allow this residential
9 community that has no buffer zone,
10 no commercial buffer zone around
11 this project to serve as, to let
12 the Asphalt Green, DeKovats Park,
13 Stanley-Isaacs and the Holmes
14 Towers and the 15 or 20,000 people
15 who live in this community, the
16 immediate impact study area or
17 along York Avenue where these buses
18 and trucks are lined up to serve as
19 the human impacts for this project.
20 And that's just a prediction of
21 where we're going.

22 We certainly understand the
23 need for taking care of the garbage
24 and that no one community should
25 have to take everybody else's

1
2 garbage, it's a tremendous problem
3 and I think we recognize that we
4 have an obligation; we generate
5 probably more garbage than almost
6 anybody else in the world. And it
7 has to be taken care of and it's
8 not an easy task, that's why you're
9 paid the big bucks to come up with
10 the plans and we can come and give
11 you the free suggestions.

12 Unfortunately in this case,
13 as my colleagues have mentioned, we
14 don't have an easy suggestion. But
15 I am troubled by the impact
16 statements failure to address waste
17 reduction strategies.

18 Liz Krueger mentioned
19 several. There was support for an
20 expanded bottle bill, support for
21 doing away with excess packaging,
22 an issue that has been around.
23 It's a much an issue in Germany and
24 Europe where they do away with
25 excess packaging and cut down on

1
2 the amount of garbage that has to
3 be picked up.
4 Nowhere is that on this
5 Mayor's agenda and it hasn't been
6 on the prior Mayor's agenda either,
7 but I think it ought to be
8 certainly a factor in the
9 environmental impact statement.

10 Garbage disposal: These
11 garbage grinders, long time banned
12 in the City, now no longer banned,
13 as you've upgraded the sewer
14 treatment plants. It seems to me
15 there ought to be a much more
16 aggressive effort to try to bring
17 about the use of garbage grinders
18 to cut down on solid waste.

19 My family (applause) -- my
20 family grew up, I lived and grew up
21 in the Mid West and we had a
22 garbage grinder early on and I just
23 noticed that huge reduction in
24 garbage that comes about because of
25 the availability of these

1
2 predictions, these gadgets.

3 But finally, I just want to
4 mention again, the idea of having
5 these trucks line up, there is no
6 way in the world that I can accept
7 or not, I think the DEIS does not
8 properly reflect the fact that
9 these trucks are not going to be
10 accommodated in this new facility
11 or on the ramp, whether you've
12 covered it or not, which I think is
13 particularly a bad idea just for
14 the aesthetics of the community to
15 cover over the ramp, which I gather
16 is one proposal, but the idea that
17 these trucks are not going to end
18 up lining up along York Avenue
19 cutting off the sidewalks, cutting
20 off the views, taking up a lane of
21 traffic during rush hour where it's
22 already a traffic jam both leaving
23 the City, people getting on the FDR
24 Drive and coming in on the evening;
25 there are four bus routes that go

1
2 along the York Avenue part of this
3 drive. They terminate at 90th
4 Street and 91st Street and 92nd
5 Street, that's a turn-around. It
6 is already a traffic jam and to add
7 hundreds of hundreds of trucks per
8 day during rush hour, during school
9 hours, during the work hours and
10 even on the weekend on Saturdays I
11 think is unacceptable and I really
12 sincerely doubt that the
13 environmental impact statement
14 review properly took that into
15 account.

16 So we call on you obviously
17 to look at other alternatives. We
18 pledge to work with you; it's easy
19 for us to say don't do it here, we
20 understand that but I think each
21 one of us stands with you in trying
22 to be available and work with you
23 to try and find an alternative site.
24 This is not the site for a marine
25 transfer station.

1
2 Thank you (applause.)
3 MR. SZARPANSKI: Thank you.
4 Our next speaker is Council
5 Member Eva Moskowitz (applause.)

6 MS. EVA MOSKOWITZ: Good
7 evening and thank you for this
8 opportunity to testify. I'll be
9 very brief.

10 This is a bad idea. My
11 colleagues have enumerated all of
12 the reasons, health, safety, noise,
13 I can go on but I won't. I think
14 it's very, very clear to those of
15 us who represent and live in this
16 neighborhood that this is the wrong
17 location.

18 And as my colleague Pete
19 Grannis said, we understand that
20 garbage is a City-wide problem and
21 that we have not -- that we need to
22 find collective solution to the
23 problem of disposing of waste.

24 But as my colleagues have
25 also mentioned, many alternatives

1
2 in terms of waste reduction have
3 not been fully studied and examined
4 and to sort of parachute this
5 marine transfer station into this
6 densely-packed neighborhood, is a
7 very, very, poor idea and I just
8 want to thank everyone who has come
9 out tonight, this is a very, very
10 important battle and I know all of
11 you have very, very busy lives, but
12 it's important to fight this fight
13 because this a bad idea.

14 And I would just say that
15 I'm beginning to feel, I got in
16 office five and a half years ago
17 and every time I see a draft
18 environmental impact study, it is
19 always a rather inadequate
20 document.

21 This document does not, it's
22 almost as if (applause) the -- it's
23 almost as if this is a sort of
24 constitutionally or structurally a
25 document which doesn't take into

1
2 account what everybody knows to be
3 the basic reality of neighborhood
4 life. And I've seen so many of
5 these that you almost feel like
6 you're being set up.

7 I would urge you to go back
8 and recount the amount of garbage
9 that you're anticipating, the
10 number of trucks, the amount of
11 pollution; I didn't see very much
12 in here that I can agree with as an
13 accurate description. It seems
14 awfully rosy and disingenuous.

15 I thank you for your time
16 and consideration (applause.)

17 MR. SZARPANSKI: Thank you.
18 Our next speaker is Jessica
19 Lappin representing Speaker Gifford
20 Miller.

21 MS. JESSICA MILLER: "Good
22 evening. And I'm submitting this
23 testimony tonight delivered by my
24 District Chief of Staff, Ms.
25 Jessica Lappin, to reiterate my

1
2 opposition to reopening the East
3 91st Street Marine Transfer Station
4 and to address the draft
5 environmental impact statement for
6 the solid waste management plan.

7 As I have stated in the
8 past, I am a proponent of using
9 marine transfer stations for waste
10 removal in New York City. In
11 general, I believe that the City
12 should be moving away from
13 land-based transfer stations.
14 However, I also believe that zoning
15 in the City should matter, and that
16 the residential character of a
17 proposed neighborhood should
18 matter. As a result, I am opposed
19 to the Mayor's plan to reopen any
20 marine transfer station in the
21 heart of a densely populated
22 residential neighborhood.

23 I was opposed to reopening
24 the facility at 135th Street for
25 that reason, which is no longer

1
2 usage and running the facility 24
3 hours a day, six days a week
4 creates no adverse environmental
5 impact? It's ridiculous, it's
6 incomprehensible and it's
7 unacceptable.

8 In addition (applause) the
9 resulting impact on traffic caused
10 by nearly 800 truck trips to the
11 neighborhood a day, all day and all
12 night apparently, will not only
13 make York Avenue impassable and
14 potentially unsafe, but contribute
15 to a significant increase in noise
16 and air pollution in the area. No
17 realistic and enforceable solution
18 is discussed or presented in the
19 draft EIS.

20 The DEIS also fails to
21 address the negative impact this
22 facility will have on our local
23 parks. Carl Schurz Park and
24 Asphalt Green, as they were in the
25 scoping document, are getting

1
2 part of the plan and I remain
3 opposed to the Mayor's plan to
4 reopen the 91st Street MTS and
5 wreak environmental and economic
6 havoc on our community.

7 In terms of the DEIS, I
8 would like to raise the following
9 points. When the marine transfer
10 station at 91st Street was
11 previously in operation, it
12 received approximately 900 tons per
13 day of residential trash during
14 peak times. This meant that it was
15 only in operation from 8 a.m. to 8
16 p.m. This new facility is expected
17 to accommodate both residential and
18 commercial waste and receive at
19 least twice the tonnage it
20 previously did, if not four times
21 as much. According to the DEIS,
22 that means the facility will
23 operate from 8 a.m. to 8 a.m.

24 How can the Department of
25 Sanitation argue that doubling the

1
2 cursory mention and are practically
3 ignored. As I have mentioned
4 before, Asphalt Green employees 250
5 people, sees 675,000 visits a year
6 and donates free services to 12,000
7 individuals a year and many of them
8 are children from 47 different
9 public schools throughout the City.

10 Carl Schurz is the largest
11 park exclusively located on the
12 Upper East Side. And obviously
13 odors, air pollution, truck
14 traffic, these are all going to
15 impact upon these heavily used
16 public spaces.

17 In closing, I believe that
18 spending a hundred million dollars
19 to build an MTS at 91st Street is
20 bad policy, and that more
21 appropriate and sensible
22 alternatives exist to deal with
23 Manhattan's trash.

24 I appreciate the opportunity
25 to submit this testimony and

1
 2 respectfully request that the
 3 content of these comments be
 4 reflected in the final EIS.
 5 Thank you (applause.)
 6 MR. SZARPANSKI: Thank you.
 7 Our next speaker is Micah
 8 Kellner speaking on behalf of
 9 Congresswoman Carolyn Maloney
 10 (applause.)
 11 MR. MICAH KELLNER: I'm here
 12 on behalf of Congresswoman Carolyn
 13 Maloney who represents --
 14 THE AUDIENCE: Can't hear
 15 you, speak into the mic.
 16 MR. MICAH KELLNER: Hi, I'm
 17 here on behalf of Congresswoman
 18 Carolyn Maloney who represents New
 19 York's 14th Congressional District
 20 which is the proposed site of the
 21 East 91st Street marine transfer
 22 station.
 23 This is the only MTS planned
 24 for a heavily residential
 25 neighborhood. Not only will the

1
 2 examined in cursory detail, if at
 3 all.
 4 Consider the site is located
 5 within blocks of Community Board 11
 6 where the rates of asthma and other
 7 respiratory ailments are among the
 8 very highest of any neighborhood
 9 anywhere in the United States.
 10 These impacts must be
 11 studied extensively before such a
 12 massive and I'm assuming permanent
 13 facility is located at this site
 14 (applause.)
 15 When the original marine
 16 transfer station located at the
 17 site was first built in 1940, the
 18 neighborhood was very different.
 19 This was still a manufacturing
 20 district. Since that time, the
 21 residential population has
 22 increased exponentially,
 23 manufacturing ended and Asphalt
 24 Green has become a park.
 25 Indeed, under the current

1
 2 stench foul the air of this
 3 community, but we're located near a
 4 park that serves tens of thousands
 5 of children from around the City.
 6 The Congresswoman holds
 7 severe reservations about the draft
 8 environmental impact statement on
 9 the proposed East 91st Street
 10 marine transfer station which she
 11 believes contains significant flaws
 12 that reflect the quote, both heavy
 13 deference to political, rather than
 14 policy concerns (applause.)
 15 First, the DEIS clearly does
 16 not reflect the realities of
 17 operating a marine transfer station
 18 in a densely populated residential
 19 community such as the Gracie Square
 20 and Yorkville neighborhoods.
 21 Specifically the impact of the
 22 proposed site on the local air
 23 quality, traffic patterns,
 24 pediatric health, neighborhood open
 25 space and public health, are

1
 2 Department of Sanitation siting
 3 rules, a private transfer station
 4 would not be permitted within 400
 5 feet of a park. It is wrong to set
 6 aside those rules to allow a
 7 massive public marine transfer
 8 station at the East 91st Street
 9 location adjacent to the Asphalt
 10 Green building, the Asphalt Green
 11 building and playing fields.
 12 Reopening the MTS at the
 13 East 91st Street site is not a
 14 question of merely flipping a
 15 switch or starting up the previous
 16 MTS or even simply retrofitting,
 17 the City wants to completely
 18 demolish the current MTS and create
 19 a new facility that would handle
 20 more than four times the solid
 21 waste that can be managed by the
 22 station's current capacity.
 23 The Department of Sanitation
 24 has given no justification for why
 25 the site is suitable for a massive

1
2 brand new marine transfer station.
3 And if the City proceeds with the
4 new MTS, it should make every
5 concerted effort to examine
6 exhaustively, the possibility of
7 retrofitting at waterfront sites in
8 nonresidential neighborhoods
9 (applause.)

10 This DEIS fails to examine
11 many factors that would have a
12 major impact on the surrounding
13 community and most significantly,
14 the proposed facility would be
15 built to process 4000 tons of
16 garbage per day. The DEIS however,
17 only considers the environmental
18 impact of 17 to 18 tons of garbage
19 per day, therefore violating the
20 State Environmental Quality Review
21 Act which mandates analyses at full
22 capacity.

23 It strains credibility to
24 assume that City Hall (applause) --
25 it strains credibility to assume

1
2 that City Hall will really use less
3 than all of its capacity.

4 The DEIS also ignores the
5 possible negative impacts on air
6 quality and vehicular traffic
7 caused by the proposed demolition
8 and construction of the current
9 MTS. Similarly, it fails to
10 address specifically how the siting
11 of this massive new facility would
12 affect the public uses of Asphalt
13 Green recreational facilities. To
14 say that there will be no effect on
15 activities taking place at Asphalt
16 Green while construction is under
17 way is disingenuous or naive
18 (applause.)

19 In addition, the DEIS fails
20 to analyze the possible odor
21 pollution inflicted by the proposed
22 MTS on recreational faculties and
23 vital open spaces such as Asphalt
24 Green, Carl Schurz Park and the
25 John Jay Finley Walk on the East

1
2 River Esplanade, all of which about
3 the proposed site.

4 The DEIS presents only vague
5 descriptions of the dimensions and
6 appearance of the new MTS and goes
7 so far to suggest that it is said
8 to be twice the height of its
9 predecessor facility and it will
10 serve no visual impact on the
11 community. The blank ignorance of
12 these factors lend itself to the
13 conclusion that the DEIS was
14 drafted to fit a preordained
15 conclusion in a manner reminiscent
16 of the trial court in Alice in
17 Wonderland (applause.)

18 The Congresswoman
19 understands that New York City
20 faces unique problems in dealing
21 with the problems of waste
22 management disposal. We live in
23 one of the largest and most highly
24 developed regions in the country,
25 yet somehow we must find a way to

1
2 dispose of thousands of tons of
3 waste generated each day by New
4 York's residents, institutions and
5 businesses.

6 Given the current situation,
7 I'm glad this Mayor is taking on
8 the task of devising a solid waste
9 management plan for the entire
10 City, but in striving for fairness
11 by having a marine transfer station
12 in each borough, he's created a
13 nightmare for this residential
14 community and as a result, this is
15 distinctly unfair.

16 Thank you (applause.)

17 MR. SZARPANSKI: Thank you.

18 Our next speaker is Rick
19 Muller representing Manhattan
20 Borough President C. Virginia
21 Fields.

22 MR. RICK MULLER: "Good
23 evening officials of the Department
24 of Sanitation, ladies and
25 gentlemen.

1
2 I'm Rick Muller, and I'm
3 pleased to deliver the comments of
4 Manhattan Borough President C.
5 Virginia Fields on the draft
6 environmental impact statement of
7 the new solid waste management plan
8 of New York City.

9 While comments on all
10 aspects of the SWMP DEIS have been
11 solicited, the obvious focus of
12 this meeting is the evaluation of
13 impacts from the proposed
14 demolition, rebuilding and
15 operation of a new expanded marine
16 transfer station at 91st Street on
17 the East River.

18 While Borough President
19 Fields has supported the use of
20 barge and rail as environmentally
21 responsible ways of transporting
22 our City's solid waste, she opposed
23 the expansion of this and the other
24 facilities when the administration
25 released its plan because of

1
2 proportionally attributed
3 residential and commercial waste
4 should be performed to comply with
5 the reasonable worst-case
6 requirement. Absent this analysis,
7 it is impossible to judge the
8 acceptability of a facility that
9 will operate day and night, six
10 days of every week.

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

25 Whether or not it will be

1
2 concerns about local impacts.
3 The DEIS does not allay these
4 concerns and Borough President
5 Fields remains opposed to the
6 reopening of this facility based on
7 the densely residential character
8 of this neighborhood and the access
9 ramp that cuts through Asphalt
10 Green.

11 Though the 91st Street
12 marine transfer station is proposed
13 to be built with a capacity of
14 4,290 tons per day, the DEIS bases
15 its analysis on less than half of
16 that at 1700 to 1800 tpd. If this
17 is the maximum amount proposed to
18 be processed at this location, why
19 is such a large facility necessary?
20 It is hard to avoid the conclusion,
21 in spite of assertions to the
22 contrary, that capacity in excess
23 of the residential stream will be
24 taken up by commercial waste. The
25 analysis of processing 4290 tpd of

1
2 possible to actually avoid queuing
3 of trucks on the nearby streets, it
4 is also a matter of great concern
5 to Borough President Fields that
6 private commercial waste hauler
7 trucks are incredibly polluting, so
8 that is it of crucial importance to
9 analyze the air quality and noise
10 impacts of these vehicles on the
11 surrounding neighborhood in a
12 reasonably worst-case scenario.

13 With regard to alternatives,
14 the DEIS should disclose precisely
15 the technical, legal and other
16 parameters that have lead the
17 Department of Sanitation to plan on
18 using East 91st Street and not West
19 135th Street. In addition, the
20 Manhattan Citizens' Solid Waste
21 Advisory Board has used Department
22 of Sanitation criteria to identify
23 potential sites over and above the
24 sites already evaluated. It
25 appears the Department has

1
2 determined that none of the four
3 additional sites evaluated in the
4 commercial waste study are suitable
5 for export. However, the existing
6 MTSs would also not be suitable
7 were Department of Sanitation to
8 apply the same criteria used to
9 disqualify the other four.

10 The DEIS should include an
11 analysis of the feasibility of
12 using the sites identified by the
13 Manhattan SWAB as well as a more
14 complete investigation of the four
15 in the commercial waste study. The
16 DEIS should have disclosed the
17 technical, legal and other
18 obstacles to their use in order for
19 the public to be able to fully
20 evaluate the various alternatives.

21 Borough President Fields
22 believes that a more thorough and
23 accurate analysis of the potential
24 impacts of building an MTS for
25 containerization of residential and

1
2 "Whereas, the City of New
3 York has presented the
4 comprehensive solid waste
5 management plan draft environmental
6 impact statement, and specifically
7 the draft environmental impact
8 statement for the reopening of the
9 marine transfer station at 91st
10 Street, be it resolved Community
11 Board 8 has the following comments
12 to make to the draft EIS: The MTS
13 at 91st Street will be built with a
14 capacity of 4,290 tons per day of
15 waste. Yet the DEIS only analyzes
16 the environmental impact of 1700 to
17 1800 tons per day. Why would the
18 City build a bigger site than
19 necessary? And if the expanded
20 site will be used to capacity, none
21 of the analysis in the DEIS will be
22 accurate. All things studied,
23 traffic, noise, odor and health
24 will have a greater impact than
25 what is studied in the DEIS.

1
2 commercial waste at East 91st
3 Street would lead to the conclusion
4 that there would be too many
5 unmitigatable impacts for its
6 construction to be considered
7 acceptable.

8 Thank you for the
9 opportunity to comment (applause.)

10 MR. SZARPANSKI: Thank you.

11 Our next speaker is Jackie
12 Ludorf, Community Board Eight
13 (applause.)

14 MS. JACKIE LUDORF: I'm
15 Jackie Ludorf, Chair of the
16 Environmental and Sanitation
17 Committee of Community Board Eight,
18 and as such, I am delivering this
19 resolution as presented and as
20 proposed on the December 15, 2004
21 full board meeting of Community
22 Board Eight.

23 This resolution was adopted
24 by a vote of 25 in favor, zero
25 opposed and zero abstentions.

1
2 There has never been a
3 sufficient alternative analysis.
4 The marine transfer station at 91st
5 Street is being reopened only
6 because it already exists. Other
7 alternatives were denied because
8 they were sited close to a park
9 whereas, the 91st Street MTS cuts
10 through Asphalt Green, a park and
11 is near Carl Schurz Park
12 (applause.)

13 There does not seem to be a
14 comprehensive cost/benefit
15 analysis. There is mention of our
16 fees being solicited to determine
17 cost and mention of revenues for
18 permitting fees, but there are no
19 revenue expense projections for the
20 whole project or the MTS at 91st
21 Street. There is no mention of
22 construction cost, operating cost;
23 will the 60 people who work there
24 be new-hires? None of these
25 questions are answered. They're

1
 2 important questions to the
 3 taxpayers of the City of New York.
 4 Mention is made of traffic
 5 studies done in a model using 2003
 6 data. Does this model consider the
 7 construction of the Second Avenue
 8 Subway? The articulated buses
 9 which often come two together and
 10 take up a whole block? What about
 11 an actual simulation of Sanitation
 12 trucks running during the three
 13 peak periods rather than just a
 14 model?

15 Several residents complained
 16 about the length -- several
 17 residents already complained about
 18 the length of time it takes to
 19 travel in our neighborhood on any
 20 given day. Surely the Sanitation
 21 trucks will make it worse.

22 The draft EIS also mentions
 23 that things in the Vinegar Factory
 24 would not be impacted as many
 25 customers walk. What about

1
 2 delivery trucks? How will
 3 Sanitation crates and trucks pass
 4 them as they are making deliveries?

5 There is mention of the
 6 potential for odor; Sanitation
 7 trucks are not kept neat and don't
 8 allow for spillage. Is there a
 9 clean Sanitation truck in
 10 operation? They all will smell,
 11 all 800 of them. A DEIS should say
 12 if garbage trucks are kept clean
 13 and neat, there will be no odor.

14 There have been several
 15 discussions of fair share and why
 16 this concept demands a marine
 17 transfer station at 91st Street.
 18 In terms of commercial waste, what
 19 about the restaurants and places of
 20 businesses and entertainment that
 21 are used by people from all over
 22 the City and the world? Yes, the
 23 garbage is in the CB8 area, but not
 24 all created by us.

25 There will be more noise

1
 2 than currently exists. Even if the
 3 noise falls within EPA guidelines,
 4 that is not the issue. The issue
 5 is that this is one of the quietest
 6 neighborhoods in the City and the
 7 MTS with its cranes, front-end
 8 loaders and waste delivery systems
 9 will have to create more noise,
 10 especially at night.

11 Noise mitigation measures
 12 includes such things as noise
 13 reduction at residential property
 14 lines, the installation of
 15 replacement windows and air
 16 conditioning units. The mere
 17 suggestion of such things
 18 guarantees noise much greater than
 19 currently occurs.

20 The 20-page plan has been --
 21 the 20-year plan has been lauded by
 22 some as taking diesel trucks off
 23 the road and using waterways to
 24 transport garbage. Does the 91st
 25 Street MTS have to take the

1
 2 residential waste and commercial
 3 waste from CDs 5, 6, 8 and 11, will
 4 we not have just as many diesel
 5 garbage trucks transporting garbage
 6 to Lower Manhattan up to 91st
 7 Street? Thank you (applause.)

8 MR. SZARPANSKI: Thank you.

9 Our next speaker is Philip
 10 Opher.

11 MR. PHILIP OPHER: Good
 12 evening, I'm Philip Opher.

13 MR. SZARPANSKI: Wait, we'll
 14 fix your microphone.

15 MR. PHILIP OPHER: I'm Philip
 16 Opher. PHD in Economics and
 17 retired vice president, vice
 18 president in the Parsons
 19 Engineering concern, working
 20 internationally and for the City of New
 21 York.

22 First of all, I would like
 23 to wish you happy holiday because
 24 this hearing on the 20th of December
 25 is organized six days before

1
 2 Christmas. In the former hearing
 3 on the 28th of June, was organized
 4 six days before 4th of July
 5 (applause.)
 6 As they say, "once by
 7 chance, twice by design."
 8 The thing that most of the
 9 matters I wanted to speak was well
 10 covered by other speakers up to
 11 now, makes me to just pinpoint
 12 several items that I am concerned
 13 about.
 14 One of the items is the new
 15 siting rules issued by the
 16 Department of Sanitation which are
 17 approved or are not approved yet,
 18 you cannot understand from the text
 19 that you received, we received from
 20 Sanitation.
 21 The items in this siting
 22 regulations that notify me, are
 23 first a change of the definition of
 24 the 400 feet buffer zone between
 25 the station and residential school,

1
 2 hospital areas. They want to
 3 change this rules by having the
 4 middle starting at the building and
 5 not at the property line, not at
 6 the property boarder.
 7 In order to accommodate the
 8 91st Street station situation in
 9 which an alley or the lane and the
 10 ramp are coming into the station
 11 from York Avenue, and the front of
 12 this alley is facing York Avenue,
 13 is highly residential content and
 14 also is bordering on both sides,
 15 park, so it's not 400 feet, it's
 16 one feet between boundary and the
 17 park (applause.)
 18 The other item in the zoning
 19 is that you cannot understand which
 20 zoning resolution is going to be
 21 utilized. In the beginning of our
 22 -- we say here, when we started
 23 speaking with the Department of
 24 Sanitation, the zoning regulation
 25 in court was that of May 2004.

1
 2 Now, in the new documents I see
 3 something very unclearly expressed
 4 that we are expected to abide by
 5 the zoning regulations of the build
 6 year; the build year being 2006.
 7 It is true, is it a fantasy,
 8 I don't know. How can you build on
 9 the basis of a zoning resolution of
 10 the future? (applause.)
 11 In general, the attention
 12 that the Sanitation Department give
 13 to the testimonies of the public
 14 was very poor. At the meeting on
 15 June 28th, 240 people either spoke
 16 or presented letters to the
 17 Department. The Department -- out
 18 of this 240, there are over 20
 19 positions and over ten lawyers.
 20 The Department promised to help out
 21 statements of testimonies presented
 22 and shown, we understood to the
 23 public, to the media, to the public
 24 officials. No, this was not done.
 25 For four months our

1
 2 statements were hidden. At the end
 3 of October, it is the first we
 4 started to see of them in a
 5 indirect manner as follows: The
 6 testimonies were gathered in a CD
 7 ROM, that CD ROM and the letters
 8 were photographed in the CD ROM.
 9 They were not distributed to the
 10 public together with your documents
 11 on October, but they were kept in
 12 the CD ROM and you could obtain the
 13 CD ROM if requested.
 14 By the way, I send a
 15 request, a written request of which
 16 I have a proof on the website to
 17 the Department of Sanitation, there
 18 was no answer (applause.)
 19 The statements of the 240
 20 people were summarized the way they
 21 knew, and presented as a table,
 22 which in itself is an attachment to
 23 the documents presented in October.
 24 I tabulated that table. I found
 25 that there were 31 comments in

1
2 regard to the 91st Street station,
3 very few of which, only one was
4 accepted and 30 were rejected. Of
5 the ones that were rejected, many
6 were misunderstood.

7 The level of comprehension
8 of the people that work for you is
9 under question. I can give an
10 example of understanding. Somebody
11 asked what about ambulances. The
12 answer was, the trucks will give
13 priority to the ambulance. The
14 person that give this answer did
15 not understand that York Avenue is
16 an avenue of ambulances. We are
17 serving seven major hospitals of
18 the area. And to think that you
19 are going to block this with
20 garbage trucks is going to create a
21 lot of problems. It could create,
22 could generate or could be the
23 cause of death from many people
24 brought by the ambulance to a
25 hospital (applause.)

1
2 In general, I would say that
3 the program of the City based on
4 constructing transfer stations is
5 inferior to the way garbage is
6 transferred today. It looks like
7 low technology, but is actually
8 much more efficient.

9 Queuing in itself is one of
10 the most uneconomical or
11 inefficient effects. Chain is as
12 good as its weakest link and the
13 queue is as good as the poorest or
14 the worst truck.

15 If you have hundreds of
16 independents, of independent trucks
17 moving around the City, if one of
18 them breaks down, this doesn't
19 bring to a halt an entire facility.

20 Thank you very much
21 (applause.)

22 MR. SZARPANSKI: Thank you
23 for your comments.

24 Our next speaker is Marjorie
25 McClachlan.

1
2 MS. MARJORIE MACLACHLAN: We
3 know each other by now. It's
4 Marjorie Flanagan MacLachlan.
5 Gosh, what do you have to do
6 to kill a project in this town, I
7 don't know. I can't believe we're
8 here. I can't believe that you
9 dismissed the comments of the
10 hundreds and hundreds of people
11 that spoke at the last hearing.
12 Every elected official (applause)
13 that represents this neighborhood
14 except Mayor Bloomberg.

15 The New York Times, both the
16 papers from the West and East Side,
17 I can't believe you hired a firm, a
18 great firm I am sure, to say we
19 want to hear from you and then went
20 on to solicit comments on only a
21 residential trash plan that claims
22 it's just going to be what it was
23 in the past. You know that's not
24 true, it's 4000 tons of trash, more
25 than half of which is commercial.

1
2 That's not fair, that's not right.
3 Have you no sense of civic
4 responsibility? Do you really
5 believe it's appropriate to hold a
6 hearing when the document that
7 forms the premise of that hearing
8 is incorrect in its representation
9 of what the environmental impact
10 will be of the new marine transfer
11 station?

12 There is no way it can be
13 appropriate to have chosen a site
14 that is going through a playground
15 in the middle of one of the most
16 density populated residential
17 neighborhoods of New York City.
18 Why choose this site? Well, in the
19 words of a recent author, "Because
20 you could or you thought you could"
21 because 60 years ago, someone set
22 up a marine transfer station here
23 when the neighborhood was
24 extraordinarily different. Did not
25 have in any sense, the same number

1
 2 of residents, wasn't even
 3 residential, it was probably
 4 lightly commercial.
 5 When you look at the choice
 6 of this site, I really want to get
 7 a reporter interested in this.
 8 Where's the due diligence? Where's
 9 the search for alternative sites?
 10 Why pick this, just because it was
 11 there? Just because the process
 12 for approval might be easier?
 13 There have to have been other
 14 sites. If you'd really done the
 15 due diligence, and I'm sure that
 16 the orders go way up, I don't just
 17 blame you, but if due diligence was
 18 really done to find an appropriate
 19 site, I don't think that we would
 20 be here today (applause.)
 21 To add insult to injury, the
 22 proposal has been built as a way to
 23 make the haves deal with problems
 24 that the have-nots have suffered
 25 from for years. Have not what?

1
 2 Have not asthma? We have an asthma
 3 clinic on 96th Street and First
 4 Avenue. And asthma, despite what
 5 other people have said, it's not
 6 just the diesel fumes, it's rats and
 7 cockroaches and allergens as well.
 8 So you'll be putting an
 9 asthma-causer at the southern part
 10 of East Harlem as well as the
 11 northern waste site.
 12 Have not odor. Have not
 13 vermin. Have not pollution. Have
 14 not noise. No one should suffer
 15 these assaults. No one should have
 16 them at their doorstep, in their
 17 playgrounds, in their parks, no
 18 one. Is it an economic issue?
 19 What a sliding scale that is in
 20 today's world.
 21 And also it ignores who in
 22 fact is the (bell rings) population
 23 that you're directing this insult
 24 on. I'm sorry if I'm out of time.
 25 THE AUDIENCE: Take your

1
 2 time. Take your time.
 3 MR. SZARPANSKI: Please wrap
 4 it up, there are many, many more
 5 people.
 6 MS. MARJORIE MACLACHLAN: As
 7 others will address and as my
 8 written comments have addressed,
 9 this plan pits 800 trucks of trash
 10 against school children, 600 plus
 11 city buses and our handicapped
 12 citizens, every citizen imaginable.
 13 We have elected officials to
 14 represent our best interest, it is
 15 their legal and moral obligation to
 16 do so. Every elected
 17 representative from this
 18 neighborhood except Mayor Bloomberg
 19 is against the opening of the
 20 marine transfer station (applause.)
 21 Are you not obligated to act
 22 in the public interest as well?
 23 How can this plan, which threatens
 24 a vital, beautiful, thriving part
 25 of our City, Gracie Mansion,

1
 2 Asphalt Green, Carl Schurz Park,
 3 the waterfront on 225th Street,
 4 countless residents, be approved?
 5 Step up, do the right thing, please
 6 we know you can and we're here to
 7 help if we can do anything
 8 (applause.)
 9 MR. SZARPANSKI: Thank you.
 10 Our next speaker is Elaine
 11 Friedman.
 12 MS. ELAINE FRIEDMAN: Good
 13 evening. My name is Elaine
 14 Friedman, this is my daughter
 15 Halley (indicating) age three.
 16 This is my son Grant, age six.
 17 These are two of the 12,000
 18 children who will not be able to
 19 sleep because you're trucking
 20 commercial garbage all night or
 21 breathe because you're trucking in
 22 residential garbage everyday, 24
 23 hours a day, seven days a week
 24 (applause.)
 25 My family and I live in

1
2 Gracie Point, the neighborhood
3 surrounding the East 92st Street
4 transfer station. My husband Gary
5 and I are attorneys as well as
6 concerned parents. I'm a member of
7 the board of directors at Gracie
8 Gardens, a neighborhood apartment
9 complex.

10 My family uses the
11 neighborhood's parks and
12 recreational spaces extensively.
13 Both children take numerous classes
14 at Asphalt Green. We bike along
15 the greenway and go sledding in the
16 wintertime in Carl Schurz Park.
17 Our children love having play dates
18 outside with their friends in the
19 playgrounds at Asphalt Green and
20 Carl Schurz.

21 The Sanitation Department,
22 the mayor and environmentalists
23 favoring the reopening of the
24 transfer station argue that every
25 borough should process its own

1
2 monstrosity on the neighborhoods
3 residents, traffic patterns and
4 parks.
5 Garbage dumps clearly do not
6 belong in any neighborhoods where
7 children live and play. The health
8 and well being of our children and
9 other vulnerable residents by far
10 outweigh the political gamesmanship
11 on this issue. Solving the City's
12 garbage crisis should not place
13 children at risk and cost upwards
14 of 85 million dollars borne by us,
15 the City taxpayers, to satisfy a
16 highly politicized and suspect
17 concept of fairness.

18 In closing, I'm going to
19 read to you from a letter that will
20 be submitted to you by Grant, who is a
21 little shy about speaking.

22 And he says, "Dear Mr.
23 Szarpanski, I am six years old, if
24 that garbage dump is reopened,
25 there will be no place to play or

1
2 waste. This is a laudable goal but
3 it is nonsense to conclude that
4 environmental fairness mandates
5 that a monster garbage dump must be
6 located in a densely populated
7 residential neighborhood, home to
8 tens of thousands of children and
9 elderly people.

10 Even a child can grasp that
11 supposed barriers and trees planted
12 alongside the facility and a
13 purported sophisticated odor
14 control system will not mitigate in
15 the slightest, the serious health
16 consequences from pollution, filth
17 and vermin associated with transfer
18 station operations.

19 Significant public green
20 spaces namely Asphalt Green and
21 Carl Schurz, will be seriously
22 compromised should this transfer
23 station reopen. The DEIS is wholly
24 inadequate in addressing the
25 effects of this proposed ten-story

1
2 ride bikes in my neighborhood
3 because it will smell so bad.

4 I play at Asphalt Green and
5 Carl Schurz Park all the time and I
6 love those places. One garbage
7 truck smells bad and pollutes the
8 air, (bell rings) what will it be
9 like with many, many garbage trucks
10 lined up on the streets?

11 Once I passed some garbage on
12 the street and it smelled so bad I
13 wanted to throw up. That's what it
14 will be like all the time if you
15 open up that garage dump. Please
16 don't do it. Thank you."
17 (applause)

18 MR. SZARPANSKI: Thank you.
19 Our next speaker is Greg
20 Costello.

21 MR. GREG COSTELLO: Okay, if
22 I do this will it work?

23 There really isn't -- by the
24 way, I am a resident, Greg Costello
25 resident, just a guy.

1
2 The Department of
3 Sanitation's siting rules really
4 are not confusing. They stipulate
5 that a garbage dump or a marine
6 transfer station is prohibited from
7 being built within 400 feet of a
8 park or a residence.

9 Now, the East 91st Street
10 marine transfer station, as you all
11 know and as the slide presentation
12 showed, is within 400 feet of parks
13 and residences.

14 This is just flat out
15 cheating. It's not about changing
16 (applause) the rules that, those
17 are the Department's siting rules
18 now. And so they're going to build
19 the place anyway, it's cheating.

20 Now, below 14th Street,
21 these trucks are going to take
22 garbage and go directly to New
23 Jersey to incineration. Above
24 125th Street, these trucks are
25 going to go directly to New Jersey

1
2 violation of the lives of 60,000 of
3 us good people.

4 Fact number three, this is a
5 perfect example of government using
6 excessive power against the will of
7 the people that are affected
8 (applause.)

9 Fact number 4, and I'm happy
10 to be the one to get to say this,
11 what this really is, if you're
12 wondering why the garbage doesn't
13 go straight to New Jersey for
14 incineration (bell rings), it's
15 because this is a political power
16 play by the Mayor's office designed
17 for one purpose only, and that is
18 to undermine his chief political
19 foe next year, a guy by the name of
20 Gifford Miller. That's what this
21 is about (applause.) And so and
22 I'm done, let's stop this madness,
23 stop this silliness, the garbage
24 between 14th and 125th needs to go
25 directly to New Jersey for

1
2 for incineration. Between 14th
3 Street and 125th Street, these
4 trucks ought to go directly to New
5 Jersey for incineration (applause.)
6 But that's not what the plan is.
7 Instead, these trucks are going to
8 work their way between 14th and
9 125th to the opposite way from New
10 Jersey, they're going to go to the
11 East Side of Manhattan Island and
12 north to one spot. That one spot
13 is where 60,000 of us people live.
14 And then, they're going to move it
15 around and repack it and they're
16 going to send it back all the way
17 back around Manhattan Island. Then
18 it turns the corners and then it's
19 going to go to New Jersey for
20 incineration. So that brings to
21 light four facts.

22 Fact number one: This is a
23 violation of the Department's own
24 siting rules (applause.)

25 Fact number two, this is a

1
2 incineration like the rest of it is
3 going. Thank you (applause.)

4 MR. SZARPANSKI: Thank you.

5 Our next speaker is City
6 Council Member Gale Brewer.
7 (applause.)

8 MS. GALE BREWER: Thank you
9 very much. I obviously represent
10 the West Side of Manhattan from
11 54th Street to 96th Street and that
12 is all the way from Hudson over to
13 Central Park. So I'm a bit of an
14 interloper and I need a passport to
15 come over to the East Side.

16 But I'm here because on 59th
17 Street and the Hudson River there
18 is, of course, a marine transfer
19 station which now a couple days a
20 week takes paper to New Jersey.
21 There aren't many residents there
22 unlike here. It is however, soon
23 to have residences there and there's
24 a building that Mr. Durst is
25 putting up called the Helena which

1
 2 will have many, many residents.
 3 And of course the Trump site will
 4 be developed just to the north.
 5 And I met today with the developer
 6 who's building in the area.
 7 So there will be a great
 8 many residents and this is our
 9 concern: Not only do I support
 10 much of what has been discussed
 11 here because there's been a great
 12 deal of change in terms of the
 13 plan. On the West Side for
 14 instance, there was to be
 15 residential. It's now to be all
 16 commercial in Manhattan, although
 17 of course, there's some discussion.
 18 But on the East Side here there
 19 will be residential and commercial.
 20 And the fact of the matter is there
 21 isn't any clarity or transparency.
 22 And I have listened extensively to
 23 what Eva said, to what Gifford
 24 Miller had said about the need for
 25 more fair share. I'm very aware, I'm

1
 2 residential waste in one place in
 3 Manhattan, we want our fair share
 4 but we don't want all of it. And
 5 there are many opportunities to
 6 think differently about this entire
 7 project.
 8 Thank you very much and I
 9 look forward to continue East and
 10 West and all of Manhattan working
 11 together (applause.)
 12 MR. SZARPANSKI: Thank you.
 13 Our next speaker is Tony
 14 Ard.
 15 MR. TONY ARD:
 16 Mr. Szarpanski, again, thank you
 17 for hosting this effort on the part
 18 of people to speak their minds.
 19 I'm sorry that our comments
 20 before seemed to have fallen on
 21 deaf ears. That probably explains
 22 why many of us are speaking louder
 23 tonight.
 24 I'm the President of the
 25 Gracie Point Community Council,

1
 2 the least limited person anybody
 3 can imagine, I think many of you in
 4 the audience know that, but the
 5 fact of the matter is none of us,
 6 without trucks that are 100 percent
 7 alternative fuel, without the
 8 opportunity to think of every kind
 9 of technology possible, to keep the
 10 waste at its surface. And even the
 11 Helena, which is one of the most
 12 environmentally sensitive buildings
 13 with the Baxter Building, they are
 14 working hard to keep the waste in
 15 either some kind of recycling or
 16 figure out a way that it doesn't
 17 end up in any kind of sewer system.
 18 The fact of the matter is is that's
 19 not being done and we asked about
 20 the commercial trucks on the West
 21 Side and were not told that there
 22 will be alternative fuel.
 23 So I'm here to support you
 24 to say that we don't want all of
 25 the commercial or all of the

1
 2 it's an association of residents,
 3 owners, institutions, businesses,
 4 and providers of goods and services
 5 on the Upper East Side.
 6 One of the things that I
 7 would like to say on behalf of the
 8 community here is that the people
 9 in this community have not, do not,
 10 and will not advocate that other
 11 communities accept Manhattan's
 12 waste. Indeed, our residential
 13 waste is not now going to those
 14 communities.
 15 The way in which the
 16 Department on behalf of the City
 17 has gone about its planning, has
 18 pitted, rather cynically in my
 19 opinion, neighborhoods against each
 20 other.
 21 The health and safety of a
 22 child in one neighborhood is no
 23 more or no less important than the
 24 health and safety of the child in
 25 another neighborhood (applause.)

1
2 We are pleading, we are
3 demanding that the Department use
4 the resources of this City that are
5 available; a lot of studies have
6 been done at Columbia University,
7 for example, in identifying
8 alternatives that are less
9 destructive and less disruptive and
10 now is the time to start
11 (applause.)

12 MR. SZARPANSKI: Thank you.

13 Our next speaker is Carroll
14 Tweedy.

15 MS. CAROL TWEEDY: Thank
16 you. My name is Carol Tweedy and
17 I'm the Executive Director of
18 Asphalt Green. I thank you for
19 this opportunity to comment and I
20 also want to thank all of our
21 friends who come out on this very
22 freezing evening so inconveniently
23 right before Christmas to express
24 their support for Asphalt Green
25 (applause.)

1
2 In previous testimony, I
3 have described the role of Asphalt
4 Green and for the purposes of
5 brevity tonight, I will give just a
6 few brief facts.

7 We serve over 42,000 people
8 every year and to clarify some of
9 the mistreatments that have been
10 made by others, 80 percent of those
11 who use us are children. So that
12 means over 30,000 children use us
13 every year.

14 Over 12,000 of those receive
15 totally free services from us as
16 part of our mission to bring sports
17 and fitness for a lifetime. We're
18 not just a neighborhood facility,
19 we're a City-wide facility. Last
20 year, 124 different institutions
21 from all around the City used our
22 highly used campus.

23 Our tag line-- sports and
24 fitness for a lifetime, says it all.
25 We're concerned with providing

1
2 lifetime health through sport and
3 fitness and affecting 70 billion
4 dollars that's spent additionally
5 in this country and health care
6 costs that could be avoided with
7 people who were physically active.

8 No one is affected more than
9 the Asphalt Green should this plan
10 for a ten story, 100-foot high
11 garbage dock be implemented.

12 I think if I were part of
13 the administration or a politician,
14 I could understand what is
15 happening better, but since I am
16 not, I'm totally befuddled by the
17 inclusion of the 91st Street
18 garbage dock in the solid waste
19 management plan.

20 Asphalt Green has been a
21 partner with the City. The City
22 owns the land and the buildings in
23 which we operate. The City has
24 invested ten million dollars in
25 capital rehabilitation projects on

1
2 the campus. This City has
3 benefited from the additional 30
4 million that has been raised
5 privately. So this is the City's
6 own asset which it is choosing to
7 devalue.

8 Between 1999, when the
9 marine transfer station closed and
10 today, Asphalt Green has grown 33
11 percent. We believe that this
12 would not have happened had the
13 marine transfer station been
14 operating. And I am surprised that
15 our comments in the previous
16 hearing about the analysis of the
17 economic impacts at Asphalt Green
18 continue to be ignored in the
19 current DEIS.

20 We all know that when these
21 opened previously, the smells were
22 so awful that parents withdrew
23 their children from day camp. And
24 a current review of our operations
25 and some preliminary focus

1
 2 interviews suggest that our users
 3 will go away with increased
 4 traffic, smells and dirt from a
 5 newly built garbage dock
 6 (applause.)
 7 This economic impact will
 8 affect the 250 people who work at
 9 Asphalt Green, who come from all
 10 over the City, every single
 11 borough.
 12 The siting issues have been
 13 mentioned. The City chooses to
 14 ignore the rule of siting a
 15 facility such as this in the middle
 16 of a park, right in the middle of
 17 Asphalt Green.
 18 If fails to do an analysis
 19 of traffic on Saturdays, failure to
 20 recognize that the biggest traffic
 21 day for, at Asphalt Green is
 22 Saturday and minimizes general
 23 traffic situation acknowledging
 24 that as many as four school buses
 25 an hour and 63 public buses, 50

1
 2 impact of garbage docked on our
 3 operations will limit our ability
 4 to address this problem.
 5 So I believe the plan is
 6 flawed from a technical point of
 7 view, I believe it's flawed from a
 8 policy point of view, and that it
 9 fails to look at the role of
 10 Asphalt Green and the context of
 11 the health of the City's children.
 12 And so from my point of view, this
 13 plan doesn't make any sense, but as
 14 I said, I'm not part of the
 15 administration and I'm not a
 16 politician (applause.)
 17 MR. SZARPANSKI: Thank you.
 18 Our next speaker is Richard
 19 Leland.
 20 MR. RICHARD LELAND: Good
 21 evening. My name is Richard
 22 Leland, I'm the attorney for Gracie
 23 Point Community Council and a
 24 member of Kramer, Levin, Naftalis
 25 and Frankel.

1
 2 percent of which are articulated,
 3 are there and how the presence of
 4 these buses is being ignored (bell
 5 rings.)
 6 There's no analysis of odors
 7 and the mitigation talked was about
 8 in terms of high prison-like walls
 9 erected on a ramp, 12 to 15 feet
 10 high, which will contain these
 11 odors. But those fumes will rise
 12 and go somewhere, right into the
 13 vents of our HVAC system and on to
 14 the field (applause, bell rings.)
 15 And, well, the construction
 16 on the ramp is particularly
 17 problematic. It cannot be done
 18 without closing our entrance and
 19 invading the fields.
 20 At a policy level, this is
 21 incomprehensible. 43 percent of
 22 public school children are
 23 overweight or obese. Asphalt Green
 24 is one of the few institutions that
 25 addresses this issue. The damaging

1
 2 I appear tonight to present
 3 a synopsis of my client's comments
 4 to the draft EIS that the
 5 Department of Sanitation prepared
 6 in connection with what is lovingly
 7 referred to as the SWMP.
 8 Detailed written comments by
 9 the Gracie point Community
 10 Council's Environmental and
 11 Planning Consultants firm, Dino and
 12 Associates and VHB, Inc., will be
 13 submitted to the DOS and other
 14 involved agencies on or before your
 15 deadline of January 24th.
 16 And because there are so
 17 many members of the community who
 18 came out on this bitter cold night
 19 to have their comments heard, I
 20 will limit my comments to the
 21 highlights or to use a more
 22 accurate phrase, the most glaring
 23 and egregious deficiencies in the
 24 DEIS.
 25 My first comment speaks

1
2 generally to the quality of the
3 DEIS. Much of my practice involves
4 the representation of private
5 developers and nonprofit
6 institutions that require
7 government approvals to build their
8 projects and which must be in
9 compliance with SEQRA. I also
10 represent public authorities when
11 they act as SEQRA lead agencies.

12 Based on my experience, I
13 believe I'm qualified to observe
14 that the DEIS prepared for the
15 20-year City-wide SWMP is of a
16 quality that if submitted by a
17 private developer or nonprofit,
18 would never have been accepted as
19 complete by responsible lead
20 agencies (applause.)

21 This DEIS is replete with
22 conclusory statements masquerading
23 as facts and assumptions that are
24 completely unsupported.

25 Its analysis are internally

1
2 going to go.
3 Clearly, the transport and
4 ultimate disposal of the containers
5 are essential elements of your plan
6 and your failure to address those
7 elements in the draft EIS is a
8 classic example of segmentation
9 which is absolutely prohibited
10 under SEQRA.

11 Again, this is something a
12 private developer could never get
13 away with, or that a responsible
14 lead agency would tolerate, let
15 alone certify as quote, complete
16 and accurate for public review as
17 the statute requires.

18 Without any concrete
19 information about the method of
20 transporting disposal of the
21 containers, your Department cannot
22 possibly know the costs associated
23 with that aspect of the plan, which
24 is likely to be at least as much as
25 the 320 million dollar price tag

1
2 inconsistent and the document does
3 not provide even the most basic
4 description of what each facility
5 will look like and how it will
6 operate.

7 In fact, the graphic that
8 you had up here earlier tonight, is
9 one that isn't anywhere in the EIS.
10 In fact, your little fact sheet
11 that you gave out today and the
12 statement that you made of controls
13 and operations, doesn't appear
14 anywhere in the EIS either.

15 Moreover, while the DEIS's
16 stated goal in spending 320 million
17 dollars to build four new sites, is
18 to have facilities that are capable
19 of containerizing waste, but
20 neither the SWMP or the DEIS
21 provide any concrete information as
22 to what will happen to the
23 containerized waste once it leaves
24 the MTS. It's going to get in the
25 barge and we don't know where it's

1
2 for four new MTSSs.
3 Perhaps this explains why
4 the DEIS still doesn't contain a
5 benefit, a cost/benefit analysis to
6 support the conclusion stated in
7 it, that the containerization plan
8 is preferable to the current plan.

9 There's no evidence in this
10 DEIS that the plan to construct new
11 MTSSs makes any economic sense, all
12 there is is a series of conclusions
13 hailing the plan as economical and
14 efficient (bell rings.)

15 The most glaring and
16 egregious flaws with respect to the
17 East 91st Street MTS as well as the
18 other ones, is its analysis of an
19 artificially and arbitrarily
20 limited amount of throughput which
21 results in a substantial and
22 significant underestimation of the
23 true impacts that will result from
24 the facility's operation.

25 The DEIS only analyzes the

1
2 environmental impacts resulting
3 from the processing of 1700 to 1800
4 tons per day. Yet, according to
5 the DEIS, the facility's capacity
6 will be 4290 tons per day. As a
7 matter of fact, a number that's not
8 in the EIS is the number in your
9 application to the DEC under part
10 360, and that says that you're
11 going to build, you want a permit
12 to build a facility that would be
13 capable of processing 5,280 tons
14 per day.

15 This shockingly larger
16 number, as I said, is not in the
17 DEIS, it's not in the draft SWMP
18 plan, it's not in your press
19 releases and it's not in any of
20 your public relations pieces.

21 SEQRA requires analysis of
22 the reasonable worst case. That
23 means the full impact of the
24 proposed plan. Here, where you
25 have used a misleadingly low

1
2 do so, the courts would call it
3 arbitrary and capricious.
4 When a City agency purposely
5 cooks the books by understating the
6 impact of a 5,280 ton-per-day
7 facility by falsely describing it
8 as a 4,290 ton-per-day facility,
9 and then by arbitrarily limiting
10 the analysis to 1800 tons per day,
11 it's not only arbitrary and
12 capricious, it's disgraceful and
13 its bordering on fraudulent
14 (applause.)

15 Our written comments will
16 demonstrate other examples
17 throughout the DEIS of how we
18 believe that the Department of
19 Sanitation has cooked the books to
20 get its desired results.

21 I won't burden you with them
22 tonight as time is running short.
23 I will just wrap up and state it,
24 when I get to it.

25 Did you ever hear of a

1
2 throughput estimate as a starting
3 point leading us to an extreme
4 underestimation of the facilities
5 potential impacts in traffic, air
6 quality, neighborhood character,
7 open space, noise and odor.

8 On the other hand, and I'll
9 try to wrap up, I understand we
10 have a lot -- we don't have a lot
11 of time.

12 If you're only going to use
13 the facility for 1800 tons per day,
14 why the heck are you spending 80
15 million dollars to build one that
16 holds 4300 tons a day or 5200 tons?
17 (applause.)

18 I'll give you an analogy:
19 If a private developer proposed to
20 build a 400-unit apartment
21 building, but sought to study the
22 impacts of renting out only 200 of
23 those units, no responsible lead
24 agency would accept and certify the
25 DEIS. If the lead agency were to

1
2 lawyer being brief?

3 As we have mentioned
4 throughout the testimony, the DEIS
5 suggests that your department
6 believes that a government, as a
7 government agency and not a private
8 developer, it is somehow exempt
9 from full and proper compliance
10 with SEQRA. This view is not
11 shared by the Gracie Point
12 Community Council. It is certainly
13 not shared by the courts, which do
14 not view the SEQRA requirement as
15 variable depending on who may be
16 the project's best sponsors. And
17 if that's where the Gracie Point
18 Community Council needs to go to
19 force compliance with SEQRA, we
20 will not hesitate to do so.

21 Thank you and good evening
22 (applause.)

23 MR. SZARPANSKI: Thank you.

24 Our next speaker is Dr. E.
25 Arthur Livingston.

1
2 MR. E. ARTHUR LIVINGSTON:
3 Thank you. I wonder whether you
4 got this date from the Farmers'
5 Almanac but the cold weather and
6 the snow and the ice and what have
7 you, it doesn't seem to pertain to
8 anything else.
9 My comments will be very
10 limited because of the length of
11 other testimonies.
12 We're all aware of Attorney
13 General Spitzer's work in Albany in
14 the insurance business, the
15 financial business, the banks,
16 security analyst, it's just
17 appalling what has come out. And I
18 think the analogy here is that
19 we're now looking at whether the DS
20 cooked the books and whether it has
21 got somebody to do a DEIS in
22 conjunction with their, what
23 they're planned to do the way
24 they've done it on Wall Street.
25 When an analyst goes down to

1
2 about how densely populated our
3 neighborhood is.
4 Many people have said
5 tonight that we live in a densely
6 populated neighborhood and I want,
7 I've been looking at census
8 information and I want to go into
9 more detail about that.
10 Greg Costello, and maybe
11 some others, have referred to a
12 60,000 figure for the population.
13 And that 60,000 people probably
14 refers to the secondary study area
15 as opposed to the primary study
16 area.
17 For those of you who don't
18 know what I'm talking about, the
19 secondary study area is this half
20 mile radius from the site
21 boundaries of the MTS, quarter mile
22 study area is the, well, the
23 primary study area is the quarter
24 mile radius. Both are obviously
25 important. The 60,000 is more

1
2 a company, he meets with the CEO or
3 the CFO and he's told what to put
4 in his report and he goes back to
5 his banker and/or his brokerage and
6 they put that in the bank. So I
7 don't think we can look at the
8 plans, the so-called plan here as
9 well as the DEIS and the scoping as
10 something that is really objective,
11 and I'm sorry to have to say this.
12 In the past when I was
13 growing up in Queens, we used solid
14 waste to build the '39 World's
15 Fair. We built LaGuardia Airport,
16 now we're going to put an MTS in a
17 thriving community and we're going
18 to destroy it. It makes no sense
19 to me. Thank you (applause.)
20 MR. SZARPANSKI: Thank you.
21 Our next speaker is Kathryn
22 Edmunds (applause.)
23 MS. KATHRYN EDMUNDS: Hi,
24 I'm speaking as a concerned
25 resident. And I wanted to talk

1
2 important 'cause it's more people.
3 But the CEQRA guidelines are for
4 population studies to be the
5 quarter mile.
6 Okay, there are 13,400
7 people in the quarter mile area
8 around the East 91st Street MTS.
9 For other City sites described, the
10 next largest population is 4300
11 people. Stated differently, our
12 area is three times as crowded as
13 the next most populated study area
14 (applause.)
15 The current EIS describes 11
16 study areas. The population at
17 these study areas ranges from 60
18 people to 4300 people until you get
19 outside of the site which is 13,400
20 people. Okay, for those of you who
21 like math, the -- for 11 sites the
22 average size is 29,800, the median
23 is 1442. And our site with 13,400
24 is a clear outlier.
25 Okay, these numbers are just

1
 2 to emphasize that our study area
 3 really is densely populated. It's
 4 not to say that our garbage has to
 5 go to another City-owned MTS.
 6 All right, the second point
 7 I want to make is that the
 8 demographic information presented
 9 almost entirely in terms of
 10 percentages can be terribly
 11 misleading. Many data in the scope
 12 and in DEIS are given as
 13 percentages whether pertaining to
 14 poverty rates or to asthma
 15 prevalence. When a population is
 16 as disproportionately large as is
 17 ours, is it essential to consider
 18 the actual numbers of people. A
 19 particularly clear example will
 20 illustrate what I mean.
 21 According to the year 2000
 22 census, the study area at 91st
 23 Street has a poverty rate of 11.4
 24 percent. The poverty rate of
 25 another primary study area for a

1
 2 different MTS that I'm choosing for
 3 comparison, is 15 percent. 15
 4 percent is obviously higher than
 5 11.4 percent. But the raw number
 6 of people below the poverty level
 7 at East 91st Street is over 1500.
 8 While the 15 percent at the other
 9 site is fewer than ten people
 10 (applause.) So focusing on
 11 percentages masks the real
 12 disparity and actual numbers.
 13 All right, I want to say
 14 more about the 13,400 people in our
 15 area.
 16 Over 1800 of us are kids,
 17 over 1600 of us are seniors. These
 18 1800 kids and 1600 seniors, adds up
 19 the 3400 people which is larger
 20 than the entire population at seven
 21 of the other sites, and roughly 80
 22 percent of the entire population of
 23 each of the other three sites.
 24 I isolate these groups, kids
 25 and seniors because they are

1
 2 generally a more vulnerable
 3 population compared to the general
 4 population (bell rings.)
 5 Kids are more likely to
 6 develop asthma or other respiratory
 7 illnesses while seniors are more
 8 likely than the general population
 9 to die of asthma.
 10 There are 3500 minorities,
 11 and as I said before, there are
 12 over 1500 of us who are below the
 13 poverty threshold.
 14 The distribution of
 15 minorities creates a section within
 16 our quarter mile study area where
 17 on the basis of raw numbers,
 18 extended genuine outreach efforts
 19 are appropriate.
 20 Okay, so the number should
 21 show that both were densely
 22 populated areas and they were not a
 23 uniformly privileged population
 24 that many people associate with the
 25 Upper East Side.

1
 2 In conclusion though, I want
 3 to make sure that people
 4 understand, particularly you
 5 people, that we do not consider the
 6 13,400 people near East 91st Street
 7 any more important than the 4400 or
 8 fewer people near the other sites.
 9 I'm simply saying that our site is
 10 far too populated to accommodate
 11 safely the proposed MTS and the
 12 associated truck traffic. Thank
 13 you (applause.)
 14 MR. SZARPANSKI: Thank you.
 15 Our next speaker is Kendall
 16 Christiansen.
 17 MR. KENDALL CHRISTIANSEN:
 18 Good evening Commissioner
 19 Szarpanski and colleagues, for a
 20 change of pace I want to talk a
 21 little bit about food waste.
 22 My name is Kendall
 23 Christiansen and my comments are
 24 offered on behalf of Insinkerator,
 25 a company represented by the firm

1
2 of Geto and deMilly
3 which I am vice President.
4 My comments are focused on
5 the failure of both the DEIS and
6 the SWMP to address proven methods
7 for diverting food waste from
8 sanitation collection trucks,
9 transfer stations and distant
10 landfills instead of capturing food
11 waste as a raw material that can be
12 composted and converted into
13 fertilizer and in a cost effective
14 manner.

15 Food waste is the second
16 largest component of the solid
17 waste stream after waste paper and
18 by far the most expensive and
19 problematic component in terms of
20 environmental impacts.

21 Twice in the past two years,
22 I have petitioned the Department of
23 Sanitation to examine options for
24 managing both commercial and
25 residential food waste.

1
2 In the first instance, I
3 suggested looking at food waste as
4 a distinct component of the
5 Department's study of commercial
6 waste.

7 In the second, I suggested
8 that this DIS, DEIS do the same.
9 In both cases I suggested the
10 comprehensive review, fairly
11 examining all known methods for
12 diverting and managing food waste
13 as a critical component of a
14 municipal waste stream.

15 An attachment to the final
16 scoping document for the DEIS notes
17 that it will be addressed by the
18 SWMP. However, the SWMP is
19 essentially silent on the question
20 of managing food waste.

21 Others will make the broader
22 legal points about what the State
23 requires of a SWMP and whether the
24 draft plan currently as proposed
25 meets that standard. But I want to

1
2 talk about why food waste is
3 important and what should the DEIS
4 say about it.

5 First, as I said, it's the
6 most problematic component of solid
7 waste. It only comprises 15
8 percent of the City's residential
9 waste, but it creates environmental
10 damage at every step along the way.
11 Food waste smells, it leaks in
12 homes, buildings and trucks; it
13 attracts vermin and rodents; it
14 creates leaching and methane gas at
15 landfills. And because food waste
16 is heavy, being mostly water, it's
17 very expensive to collect, transfer
18 and ship.

19 Secondly, food waste should
20 not be dismissed as just garbage.
21 As an organic material, food waste
22 is totally unlike inert materials
23 like glass, metals, wood and
24 plastic, many of which we have
25 learned to treat as recyclable. In

1
2 fact, food waste is much more like
3 human waste, both are about 70
4 percent water and contain basic
5 chemicals that enable it to be
6 composted without much difficulty.

7 Third, residential and
8 commercial food waste management
9 efforts are being aggressively
10 developed in other cities. Most
11 notably, San Francisco, Toronto and
12 Seattle. Yet the New York proposed
13 SWMP doesn't even propose to study
14 any such effort to divert food
15 waste, effectively ignoring what
16 might be learned from those cities.

17 Finally, food waste in New
18 York is twice the national average
19 as a percentage of residential
20 waste. Why? Because a simple
21 device known as a food waste
22 disposer is a standard appliance
23 elsewhere in the U.S.

24 Installed in more than one
25 half of U.S. homes and in 85

1
 2 percent of the new homes and
 3 increasingly common in restaurants,
 4 hospitals and school cafeterias and
 5 food markets.
 6 In simple terms, a disposer
 7 makes food waste disappear. It
 8 goes away immediately from the
 9 place where it's generated. The
 10 disposer involves a grinding
 11 chamber that pulverizes food waste
 12 into liquid form, sends it through
 13 the sewer where it's combined with
 14 human waste, it's treated at the
 15 waste water treatment plants and
 16 processed into fertilizer and known
 17 as both solid and is composted. In
 18 fact (bell rings) a 100 percent of
 19 what we generate as biosolids in
 20 the City is regarded as class A or
 21 not all Class A, but most of it's
 22 class A for land application.
 23 For more than 50 years ago
 24 with 50 million in daily use and five
 25 million solid annually in the U.S.,

1
 2 Department of Environmental
 3 Protection. But we encountered no
 4 resistance existence in Philadelphia which
 5 requires commercial establishments
 6 to use disposers rather than put
 7 food waste in the dumpsters.
 8 Now, I will comment at the
 9 SWMP public hearings specifically
 10 about what the City might do to
 11 encourage their use. But to
 12 conclude, for better, for worse,
 13 the City needs an honest,
 14 challenging discussion about
 15 getting food waste out of our
 16 garbage and back where it belongs,
 17 on to our land as fertilizer from
 18 once it came.
 19 Thank you for your
 20 consideration (applause.)
 21 MR. SZARPANSKI: Thank you.
 22 Our next speaker is Evan
 23 Firestone.
 24 MR. EVAN FIRESTONE: My name
 25 is Evan Firestone, I'm here to

1
 2 disposers have been studied
 3 exhaustively. The municipalities
 4 have decided that the public
 5 benefit of their wide-scale use are
 6 preferable to collecting food waste
 7 and garbage for disposal in
 8 landfills or incinerators. We
 9 therefore, have adopted public
 10 policies that allow and promote
 11 their use. But since residential
 12 disposers only became fully legal
 13 in New York several years ago,
 14 they're not yet common and haven't
 15 yet achieved critical mass. But in
 16 fact, residential developers and
 17 building managers tell me that the
 18 City's practice of providing free
 19 garbage collection to residential
 20 buildings has actually slowed their
 21 installation here.
 22 For commercial food
 23 establishments, the Council's now
 24 considering how best to test them
 25 despite the reluctance of the

1
 2 represent my three children and my
 3 neighbors who will be negatively
 4 affected by this plan.
 5 First I want to thank the
 6 Department for its time in holding
 7 these hearings and discussing this
 8 issue with the public.
 9 This discussion should not
 10 be a political issue, it should not
 11 pit one community against another.
 12 The City has a problem, garbage
 13 disposal and the solution should
 14 not burden any densely populated
 15 residential neighborhood.
 16 I applaud the Department's
 17 decision not to reopen the 135th
 18 Street station. I attended the
 19 hearing for the 135th Street
 20 station in June and many in that
 21 audience were from this
 22 neighborhood as well showing their
 23 support for that community.
 24 How densely populated is our
 25 community? Well, as Kathryn

1
2 mentioned, your document mentions
3 two census tracks containing 13,000
4 people. But that follows only the
5 technical requirements of CEQR, but
6 dramatically understates the
7 affected community.

8 Eight census tracks are
9 within a quarter mile of the site
10 or will suffer increased truck
11 traffic representing more than
12 50,000 people.

13 Asphalt Green, in addition
14 as Carrol Tweedy mentioned, serves
15 kids and adults from diverse
16 communities which would bring that
17 number far above the 50,000 people.

18 I want to review the current
19 status of residential waste
20 disposal in Manhattan for a minute.

21 According to the DEIS,
22 existing residential waste in
23 Manhattan is trucked directly to
24 New Jersey. No other borough or
25 community is affected by

1
2 only have three minutes tonight.
3 Health and safety effects
4 include emission, vermin, odors,
5 truck traffic. The DEIS says that
6 all of this can be mitigated or
7 simulation models predict it will
8 not be a problem. Well, we have
9 real life data from the time the
10 facility was open. The odors and
11 emissions during the summer, as
12 Carrol Tweedy mentioned, caused
13 parents to pull their kids from
14 summer programs on Asphalt Green.
15 The residents themselves can tell
16 you stories of their experiences of
17 the time of not being able to go
18 outside during the summer because
19 the odors were so bad.

20 The DEIS wishes that all
21 a way. Traffic conditions at that
22 time also were horrendous as trucks
23 queued up for blocks on York
24 Avenue.

25 The planned capacity of the

1
2 Manhattan's disposal needs. The
3 fair share argument is therefore
4 incorrect. However, reopening the
5 91st Street station would subject
6 our community to truck traffic,
7 emissions and odors.

8 To quote from Mayor
9 Bloomberg's comments at a press
10 conference announcing the SWMP,
11 quote, It puts serious strains on
12 the quality of life in
13 neighborhoods where transfer
14 stations are located."

15 It seems to me that
16 reopening the transfer station on
17 91st Street is moving in the wrong
18 direction.

19 Those are my comments
20 (applause.)

21 My objections to the plan
22 can be grouped as follows:
23 Health, safety, traffic quality of
24 life, commercial waste and
25 alternatives. I have others but I

1
2 refurbished station is four times
3 the current capacity during this
4 period. How can the situation not
5 be worse than it was than if the
6 new station is estimated to be four
7 times the capacity at that point in
8 time, which will negatively affect
9 the quality of life.

10 As far as other traffic
11 effects, the plan proposes to widen
12 the ramp that goes through Asphalt
13 Green. How? The Aqua Center is on
14 one side, Asphalt Green Field is on
15 the other side. Are the children
16 going to share the field with a new
17 ramp? Are you going to close the
18 ramp during the construction? It
19 says that the only way according to
20 the plan, it says the only way to
21 allow the truck traffic to not be
22 backed up (bell rings) is to have
23 traffic going two ways which is to
24 widen the ramp, but there's no
25 practical way to accomplish that.

1
 2 At the hearing in June I
 3 discussed the narrow streets from
 4 87th to 91st Street and warned of
 5 gridlock on the entire Upper East
 6 Side. Now, this plan calls for
 7 trucks to go east on 90th Street,
 8 but does not discuss the width of
 9 90th Street. Well, I measured 90th
 10 street, it's 30 feet wide. If you
 11 add up the cars parked on both
 12 sides, that accounts for 13 feet,
 13 leaving 17 feet. A garbage truck
 14 is over nine feet wide, I measured
 15 that as well. Leaving less than
 16 eight feet remaining and that's not
 17 including any space between all of
 18 these vehicles. Well, a small
 19 moving van is eight feet wide.
 20 There is a no practical way to have
 21 garbage trucks go down 90th Street
 22 without causing gridlock on 90th
 23 Street and any other east/west
 24 streets in that neighborhood
 25 (applause.)

1
 2 So two more quick comments.
 3 This plan is designed to
 4 include commercial waste without
 5 adequate study of the impacts of
 6 commercial waste. You say just
 7 refer to the commercial plan which
 8 was not adequately vetted either at
 9 this meeting in June or in your
 10 comments in the DEIS.
 11 Commercial haulers will not
 12 be subject to Department
 13 regulations for emissions, odors,
 14 and noise. It cannot be predicted
 15 how disruptive commercial waste
 16 will be as part of this plan.
 17 Finally, alternatives.
 18 Local Law 20 required the City to
 19 disclose City-owned or City-leased
 20 waterfront properties. Here's the
 21 list: There's 300 properties on
 22 this list that are waterfront
 23 properties in Manhattan alone. The
 24 Department wants a waterfront site
 25 and there are alternatives to the

1
 2 91st Street station. And as other
 3 members that have spoken to you
 4 before, we are more than willing to
 5 work with you to find another
 6 adequate location for this, but the
 7 91st Street transfer station is not
 8 the right location.
 9 Thank you very much
 10 (applause.)
 11 MR. SZARPANSKI: Thank you.
 12 Our next speaker is Neal
 13 Flomenbaum, M.D.
 14 MR. NEAL FLOMENBAUM: Thank
 15 you. My name is Neal Flomenbaum,
 16 I'm the Director of an emergency
 17 department, a Professor of clinical
 18 medicine, the Medical Director of
 19 an emergency medical service system
 20 of basic and advanced ambulances
 21 and a medical toxicologist and
 22 coauthor of a reference textbook on
 23 poisons and overdoses.
 24 I am not here this evening
 25 to represent any organization nor

1
 2 am I a paid consultant, the views
 3 expressed are my own.
 4 I've come this evening to
 5 express my concerns over the
 6 serious adverse health effects that
 7 the DSNY SWMP will have on the
 8 health and safety of the many
 9 children and adults who live, work
 10 and play in the vicinity of the
 11 proposed construction of a new, new
 12 marine transfer station on East
 13 91st Street.
 14 I'm sorry, I find that the
 15 DSNY DEIS is a seriously flawed
 16 document characterized by
 17 inadequate studies, false
 18 statements and harmful erroneous
 19 conclusions.
 20 Then the new 100-foot high
 21 supersized MTS proposed for a site
 22 once occupied by a smaller MTS, now
 23 abandoned and scheduled for
 24 demolition, is a brand new
 25 structure, not a converted MTS, the

1
 2 term used repeatedly in the DEIS to
 3 mislead City and State legislators.
 4 It is a health hazard to be
 5 shoehorned into the midst into one
 6 of the most densely populated
 7 neighborhoods in the country and
 8 immediately surrounded by a
 9 recreational facility that serves
 10 the needs of thousands of school
 11 children daily. It also encroaches
 12 on a registered New York City and
 13 national landmark, casting a shadow
 14 up to five hours a day on the
 15 adjacent recreational area.
 16 For lack of any possible way
 17 to justify the ill-conceived
 18 construction of such a significant
 19 health hazard in such an
 20 overcrowded neighborhood, DSNY
 21 repeatedly concludes in their DEIS
 22 that the new ten-story MTS poses
 23 quote, no unmitigatable significant
 24 adverse environmental impacts,
 25 unquote.

1
 2 Such a self-serving,
 3 misleading statement is equivalent
 4 to saying that the toxic waste
 5 disposal at Love Canal and the
 6 operation of the Chernobyl Nuclear
 7 Plant, presented no unmitigatable
 8 significant adverse environmental
 9 impacts (applause.)
 10 In fact, statistically, the
 11 East 91st Street new MTS poses a
 12 greater damage to health than would
 13 a well-run nuclear reactor
 14 constructed at Times Square. No
 15 specific mention is made in the
 16 DSNY DEIS East 91st Street site
 17 proposal of the known associated
 18 expected incidences of new cases
 19 and exacerbations of asthma,
 20 chronic obstructive pulmonary
 21 disease and potential serious or
 22 fatal trauma inflicted on innocent
 23 pedestrians by large trucks.
 24 Have you ever seen a child
 25 die of an asthma attack despite a

1
 2 dozen doctors and nurses' best
 3 efforts to save them? I have.
 4 Have you ever seen a person crushed
 5 under the wheels of a large truck?
 6 I have. Have you ever been in the
 7 back of a stationary ambulance,
 8 lights flashing and sirens
 9 screaming trying desperately to get
 10 to a hospital with a dying patient
 11 while the Sanitation crew continues
 12 to load trash bags of garbage from
 13 a large apartment house on the
 14 truck before moving on? I have.
 15 (Bell rings) Known health hazards
 16 do not belong in anyone's backyard.
 17 To deliberately place children and
 18 adults in harms way and to
 19 sacrifice the future health and
 20 lives of the children of this City
 21 for a bad solution to a problem and
 22 a lack of imagination and ingenuity
 23 to solve it, is to demonstrate an
 24 unacceptable and indifference to
 25 human life. To do so for political

1
 2 expediency is to commit an act of
 3 political cowardice. Thank you
 4 (applause.)
 5 MR. SZARPANSKI: Thank you.
 6 Our next speaker is Benjamin
 7 Miller.
 8 MR. BENJAMIN MILLER: My
 9 name is Benjamin Miller, I'm a
 10 research associate at Columbia
 11 University School of Engineering
 12 Center and I'm providing these
 13 comments on behalf of the center.
 14 There's nothing in the solid
 15 waste management plan that deserves
 16 applause. To save time, I won't
 17 list such with the few moments now,
 18 other than to say that dispersing
 19 transfer stations by these new
 20 facilities such as the 91st Street
 21 MTS and the waste generated in this
 22 part of Manhattan will bring a
 23 significant environmental and
 24 economic benefit by reducing the
 25 number of truck miles traveled.

1
2 The most important element
3 missing from the plan is that for
4 the most part, it fails to address
5 the zoning for disposing of that
6 waste, that it will not be feasible
7 to handle through prevention,
8 recycling or composting.

9 Without a plan to develop or
10 acquire disposal capacity, the City
11 will be forever dependent on the
12 private landfill market. The
13 greatest problem with this is that
14 it will mean a constant escalation
15 of prices.

16 The second problem is that a
17 landfill will not only be the most
18 expensive waste disposal
19 alternative, it is also the most
20 damaging to the environment and to
21 public health.

22 Since Fresh Kills closed,
23 landfill prices have increased
24 dramatically. They're projected to
25 increase another 60 percent by

1
2 its own standard, went into effect
3 last month. Landfills in Rhode
4 Island and Delaware have closed to
5 out-of-state waste because these
6 states have taken the prudent step
7 of creating state-wide waste
8 management authorities.

9 South Carolina regulations
10 imposed limits on the amount of
11 waste that can be imported.
12 National legislation to restrict
13 waste shipments is a distinct
14 future possibility.

15 Cumulatively, all these
16 measures will have the effect of
17 raising even further, the price New
18 Yorkers will pay. Since we always
19 need some landfill capacity, we
20 must develop means to control its
21 cost.

22 There are only two ways to
23 do this, one is to develop or
24 acquire landfill capacity either
25 alone or in cooperation with some

1
2 2010. The average price that New
3 Yorkers pay to export its waste has
4 increased by a third since FY'98
5 and the private sectors cost
6 increased 50 percent.

7 For next year, the
8 Sanitation Department has accepted
9 bids to dispose of Manhattan's
10 waste, four bids. The highest of
11 these is 73 percent higher than the
12 City's first contract bid in 1997.
13 The lowest which is only 44 percent
14 higher, is the Essex County
15 Incinerator.

16 In 2002, Pennsylvania
17 imposed a tax on every ton of waste
18 disposed of in the state. Last
19 year, an additional fee was
20 proposed. Such levies are only one
21 means that the State can have for
22 restricting the amount of waste
23 they accept from other states.

24 Michigan's law prohibited
25 imported waste so it's separated to

1
2 larger governmental entity. The
3 other is to obtain access to a long
4 term lease of air space. Given the
5 dynamics of the interstate
6 transport situation, the fact that
7 New York encompasses within its
8 boundaries, as much area
9 potentially suitable for landfill
10 and as any other state does, it
11 clearly would be prudent and
12 appropriate to begin at once to
13 develop or acquire such capacity
14 within New York.

15 While this process is
16 underway, since that will take
17 time, we should acquire long term
18 access to landfill capacity
19 anywhere it can be obtained most
20 quickly at the least overall cost.

21 Developing public control
22 over landfill capacity is one thing
23 we should do to minimize the
24 impacts of our waste management
25 system on the City's economy. But

1
 2 to reduce those impacts further as
 3 well as to reduce the environment
 4 and public health impacts posed by
 5 exporting our waste, we need to do
 6 more.

7 We need to process waste
 8 that cannot be feasibly prevented,
 9 composted or recycled to reduce the
 10 volumes that require land filling.
 11 (Bell rings) And the future of
 12 other technologies may be available
 13 that are present. Only
 14 waste-to-energy is the most widely
 15 established and widely used.

16 While landfill costs will
 17 continue to increase rapidly, waste to
 18 energy costs will rise more slowly.
 19 The cost in New Jersey is already
 20 the same, waste to energy is likely to
 21 be less expensive throughout the
 22 East in the near future.

23 From an environmental
 24 perspective as well, waste to energy
 25 is clearly preferable, it produces

1
 2 a net reduction in green house gas
 3 by the equivalent of 1.3 tons of
 4 carbon monoxide per ton burned.
 5 These are among the reasons for the
 6 Europeans Union's Directive that
 7 landfilling and combustible
 8 materials are seen through in the
 9 decade.

10 Unlike a landfill, a waste
 11 energy facility could be developed
 12 within New York City, but it
 13 needn't be Just as we must procure
 14 landfill capacity outside the City
 15 limits, we could also procure
 16 additional waste to energy capacity.

17 I focused on just one of the
 18 elements missing, one of the most
 19 important elements missing in the
 20 plan, my written testimony contains
 21 recommendations on a broader range
 22 of issues. Thank you (applause.)

23 MR. SZARPANSKI: Thank you.
 24 Our next speaker is Charles
 25 Emma (applause.)

1
 2 MR. CHARLES EMMA: My name
 3 is Charles Emma, and I live
 4 opposite the Asphalt Green.

5 I have in my hand notes that
 6 I had prepared for comments that I
 7 made at the last meeting regarding
 8 the proposed rebuilding of the 90th
 9 Street MTS building. I did not
 10 however, see any reference to those
 11 comments in the final scoping
 12 document regarding a possible MTS
 13 site on Randalls Island.

14 Since one of the Mayor's
 15 main requirements were that no
 16 garbage was to be transferred to
 17 another borough, I wish to point
 18 out how eminently suitable the
 19 proposed site would be in that
 20 regard. The garbage would be
 21 removed from Manhattan but still
 22 not dumped into another borough.

23 Any additional benefit that
 24 would be practically, that would
 25 practically be possible to -- it

1
 2 would be practically impossible to
 3 outgrow any facility that would be
 4 built on Randalls Island.

5 Of course, a whole list of
 6 additional benefits, you heard them
 7 all this evening, would accrue that
 8 you hadn't made here regarding the
 9 attempt to reuse the existing MTS
 10 site.

11 I urge that serious
 12 consideration be given to thinking
 13 outside the box in the matter that
 14 is suggested here.

15 MR. SZARPANSKI: Thank you.
 16 I've been asked to announce
 17 that there will be a bus leaving in
 18 about five minutes back to Asphalt
 19 Green. Thank you.

20 Our next speaker is Judith
 21 Rich.

22 Richard Marlin?

23 MR. RICHARD MARLIN: Good
 24 evening and thank you for the
 25 opportunity to be heard this

1
 2 evening.
 3 I am the President of 535
 4 East 86th Street, a building with
 5 135 tenants, approximately a
 6 quarter of a mile from the proposed
 7 site.
 8 I don't want to repeat what
 9 some of the other people have been
 10 saying, but I'd like to express to
 11 you the impact that we had as
 12 members of this community even
 13 though a quarter mile away from the
 14 previous, now closed site. And I
 15 want to urge you to re-consider the
 16 plan to build a new and much, much
 17 larger facility at that site.
 18 Many, many of our 135
 19 members now participate in the
 20 Asphalt Green programs and many of
 21 our members have children who are
 22 also at school in the neighborhood.
 23 All of our people are aware
 24 of what happened when the trucks
 25 that were destined to the old

1
 2 unconscionable that the Department
 3 of Sanitation would allow garbage
 4 trucks to go where our children
 5 play.
 6 The health risks cannot be
 7 ignored. The environmental impact
 8 is clearly flawed. If it underwent
 9 review by any legitimate medical
 10 journal, it would be rejected. Not
 11 only would it be rejected, but the
 12 authors would be shunned from any
 13 academic community. Not only is
 14 this facility a major risk to our
 15 children and community, it opens
 16 the door to liability.
 17 When credible
 18 epidemiological research is
 19 performed and the ill effects are
 20 clearly demonstrated, the City and
 21 the Department of Sanitation will
 22 be liable for the adverse effects
 23 not only to the children, but to
 24 the community as well. The MTS
 25 cannot be allowed to reopen.

1
 2 former site, now closed, couldn't
 3 get into the site and stood idling
 4 and emitting exhaust fumes on York
 5 Avenue. And many of us remember
 6 the way traffic was interfered with
 7 and halted because of the traffic
 8 congestion that those trucks
 9 caused.
 10 We are convinced that the
 11 same kind of problems will affect
 12 us even though we're a quarter of a
 13 mile away. And we're representing
 14 that we believe that and everyone
 15 else in this community and urge you
 16 to reconsider this ill-conceived
 17 plan. Thank you (applause.)
 18 MR. SZARPANSKI: Thank you.
 19 Clifford Bleustein?
 20 MR. CLIFFORD BLEUSTEIN:
 21 It's Dr. Bluestein.
 22 The ramp to the MTS runs,
 23 obviously has been said between the
 24 Asphalt Green Center and the
 25 outdoor field. It is

1
 2 I wish that our comments
 3 were, would matter here tonight,
 4 but unfortunately I feel that
 5 they're falling on deaf ears
 6 (applause.)
 7 MR. SZARPANSKI: Thank you.
 8 Our next speaker is Mary
 9 Fliegier.
 10 MS. MARY FLIEGIER: My name
 11 is Mary Flieger and I'm a trustee
 12 of the Gillen Brewer School and I'm
 13 here this evening on behalf the 90
 14 special needs children who will be
 15 moving into 410 East 92nd street in
 16 September of 2005.
 17 Six months ago we contracted
 18 to purchase two floors of the
 19 community facility building
 20 presently under construction and
 21 connected to what will be a
 22 Marriott Hotel going up on the
 23 corner of 92nd Street and First
 24 Avenue.
 25 We had been looking for a

1
2 permanent home for almost three
3 years. The church we are renting
4 space from offered to renew our
5 lease at double the rent, and since
6 we cannot accommodate twice the
7 number of children, we knew we
8 would have to relocate.

9 We began our search on the
10 Upper West Side and worked our way
11 through DeWitt Clinton, Chelsea,
12 Tribeca, the Meat Packing District
13 and the Lower East Side. When the
14 opportunity to acquire a long term
15 home in this neighborhood arose, we
16 pursued it. And why? Because of
17 its location. Access to a clean,
18 walkable neighborhood; access to
19 nearby athletic facilities and
20 parks; access to friendly
21 neighborhood merchants and
22 businesses.

23 You should know who these
24 special needs children are. They
25 are children of two years and seven

1
2 months of age through ten years of
3 age. They come to us with
4 developmental, language and
5 emotional disabilities. Many are
6 medically fragile.

7 Here are a few examples: We
8 have children with tuberis
9 sclerosis, cerebral palsy and
10 seizure disorders including
11 epilepsy. We have a child with
12 both cancer in remission and a
13 major heart problem. We have
14 failure-to-thrive children and
15 children with asthma and allergies.

16 30 percent of our children
17 are on the autistic spectrum and
18 have compromised immune systems.

19 Where do these children come
20 from? From all over the City. 75
21 percent of them do not live in this
22 neighborhood. They come from
23 Riverdale, the Bronx, Harlem, the
24 Upper West Side, Downtown, Long
25 Island City and other neighborhoods

1
2 in Queens and Brooklyn.
3 They are African American,
4 Hispanic, white, Indian and Asian.
5 Gillen Brewer is the New
6 York State approved public school
7 for, its children's educational
8 mandates are determined by the New
9 York City Board of Education and
10 his tuition is paid for by the
11 State.

12 The City relies on
13 institutions such as ours to meet
14 the needs of the children they
15 cannot serve in the New York City
16 Public School System.

17 I'd like to return for a
18 moment to the walkability factor of
19 this neighborhood and what that
20 means to our children.

21 More than 50 percent of our
22 children are sensory-impaired and
23 receive a kind of therapeutic
24 treatment known as sensory
25 integration. This means that our

1
2 children are particularly sensitive
3 to sound, noise and touch and they
4 react (bell rings) to these stimuli
5 in atypical ways.

6 In the design of our space,
7 we have incorporated soundproofing
8 materials to reduce ordinary
9 internal noise and thus
10 distractibility. Our ceilings will
11 be fitted with a special acoustical
12 tile known as Ecophon. Our
13 classroom, gym and therapy office
14 will be double sheet rocked.

15 Please don't tell us that
16 this will all be for naught as an
17 endless stream of garbage trucks
18 endlessly circle our block.

19 Part of our program
20 literally requires our children to
21 be out in the neighborhood,
22 interacting with the sites and
23 sounds of the City that is already
24 challenging and overwhelming to
25 them. We teach them street safety,

1
 2 how to read the traffic light and
 3 cross safely. We go into stores
 4 and teach them how to interact with
 5 sale clerks and manage money. Life
 6 skills is a big part of what we do.
 7 If this transfer station
 8 project is implemented, there is no
 9 doubt that this will make a misery
 10 of what is supposed to be a
 11 wonderful aspect of our program.
 12 We are a small school but we
 13 have a huge impact and we beg you
 14 to continue to research a more
 15 suitable location for this transfer
 16 station and allow us to do the job
 17 that New York City and New York
 18 State so overwhelmingly endorses.
 19 Thank you (applause.)
 20 MR. SZARPANSKI: Thank you.
 21 Our next speaker is Alice
 22 Konorezov.
 23 MS. ALICE KONOREZOV: No,
 24 excuse me, my name like any other
 25 name is an American name but it's

1
 2 Konorezov, K-O-N-O-R-E-Z-O-V.
 3 Thank you, I'd like a little
 4 respect for names.
 5 Since I appear to be, since
 6 I appear to be a little older than
 7 most of you on the panel, I'd like
 8 to refresh memories of other
 9 members in the community here.
 10 I mentioned this at the last
 11 meeting in June, please be aware
 12 that accidents will happen.
 13 There's so many trucks today now
 14 then there were many fewer trucks
 15 in approximately '88, '89, I don't
 16 remember the date exactly, but I
 17 remember, perhaps other people can
 18 back me up, brakes failed on a
 19 truck going down the ramp. It
 20 crushed the leg of a ten-year-old
 21 boy coming and going from school.
 22 His leg was crushed. I don't know
 23 anymore if he survived. But it was
 24 a big news item at the time, people
 25 came, they demonstrated, they

1
 2 picketed, apparently it took more
 3 than ten years for the plant to
 4 close down.
 5 The other thing is because I
 6 have, I'm a resident of this
 7 community for 36 years, I live in
 8 the same building on East End
 9 Avenue so I could attest, number
 10 one, to the terrible odor.
 11 I didn't realize the odor
 12 was coming from the Sanitation
 13 plant until it closed down. Before
 14 I thought it was just odors from
 15 the river, humidity, et cetera.
 16 The other thing I'd like to
 17 point out, the route of buses going
 18 up York Avenue and turning right on
 19 88th Street, excuse me, on First
 20 Avenue to make right on to York,
 21 the route is 88th Street. One of
 22 the things I want to point out,
 23 there's a church there, there's
 24 Holy Trinity Church right on 88th
 25 Street. It's very big and many

1
 2 people go and take their children
 3 to that day care center. There are
 4 also senior citizens programs there
 5 during the day. They serve lunch,
 6 they have all kinds of programs.
 7 Next thing is Asphalt Green.
 8 Are you aware that it's just not a
 9 recreational facility? Senior
 10 citizens, the disabled are brought
 11 in trucks, all right, in small
 12 ambulettes. Drivers stop, try to
 13 park the car and they help the
 14 people get off the truck on
 15 wheelchairs, onto the sidewalk,
 16 okay.
 17 Now, how in the world with
 18 all that traffic congestion, with
 19 trucks coming down the ramp, with
 20 congestion on that very congested
 21 corner right now on 91st Street,
 22 how are you going to get to the
 23 facility? This is not recreation
 24 for them, this is physical therapy.
 25 The Asphalt Green has a warm

1
 2 weather facility so that's one
 3 thing.
 4 I'll try to be brief because
 5 people have said so many --
 6 everything that has been said
 7 better than I can say it.
 8 I'll tell you -- oh, yes,
 9 oh, yes, this is very important and
 10 we haven't addressed this enough.
 11 Navigation on the river, okay.
 12 I know, I remember before
 13 when barges used to go with open
 14 garbage with the American Flag
 15 standing right on it and seagulls
 16 flying all over the place, okay,
 17 very picturesque. Please
 18 gentlemen, I know you're employees
 19 or this is a project assigned to
 20 you. I feel like some of us feel
 21 that it's always, this just falling
 22 on deaf ears. This is something
 23 you're assigned to do, it's a job,
 24 you come here and, I don't think
 25 you can really relate to us as

1
 2 people, just real everyday people
 3 who live, and this is a community,
 4 please don't misunderstand, this is
 5 a community. So try to give an
 6 impression at least that you relate
 7 to us at least in a human way,
 8 okay.
 9 And last point, navigation.
 10 Increased traffic on the river is a
 11 hazard. It will increase the risk
 12 of accidents. I am witness to one
 13 accident, I don't remember the
 14 year. I remember was it was
 15 capsized, it crashed into the
 16 embankment of the FDR Drive right
 17 underneath our building on 82nd
 18 Street. Okay, the stench was
 19 terrible, all that. It took one
 20 week to haul away the tanker.
 21 This doesn't mean it would
 22 happen again, but the risk will
 23 happen again. But the point is, if
 24 that one tanker is blocking
 25 navigation or preventing more

1
 2 navigation to go through, what will
 3 happen if those containerized units
 4 that you're proposing to do, how do
 5 they get down the river and will it
 6 not block up the new waste that is
 7 brought in. Can you please
 8 explain, does anyone take that
 9 (bell rings) into consideration?
 10 Sorry, I talked more than I
 11 expected to, but I think I've made
 12 my point (applause.)
 13 MR. SZARPANSKI: Thank you.
 14 Our next speaker is Heleen
 15 Brody.
 16 MS. HELEEN BRODY: Hello.
 17 Good evening, my name is Heleen
 18 Brody and I am the Vice President
 19 of 180 East End Tenants
 20 Association. 180 East End is
 21 located on East End Avenue between
 22 88th and 89th Street, within a
 23 quarter mile of the proposed MTS
 24 site.
 25 We have approximately 150

1
 2 family-size apartments with a
 3 commensurate number of registered
 4 New York City voters.
 5 As the representative of 150
 6 families who will be directly
 7 affected by the establishment of
 8 the proposed MTS, I am here to
 9 speak against the proposed marine
 10 transfer station site.
 11 Please understand that this
 12 is not a position that the board of
 13 180 East End reached lightly. We
 14 acknowledge the elephant in the
 15 room. The value of our homes will
 16 likely decline if the MTS as
 17 proposed is built. But that for us
 18 is a fact of life and not the
 19 reason for our intense opposition.
 20 Our committed opposition is
 21 due to the following facts:
 22 One, the Department of
 23 Sanitation is ignoring its own
 24 siting rules which would
 25 unconditionally prohibit a transfer

1
2 station within 400 feet of a park
3 or residence. If a private waste
4 transfer station is not
5 appropriate, why is this one
6 appropriate? How does the
7 Department of Sanitation justify
8 this? To date, no explanation has
9 been provided (applause.)

10 It is disingenuous to build
11 a site with a capacity to process
12 nearly 4300 tons per day and then
13 analyze the affect as though only
14 1800 tons per day, less than half
15 that capacity will be processed.

16 Either we're meant to assume
17 that more than half the capacity
18 built will be excess, or we're
19 meant to accept an analysis that's
20 patently incorrect. Neither of
21 those is acceptable, know what we
22 expect from our public officials.

23 The fact that the analysis
24 of the odors emanating from the
25 facility did not include the nearby

1
2 those have been clearly articulated
3 by the many eloquent speakers who
4 preceded me. It is however,
5 important that the Department of
6 Sanitation and the Mayor realize
7 that 180 East End Avenue as part of
8 the Gracie Point Community,
9 completely understands the need for
10 the fair sharing of all burdens and
11 that each borough must take
12 responsibility for its own garbage.

13 We do not advocate sending
14 Manhattan's garbage and our garbage
15 into other boroughs. What we
16 oppose is an incomplete analysis
17 that supports siting such a
18 facility in any residential
19 neighborhood including our own.
20 Thank you (applause.)

21 MR. SZARPANSKI: Thank you.

22 Our next speaker is Timothy
23 Logan.

24 MR. TIMOTHY LOGAN: Hi,
25 Timothy Logan. I'm here tonight

1
2 parks, what an amazing omission.
3 The analyses looks at the
4 difference, I'm sorry, the analysis
5 looks at the effect of nearby
6 residences such as my own, but
7 omits completely an assessment of
8 the effect on Asphalt Green, the
9 esplanade and Carl Schurz Park,
10 facilities that my own children
11 use, facilities that all our
12 children use.

13 These are facilities that
14 are used by people including school
15 children from all over the City.
16 Asphalt Green alone serves 42,000
17 people, including city school
18 children. Many schools use the
19 Asphalt Green facilities as virtual
20 extensions of their physical
21 education facilities.

22 The three-minute limitation
23 does not permit me to detail the
24 other elements that form the basis
25 of our opposition. And in fact,

1
2 speaking on behalf of Consumers
3 Union. Part of my spokes issues
4 will deal with waste diversion
5 alternatives that will also be on
6 behalf of the New York City Zero
7 Waste Campaign. And issues dealing
8 with the marine transfer station
9 issues will be also on behalf of
10 the Organization of Waterfront
11 Neighborhoods.

12 When the speaker voted, the
13 Speaker of the City Council, Miller
14 voted in favor of utilizing East
15 91st Street marine transfer station
16 as it had operated in November of
17 2000, he did so for all the right
18 reasons, he was looking for equity.

19 When the Speaker reiterated
20 his support for the retrofit of the
21 East 91st Street Marine Transfer
22 station and marine transfer
23 stations throughout the City in a
24 published Newsday article in the
25 Spring of 2002, it was the Speaker

1
2 who supported and pushed for
3 containerizing at East 91st Street,
4 what's now planned.

5 The wealthy and connected
6 here tonight who have been
7 speaking, an overwhelmingly white
8 constituency, disapproval at this
9 late date without even a suggestion
10 of alternative sites in this
11 vicinity is unconscionable.

12 The currently indefensible
13 attack on low-income communities of
14 color, both within and beyond the
15 City's borders, must be addressed.

16 I've heard a number of
17 people say that each borough should
18 take their fair share and yet
19 nobody has suggested where it's
20 going to go in Manhattan.

21 THE AUDIENCE: That's not
22 true.

23 MR. TIMOTHY LOGAN: I've
24 heard people say let's send it to
25 New Jersey where we can incinerate

1
2 whatsoever for any queuing and
3 idling to be taking place during
4 this day and age given the
5 geographic systems we have that
6 you're able to know exactly where
7 any truck is at any given point.

8 Planned closure of
9 truck-based facilities need to done
10 in conjunction with the reopening
11 of marine transfer stations. A
12 number of folks tonight have been
13 concerned about where is the actual
14 decrease or where is the benefit
15 from these issues. The benefit is
16 that we're doing less traveling to
17 get to your transfer facility, we
18 have more transfer facilities and
19 we're avoiding all of the long-haul
20 trucks that are all diesel-operated
21 throughout the City. They don't
22 need to be here, they would be
23 eliminated with barge and rail
24 export.

25 Community mitigation

1
2 it as if that won't be a low-income
3 community of color there. That's
4 where it's currently going, that's
5 what everybody has been advocating
6 for that has even suggested an
7 alternative here tonight.

8 THE AUDIENCE: Well, why
9 don't you come up with one?

10 MR. TIMOTHY LOGAN: I have
11 suggestions and they're right here.

12 MR. SZARPANSKI: Please let
13 the speaker speak.

14 THE AUDIENCE: Democracy,
15 let him speak.

16 MR. TIMOTHY LOGAN: What I
17 would like to see and what I'm here
18 to speak for today, is that the
19 best available environmental
20 control technologies be utilized
21 for all of the marine transfer
22 stations in this City when they do
23 the design and development.

24 This should also include the
25 routing of trucks. There's no need

1
2 programs further need to be
3 included in an equitable manner. I
4 heard presentations on mitigation
5 programs for the Gansevoort marine
6 transfer facility which has been
7 proposed for recycling and I've
8 heard similar comments from folks
9 like the Borough President of
10 Brooklyn who has been supportive of
11 these types of community mitigation
12 programs that find opportunities to
13 offer benefits and mitigation
14 opportunities within the local
15 vicinity where the facility is
16 taking place. And most
17 importantly, we need to address our
18 waste here in New York City. It's
19 disingenuous for the people in this
20 community and throughout New York
21 City to suggest that they don't
22 create waste. In fact, this
23 community, being the wealthiest
24 community in the nation, creates
25 more waste than most. Communities

1
2 tend --
3 THE AUDIENCE: You don't
4 know what you're talking about.
5 MR. TIMOTHY LOGAN:
6 Communities tend to create more
7 waste based upon the economic
8 status --
9 THE AUDIENCE: Time's up.
10 MR. SZARPANSKI: Excuse me,
11 let him finish up, please.
12 MR. TIMOTHY LOGAN: The
13 economic status of the
14 individuals --
15 THE AUDIENCE: Ring the
16 bell.
17 MR. TIMOTHY LOGAN: What I
18 would suggest is that we would
19 rather embrace our opportunity for
20 zero waste, it's a concept (bell
21 rings) that encompasses waste
22 prevention, reuse, recycling and
23 composting. These are ideas that
24 your very own elected officials did
25 mention earlier and many of you

1
2 have not mentioned it since.
3 I know they mentioned it
4 because they read the information
5 that we researched over the past
6 decade. I don't know what this
7 community was doing at that time.
8 The magic wand approach and sending
9 it to New Jersey ideas are simply
10 fantasy, they're not reality.
11 Thank you.
12 MR. SZARPANSKI: Thank you.
13 Our next speaker is Daniel
14 Perez.
15 THE AUDIENCE: He left.
16 MR. SZARPANSKI: Okay.
17 Marjorie Clark. Is Marjorie Clarke
18 still here?
19 MR. TIMOTHY LOGAN: She's
20 still here, she stepped out to go
21 to the bathroom I think.
22 MR. SZARPANSKI: Okay.
23 THE AUDIENCE: Can I take
24 her turn and switch places?
25 MR. SZARPANSKI: Okay. Ah,

1
2 Marjorie, you're up.
3 MS. MARJORIE CLARKE. Sorry
4 about that. Okay, I'm Dr. Majorie
5 Clarke, I'm giving comments for
6 both the Manhattan SWAB and the
7 Waste Prevention Coalition of New
8 York City and we're going to be
9 having written comments as well and
10 I'll pass along my own written
11 comments today.
12 Regarding the proposed East
13 91st Street MTS, since we're here
14 in that neighborhood, the protests
15 are partly because of the queuing
16 of idling trucks and partly because
17 of the increased air pollution
18 associated with the more truck
19 trips to the facility.
20 The Asphalt Green Park would
21 be bisected, but picture an
22 alternative vision, that bisecting
23 this park is not a road, but a
24 beautifully landscaped ridge,
25 shaped to look natural with a

1
2 solar-powered waterfall cascading
3 down the sides, flowering trees,
4 flowering perennial plants,
5 evergreen groundcovers and stairs
6 made out of natural stone climbing
7 over the ridge. I have something
8 like this in my community garden up
9 in Inwood.
10 Picture that inside this
11 bridge is actually a road, vented
12 through a biofilter to the river
13 where garbage trucks move unnoticed
14 to a new facility, with a tree
15 windbreak hiding it from view.
16 This would cost very little and at
17 the same time could provide the
18 community with a lovely amenity.
19 Give it some thought.
20 It's important for DSNY to
21 evaluate the feasibility of a
22 number of small sites for barging
23 recyclables and garbage rather than
24 on asking communities to accept
25 truck traffic from several

1
2 districts many miles away.
3 It may interest people here
4 to know that the trucks from this
5 area are garaged at 215th Street
6 which is my neighborhood which we
7 enjoy all the truck traffic coming
8 up and down Broadway, and because
9 the building of the local garage
10 around here is on the back burner.
11 And this needs to be remediated so
12 that you house your own trucks
13 right around here.

14 Queuing of trucks, one of
15 the chief complaints of residents
16 against MTSS is the long queues of
17 idling garbage trucks waiting to
18 enter. If there were no queues it
19 would reduce complaints, traffic
20 congestion and air pollution. But
21 we recommend that DSNY plan to
22 eliminate the queuing of garbage
23 trucks at MTSS by staggering shifts
24 of truck deployment. Just because
25 you're going to be queuing trucks

1
2 trucks are purchased, DSNY should
3 specify capability for burning
4 alternative fuels, biodiesel
5 natural gas, et cetera, that
6 produce less pollution and more
7 fuel efficient vehicles which will
8 result in less pollution as well.

9 With the objective of
10 minimizing truck traffic and
11 emissions, we recommend that the
12 EIS associated with the SWMP,
13 delineate cumulative emissions in
14 all parts of New York from the no
15 action alternative that DSNY
16 proposed (bell rings) alternatives
17 and an additional scheme whereby
18 truck queuing and idling is
19 minimized.

20 Think small, decentralize,
21 minibarge sites and garages all
22 over the place and you minimize
23 truck miles and emissions.
24 Facilities are smaller and easier
25 to site.

1
2 inside a facility doesn't mean that
3 there is no air pollution from the
4 queuing of the trucks inside the
5 facility. You want to prevent the
6 queuing to begin with.

7 So if trucks go out on a
8 more continuous basis, it's logical
9 to assume that they would arrive at
10 the MTS at different times.

11 We recognize that there may
12 be union issues involved with
13 changing the times of shifts.
14 However, there were union issues
15 involved with DSNY personnel
16 picking up recyclables in the first
17 place and productivity issues, but
18 these have all been solved. And I
19 know that this could be solved
20 because this is just simply
21 changing the time that people come
22 to work and leave from work.

23 We recommend that to reduce
24 emissions from trucks, that new
25 trucks are purchased, that as new

1
2 Finally, the New York City
3 Waste Prevention Coalition approves
4 the following: We commend DSNY for
5 establishing a goal of 70 percent
6 diversion from waste export in ten
7 years and we commend the 20-year
8 contract for a program in Brooklyn
9 for our recyclables, but other than
10 this in the SWMP, DSNY's only
11 milestones for 20 years of programs
12 in recycling, waste prevention,
13 reuse and composting are only about
14 a dozen measures. We recommend
15 that the Sanitation Department
16 resolve to strive towards zero
17 waste in 20 years as a first step
18 in planning for a time when the
19 City no longer disposes of its
20 products, packaging and materials
21 but instead, it chooses to prevent,
22 repair, reuse, recycle and compost
23 them.

24 The Coalition of
25 Organizations of which I'm a part,

1
 2 issued a zero waste plan for the
 3 long term which details, it's about
 4 an inch thick and 'cause I was
 5 rushing down here, I didn't bring
 6 it here, but we hope the Sanitation
 7 Department will familiarize itself
 8 with this document. Here we go
 9 (being handed a document) all
 10 right. Very thick document which a
 11 number of environmental
 12 organizations have put together
 13 over the last year and a half and
 14 we hope that this will be included
 15 in the SWMP in its entirety to
 16 address the lack of basically of
 17 your plan, of your vision for waste
 18 prevention, recycling, composting
 19 and reuse. Because we had a lot of
 20 detail in here that has been
 21 thoroughly researched and we'd like
 22 to talk with you about it.
 23 For those of you in here, we
 24 can look at this at
 25 www.whywasteny.org; that's why,

1
 2 W-H-Y wasteny.org. You can see
 3 this whole thing.
 4 It's very easy to get to
 5 zero waste, there are only four
 6 steps.
 7 The first one we're already
 8 done, is targeting 50 percent of
 9 the waste as recyclables, but we
 10 only recycle 17 percent. So we
 11 have to work hard to get everyone
 12 to recycle all the time. I've been
 13 doing research on that as a
 14 Professor at Hunter College.
 15 The second next thing is to
 16 target food and yard waste for
 17 composting, not for insinkers, for
 18 that's an additional 26 percent
 19 potential diversion. Target
 20 textiles and more plastics, this
 21 should be in your 20-year plan.
 22 Implement, reuse complexes,
 23 put all the reuse business together
 24 in a number of different parts of
 25 the boroughs.

1
 2 Schedule pickups for these
 3 things. And then a new concept
 4 called the PERF, the product and
 5 evaluation and repair facility so
 6 that you can take all of these TVs
 7 and furniture and electronics and
 8 appliances off the curbside to a
 9 facility where they can be
 10 evaluated to see if they work. If
 11 not, repair them, if not salvage
 12 from them, if not recycle them.
 13 MR. SZARPANSKI: I need to
 14 ask you to wrap up.
 15 MS. MARJORIE CLARKE: I'm all
 16 done.
 17 MR. SZARPANSKI: Thank you.
 18 Our next speaker is
 19 Elizabeth Dobell.
 20 MS. ELIZABETH DOBELL: My
 21 name is Elizabeth Dobell and I'm on
 22 the Board of the Carl Schurz Park
 23 Association.
 24 The Association strongly
 25 opposes the 91st Street MTS for the

1
 2 reasons already stated here
 3 tonight. Additionally, we're lucky
 4 to have in our community not only
 5 the fabulous Asphalt Green, but
 6 also Carl Schurz Park, a beautiful
 7 park that serves and benefits
 8 everyone, young and old, residents
 9 and visitors.
 10 In particular, the same
 11 children who use Asphalt Green are
 12 playing in and growing up in Carl
 13 Schurz Park right next door and we
 14 believe that it's simply defies
 15 common sense to endanger such a
 16 vital community resource and those
 17 who use it by setting up the
 18 proposed facility. Thank you
 19 (applause.)
 20 MR. SZARPANSKI: Thank you.
 21 Our next speaker is Louis
 22 Magnani. Not here? Judith Toby.
 23 Is Judith Toby here?
 24 Laurie Edelstein.
 25 MS. LAURIE EDELSTEIN:

1
 2 Hello, Laurie Edelestein, a
 3 resident.
 4 I read the entire final
 5 scoping document that was sent to
 6 me, and after I read it it seemed
 7 even more unacceptable for the East
 8 91st Street and for two reasons
 9 that I found.
 10 One were the zoning issues.
 11 Within all of the 11 sites that
 12 were named, every single one of
 13 them was M-3 heavy industrial. Our
 14 site was the only one that wasn't
 15 sited that way and when that
 16 question was in fact asked, it
 17 said, "Though manufacturing zones
 18 do not typically possess sensitive
 19 visual resources or for example, a
 20 residential historic district may,
 21 a waterfront site or other unique
 22 setting an industrial zoned."
 23 This is the kind of
 24 information that's throughout the
 25 entire paper. It says since most

1
 2 The response, number 4G:
 3 "The East 91st Street site is in
 4 the M-14 zone, list of proposed
 5 projects and proposed zoning codes
 6 scheduled to be in place by the
 7 2006 project, build year will be
 8 compiled and based on the
 9 consultation of NYCDCP and analyzed
 10 in the EIS."
 11 This is troubling to me that
 12 we're talking about something in
 13 2006 in which they've already
 14 rezoned our area and it's stated
 15 here that I, as if it's a fact, you
 16 know, the way it's in place for
 17 2006.
 18 So I think we're entitled to
 19 a better answer than this about the
 20 zoning.
 21 Also personally, I did ask
 22 several questions that were not
 23 answered. One was about West Nile
 24 Virus and mosquitoes. I didn't get
 25 a response. I mean, things happen

1
 2 of the converted MTSSs would be
 3 situated in inaccessible,
 4 nonsensitive manufacturing zones.
 5 We don't live in a heavy industrial
 6 area (applause.)
 7 I mean, why isn't this even
 8 acknowledged, that every single --
 9 11, look at your paper, there isn't
 10 one that is in an M-3 zone. I
 11 don't even know what I'm talking
 12 about because I'm a resident, but
 13 I'm reciting back your information.
 14 The other part of the zoning
 15 issue is what the -- was asked to
 16 you and you answered. It's asked
 17 and answered here. It says, and
 18 I'm concerned about this rubber
 19 stamping of the zoning issue. The
 20 comment again from your own paper,
 21 page 15 of 37. The comment number
 22 4G", "New zoning in the vicinity of
 23 the MTS East 91st is in the M-1, in
 24 the M-11 zone, not the M22 zone, as
 25 stated in the draft scope."

1
 2 and we know that there's, one of
 3 the response was that weekly you're
 4 going to look at the facility and
 5 what are you going to do, you're
 6 going to have pesticides, you're
 7 going to -- everything's going to
 8 accelerate and that's not really
 9 the answer we want, is that you're
 10 going to have weekly examinations
 11 and have pesticides and do
 12 appropriate things.
 13 Also, in your own report I
 14 have your words back to you,
 15 because this floors me. It says on
 16 my -- when you read it, it's
 17 according to your report, it says
 18 on the East 92nd Street it says,
 19 "Most of the Asphalt Green
 20 Recreational Center. Beyond the
 21 site on all sides are high density
 22 residential zoning districts that
 23 allows for dense high-rise
 24 development. There is one historic
 25 district, 13 historic properties

1
 2 and not to mention Gracie Mansion."
 3 Now, this is your own words.
 4 What would make it -- I can't
 5 imagine in your own words something
 6 that would make something less
 7 unacceptable.
 8 The other thing is
 9 (applause) that, one last point.
 10 We've all spoken about the Asphalt
 11 Green. I feel emotional about it
 12 because my child actually, you
 13 know, was brought up on those
 14 swings and whatever, I just,
 15 something no one has mentioned, to
 16 the left of what you're going to
 17 have the ramp is a baby park that
 18 isn't for grown-up children, that
 19 is for children until, and it's
 20 actually the swings and everything
 21 is for babies. It's till you are
 22 four or five years old. Not
 23 beyond, you're not allowed to go in
 24 there beyond.
 25 So look at what you're

1
 2 The City is so preoccupied
 3 with exporting their garbage, they
 4 are not focused on where they will
 5 be exporting it to in 20 years.
 6 People in communities outside New
 7 York City and in New York State are
 8 like you in that they don't want
 9 garbage in their backyard and they
 10 will not accept it at any price,
 11 and hence the cost of landfilling
 12 will continue to rise.
 13 Fortunately, there are many
 14 opportunities to reduce the size of
 15 our garbage problem. We can reach
 16 zero export and landfilling of
 17 waste-- or zero waste-- in 20 years
 18 through aggressive waste
 19 prevention, re-use, recycling and
 20 composting. Already 44 percent of
 21 our waste is targeted through
 22 DSNY's paper and
 23 metal/glass/plastic collection.
 24 More than a quarter of our
 25 waste is made up of organic

1
 2 doing, you're putting a garbage
 3 dump next to a baby park. Thank
 4 you (applause.)
 5 MR. SZARPANSKI: Thank you.
 6 Our next speaker is Shannon
 7 Stone. Not here? Oh, sorry.
 8 MS. SHANNON STONE: My name
 9 is Shannon Stone and I'm speaking
 10 tonight as the co-chair of the New
 11 York City Sierra Club's Solid Waste
 12 Committee and as Recording
 13 Secretary of New York City Waste
 14 Prevention Coalition.
 15 I'd just like to thank
 16 everyone for sticking around late
 17 enough to hear everyone speak.
 18 A lot of people here tonight
 19 are probably not aware that 22
 20 percent of their property taxes
 21 goes towards handling our waste.
 22 DSNY's budget has swelled to over a
 23 billion dollars annually because of
 24 the cost to export waste has risen
 25 91 percent since the year 2000.

1
 2 materials that can be collected
 3 separately and composted into
 4 valuable soil amendments rather
 5 than simply dumping it in a
 6 landfill or overburdening the sewer
 7 system as some people have
 8 advocated here tonight.
 9 The remainder of our waste
 10 can be dealt with through reuse
 11 infrastructure, such as bulky goods
 12 collection and reuse performance
 13 and evaluation centers, and the
 14 rest can be dealt with through
 15 waste prevention education and
 16 legislation, such as extended
 17 producer responsibility. After
 18 all, think of how your waste was
 19 created in the first place, it was
 20 producers who designed waste into
 21 their products. Ask yourself
 22 whether if you really want all that
 23 cadmium and lead in your television
 24 or computer. And why should your
 25 taxes pay for its burial or

1
 2 burning?
 3 The idea of zero waste is
 4 not new. Cities such as San
 5 Francisco and Toronto are working
 6 towards zero waste. Last fall, a
 7 coalition of over 40 local
 8 organizations got together and put
 9 a 200-page book together describing
 10 in fine detail how New York City
 11 can reach zero waste in 20 years
 12 through aggressive waste
 13 prevention, reuse, recycling and
 14 composting.
 15 You can find a copy of it at
 16 www.whywasteny.org. Please join
 17 the zero waste campaign in
 18 demanding an end to all this waste.
 19 There is also a chapter devoted to
 20 transportation issues.
 21 People concerned about
 22 DSNY's trucks should join me in my
 23 demand that DSNY phase out its
 24 diesel trucks with cleaner fueled
 25 vehicles. Thank you (applause.)

1
 2 MR. SZARPANSKI: Thank you.
 3 Our next speaker is T.
 4 Gorman Reilly.
 5 MR. T. GORMAN REILLY: Good
 6 evening, I'm Gorman Reilly
 7 President of CIVITAS Citizens, Inc.
 8 CIVITAS was founded in 1982, it's a
 9 not-for-profit organization
 10 concerned with quality of life
 11 issues in the Upper East Side and
 12 East Harlem.
 13 CIVITAS commends the
 14 Department of Sanitation for
 15 developing a City-wide solid waste
 16 management plan that's
 17 comprehensive, long range and
 18 responsible. We agree that the
 19 disposal of solid waste generated
 20 by the City's eight million
 21 residents and many businesses is
 22 one of the fundamental obligations
 23 of municipal government.
 24 We admire the plan's strong
 25 emphasis on recycling, something from which

1
 2 the Mayor in the early days of his
 3 administration retreated.
 4 A second positive component
 5 is the plan's commitment to long
 6 range planning as opposed to
 7 dealing with a series of crises as
 8 they arise, with the implementation
 9 of ever-changing remedies.
 10 By emphasizing barge and
 11 rail transport of solid waste and
 12 minimizing dependency on truck
 13 transport, the plan promises a
 14 steep reduction in traffic
 15 congestion and air pollution.
 16 Well, having accepted the
 17 logic and the benefits of the
 18 City-wide plan, how does the
 19 proposed reopening of the East
 20 Side, of the East 91st Street
 21 marine transfer station fit into
 22 the overall scheme?
 23 Well, history provides some
 24 answer. Proponents of the plan
 25 focus with some justification on

1
 2 the fact that the MTS operated
 3 continuously at East 91st Street
 4 for 50 years or more until the late
 5 '90s when the Staten Island
 6 Landfill shut down and it is still
 7 licensed to do so. However, when
 8 the MTS was built, the surrounding
 9 area was zoned for manufacturing as
 10 the historic Asphalt plant
 11 structure now adapted to
 12 recreational use, so dramatically
 13 documents.
 14 Over the past 50 years,
 15 we've had a change in that
 16 neighborhood. The neighborhood is
 17 substantially different from the
 18 time when the MTS was built,
 19 although only incrementally
 20 different from when the MTS
 21 suspended operations some five
 22 years ago.
 23 Secondly, we should consider
 24 that other areas of Manhattan are
 25 being impacted by the plan. The

1
2 proposed MTS for recycling to be
3 built on the Hudson River at
4 Gansevoort Street for example, sits
5 at the edge of a quite residential
6 area of the West Village and
7 intersects with the Hudson River
8 Park.

9 We heard from Council member
10 Brewer tonight about the West 59th
11 Street plan, that it is not far
12 from residential siting and that
13 there will be more residential
14 development in that area as well.

15 As to 135th Street, the
16 decision not to go forward there we
17 understand was dictated by
18 considerations of fair share and
19 environmental justice, specifically
20 the presence in Upper Manhattan or
21 the North River Sewage Treatment
22 Plant and multiple garages for MTA
23 buses.

24 Now, third, there does not
25 appear to be an obvious, in any

1
2 on the street (bell rings) that's a
3 promise, must be guaranteed and
4 enforced. Measures outlined by the
5 administration to prevent that
6 queuing, don't strike us as very
7 sufficient.

8 For example, the width of
9 the proposed ramp does not allow
10 for two-way traffic, thus at peak
11 periods, a bottleneck is sure to
12 form at the most critical juncture,
13 York Avenue and 91st Street.

14 It seems prudent to widen
15 that ramp even though it might take
16 some small amount of parkway or
17 parkland away.

18 During periods of heavy
19 usage, they'll have to be not only
20 a Sanitation Department employee to
21 keep order, there should be a
22 policeman as well because they'll
23 be many elements on the street that
24 need to be ordered.

25 And finally, and it's been

1
2 event, available practicable
3 alternative at least in Manhattan
4 to the East 91st Street site. No
5 other location of any significance
6 has surfaced to become part of the
7 public debate. That may be a fault
8 on the Sanitation side, it may be a
9 fault on those who are petitioning
10 against any particular site, but in
11 point of fact, nothing has come to,
12 no one has come forward to suggest
13 that here is the logical site that
14 you've completely overlooked.

15 This being said, ladies and
16 gentleman, the East 91st Street MTS
17 should not be rebuilt until the
18 legitimate concerns of the
19 surrounding neighborhood have been
20 taken into account and I would like
21 to address five of those.

22 First and foremost is
23 traffic. We've heard an awful lot
24 about that. The Department of
25 Sanitation's promise of no queuing

1
2 mentioned before, serious
3 consideration has to be given
4 during labor negotiations to
5 implementation of staggered work
6 shifts so that all of these loaded
7 trucks don't arrive at the same
8 time.

9 There are four other
10 considerations, I'll just name
11 them.

12 The second is that there
13 must be protection of the
14 surrounding neighborhood from
15 deleterious impacts of noise, odors
16 and toxic emissions.

17 Third, the visual impact of
18 the surrounding area must be
19 addressed.

20 Fourth, the plans program
21 for handling commercial waste at
22 this site must be closely examined.
23 The idea of having commercial
24 trucks which don't have the same
25 standards of ultra-low sulfur fuel

1
2 as the Sanitation Department
3 trucks, is a real danger to this
4 distinctly residential area. The
5 idea of them going well into the
6 morning, three and 4:00 in the
7 morning is just really
8 unacceptable. So we think there
9 should be limits as to the total
10 number of trucks, commercial
11 trucks, the total number of trucks
12 per hour and also (bell rings)
13 finally a limit. The place should
14 be closed down from 11:00 in the
15 evening until 7:00.
16 Accountability and we
17 suggest finally that accountability
18 would be achieved by making
19 available to an organization such
20 as the Gracie Point Community or
21 Council, weekly figures as to how
22 many trucks are there, how much
23 waste is being processed, what type
24 of tests are being done. And that
25 there should be funding by way of

1
2 mitigation or otherwise for an
3 expert to be made available to the
4 Council so that they can evaluate
5 properly what's going on.
6 Just as a civilized society
7 will take the necessary steps
8 effectively to dispose of its
9 accumulated solid waste, so too
10 that civilized society will ensure
11 that its residents will be able to
12 enjoy a suitable quality of life.
13 Thank you for allowing me to
14 speak (applause.)
15 MR. SZARPANSKI: Thank you.
16 Our next speaker is Judy
17 Schneider.
18 MS. JUDY SCHNEIDER: I cede
19 my time; my comments were made.
20 MR. SZARPANSKI: Thank you.
21 Sal Forzano? (Cede time to Roy Geronemus)
22 MR. ROY GERONEMUS: What
23 number are you up to?
24 MR. SZARPANSKI: Number 35.
25 MR. ROY GERONEMUS: So I'm

1
2 number 42 and I would like to give
3 that 42 to Dr. Andrew Racine who
4 will speak later.
5 My name is Dr. Roy
6 Geronemus, I'm a Clinical Professor
7 at the New York University Medical
8 Center.
9 I speak to you as a
10 physician and before I get to my
11 prepared remarks, I just want to
12 comment that I have learned as a
13 physician, that medical issues do
14 not discriminate based on one's
15 socioeconomic status despite the
16 inference of one of the previous
17 speakers (applause.)
18 Nevertheless, nevertheless,
19 the socioeconomic status or
20 socioeconomic environment within
21 this community is diverse. You do
22 have the John Holmes Community, you
23 also have the Stanley-Isaacs
24 Community as well as the Upper East
25 Side, the Gracie Square area and

1
2 the Asphalt Green does service the
3 entire New York City area, bring in
4 those people, many of whom are on
5 scholarship to take advantage of
6 programs that I personally and many
7 others contribute to so these
8 children can come into our
9 community and gain access to this
10 wonderful facility and programs
11 that will benefit them
12 significantly.
13 I've reviewed the issues
14 related to the marine transfer
15 stations regarding its expansion
16 and I have multiple concerns as it
17 relates to the health and welfare
18 of the residents and the visitors
19 of this community.
20 Simply stated, the City of
21 New York solid waste management
22 plan can, and probably will create
23 a public health crisis.
24 Let me explain who will be
25 affected by the plan to reopen and

1
 2 expand the marine transfer station.
 3 These include children,
 4 adults, particularly geriatric
 5 adults and very young children and
 6 let's not forget pregnant women and
 7 their unborn children who visit the
 8 parks that were mentioned earlier
 9 by the previous speakers
 10 (applause.)

11 As I'm sure you are aware,
 12 this densely populated residential
 13 area includes a broad cross section
 14 of the populace including families
 15 and geriatric adults. Multiple
 16 families live within this community
 17 and an even a greater number visit
 18 the athletic facilities involving
 19 the Asphalt Green from not only
 20 this residential area but from
 21 other parts of the City including
 22 other boroughs, because of the
 23 unique services provided by Asphalt
 24 Green such as programs like Learn
 25 To Swim and other programs for

1
 2 multiple concerns. I would like to
 3 run through this list.
 4 One, the diesel exhaust that
 5 will emanate from the dramatic
 6 increase in the number
 7 diesel-emitting trucks in this
 8 community.

9 Secondly, allergens from the
 10 vermin that will populate this
 11 marine transfer station.

12 Thirdly, poisons from the
 13 insecticides that will be required
 14 to control the vermin.

15 Fourthly, bacteria from deep
 16 water grit.

17 Fifthly, effective odor
 18 neutralizing agents will cause a
 19 problem.

20 And lastly, the concern
 21 regarding access to ambulances to
 22 and from this community,
 23 particularly when there are larger
 24 numbers of geriatric residents that
 25 have not been recognized in any

1
 2 handicapped individuals. There are
 3 also geriatric communities within
 4 the Stanley-Isaacs and John Holmes
 5 Centers.

6 While the marine transfer
 7 station may have made sense when
 8 this facility was built decades
 9 ago, the present community is
 10 significantly different with a much
 11 larger populace and a widely-used
 12 athletic complex that did not exist
 13 within the facility was first
 14 built. Consequently, the impact of
 15 the proposed reopening and
 16 significant expansion of this
 17 facility will have a much greater
 18 impact upon this community than it
 19 would of had upon the community
 20 that existed several years ago when
 21 this facility was first built.

22 The categories of
 23 susceptible and endangered
 24 residents and visitors to this
 25 community will be based upon

1
 2 reports that I have read regarding
 3 this particular location.

4 The effect of diesel exhaust
 5 upon the development of pulmonary
 6 diseases including asthma and
 7 emphysema, as well as the potential
 8 for miscarriage amongst pregnant
 9 women, has been well-documented in
 10 medical literature and I suggest
 11 you review those articles prior to
 12 making your final decision.

13 In fact, the Department of
 14 Public Health at Columbia
 15 University has published
 16 extensively on the environmental
 17 impact of diesel exhaust and has
 18 even demonstrated that there are
 19 certain areas of Manhattan where
 20 the incidence (bell rings) of
 21 asthma is significantly higher than
 22 areas where exposure to diesel
 23 exhaust does not exist.

24 It is noted that there are
 25 areas of New York where diesel

1
2 exhaust is the highest, there's a
3 25 percent incidence of asthma.
4 This is 500 percent greater than
5 the national average, this is a
6 significant problem and we're going
7 to see that in this community with
8 the plan that you have made.

9 There's also, there's an
10 associated increase of asthma with
11 higher hospitalization rates in
12 these areas where the incidence of
13 asthma is so high. There are in
14 fact five studies that have been
15 published showing that children who
16 live or attend school near highways
17 with high truck and auto traffic
18 are significantly more likely to
19 have symptoms of asthma and
20 diminished lung capacity.

21 It is also of importance to
22 note that in these studies, it is
23 found that within diesel exhaust,
24 there are particles that make our
25 immune systems more susceptible to

1
2 The impact of allergens from
3 vermin that will populate the
4 marine transfer station have also
5 been demonstrated in studies from a
6 reputable institution known as
7 Johns Hopkins Medical Center.

8 MR. SZARPANSKI: Can I ask
9 you to wrap it up, please.

10 MR. ROY GERONEMUS: I will,
11 I'll take the amount of time given
12 to other people.

13 And these, it should be
14 stated that this particular study
15 noted that the these particular
16 individuals exposed to vermin and
17 the allergens from vermin have
18 exacerbated pulmonary diseases as
19 well.

20 Other factors that will
21 contribute to the health of the
22 community will include the impact
23 of other neutralizing agents, the
24 bacteria and the allergens that
25 disseminate from the bacteria that

1
2 inhaled allergens like pollen
3 and mold. These studies have also
4 shown high levels of exposure to
5 polycyclic aromatic hydrocarbons
6 which one finds in diesel and gas
7 exhaust and actually present in the
8 blood of children and their
9 mothers. These toxins are
10 associated with low birth weights
11 (bell rings) lower birth weights
12 and an increased incidence of
13 miscarriage.

14 It has been suggested that
15 in fact the garbage trucks will not
16 queue and the ramps and the holding
17 facilities are large enough that
18 the effect of diesel exhaust will
19 be minimized. But let me remind
20 you, this is not Star Trek, these
21 trucks are not going to be beamed
22 or vaporized on to the marine
23 transfer station, they will have to
24 travel, sit in traffic like you and
25 I and stop at lights.

1
2 occur from deep water grit.
3 All of these factors
4 together, not to mention the impact
5 of noise within this community,
6 present a public health concern to
7 the residents and businesses in
8 this community.

9 In addition to one final
10 comment, I would like your office
11 to review the Workers' Compensation
12 claims as it related to emphysema,
13 asthma and other lung diseases
14 amongst those Sanitation workers in
15 New York City is information that
16 you have failed to release.

17 While adult males are not
18 the most susceptible to pulmonary
19 diseases, this information will be
20 very revealing as a potential
21 health impact upon this particular
22 community.

23 I also want to conclude with
24 a comment of environmental justice.
25 Environmental justice is a concept

1
 2 designed to protect the health of
 3 the community based upon the
 4 impacts of issues relating to
 5 transportation which would clearly
 6 be applicable here.
 7 The Stanley-Isaacs and John
 8 Holmes Communities fulfill criteria
 9 for environmental justice
 10 consideration. And this is not
 11 just about protecting the health
 12 and the rights amongst the racial
 13 and ethnic minorities, even though
 14 many racial and ethnic minorities
 15 visit the Asphalt Green, the
 16 concept of environmental justice
 17 should be egalitarian and that the
 18 health of those visiting the 91st
 19 Street area should be considered no
 20 less valuable than the health of
 21 those other communities that the
 22 Department has chosen not to open
 23 marine transfer stations.
 24 Considering the indisputable
 25 facts regarding the impact of

1
 2 vote against the application.
 3 I would urge (applause) -- I
 4 will urge the Borough President who
 5 also has a vote in the ULURP
 6 process to vote against it and I
 7 will urge our council members
 8 Gifford and Eva to vote against it.
 9 One, two other comments,
 10 very quickly. Your Procrustean
 11 DEIS needs a lot of work. You've
 12 tailored the DEIS to a preconceived
 13 conclusion. Now that you've heard
 14 all this testimony -- I'll wait until
 15 you finish. No, I'll wait until you
 16 finish. I don't want to be rude.
 17 Thank you, sir I mean,
 18 that's rude, there's no cause for
 19 that. I've been waiting here for
 20 all this time and all these people
 21 are waiting. Do us the honor and
 22 the courtesy of listening to us
 23 when we talk in the microphone.
 24 MR. SZARPANSKI: I'm sorry,
 25 I was just asked by the people

1
 2 diesel exhaust and the toxins, why
 3 would you want to put a facility
 4 such as this in the middle of a
 5 residential community right
 6 directly in the middle of a
 7 well-utilized athletic complex
 8 where children and pregnant women
 9 congregate and place this community
 10 at significant risk? Please
 11 reconsider (applause.)
 12 MR. SZARPANSKI: Thank you.
 13 Barry Schneider. This is
 14 number 36, yes.
 15 MR. BARRY SCHNEIDER: Good
 16 evening, ladies and gentleman,
 17 Commissioner and members of the
 18 Department of Sanitation, my name
 19 is Barry Schneider, and I'm a
 20 member of Community Board Eight.
 21 And when the ULURP item comes
 22 before the community board later,
 23 early next year, I shall vote
 24 against the application and I would
 25 urge my fellow board members to

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 2 running this center that we end
 3 this session at 9:00.
 4 MR. BARRY SCHNEIDER: I'll be
 5 done by 9:00, I promise you.
 6 MR. SZARPANSKI: But I'm
 7 asking them to extend it to 9:30 so
 8 please continue and try to be
 9 brief.
 10 MR. BARRY SCHNEIDER: I'm
 11 aware of the time and thank you for
 12 your consideration.
 13 Anyway, you made the DEIS to
 14 fit your 91st Street location. Now
 15 that you've heard all the
 16 testimony, go back and do it right
 17 and do a DEIS that reflects all the
 18 concerns you've heard here tonight,
 19 let the DEIS address all of the
 20 issues, not just the cases of the
 21 one you think you might be able to
 22 get away with, but just all these
 23 and come back with an FEIS that the
 24 community can live with.
 25 THE AUDIENCE: It's a fraud.

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 2 We all know it's a fraud. If you
 3 were in the private sector you'd be
 4 sued and you'd have your own
 5 network at risk.
 6 MR. SZARPANSKI: Would you
 7 like to speak?
 8 MR. BARRY SCHNEIDER: There
 9 is no end to rudeness, is there?
 10 One other thing, lest you
 11 think my comments are NIMBY, let me
 12 assure you they are not. They are
 13 not in our front yard. Not in our
 14 parks, not in our playgrounds, and
 15 not in our lives. Thank you
 16 (applause.)
 17 MR. SZARPANSKI: Thank you.
 18 I'm not sure I can read it,
 19 is it Mort Gerard? Thank you.
 20 MR. MORT GERARD: Hi, I'm
 21 Mort Gerard, I'm a member of the
 22 Board at 445 East 86th, a building
 23 of 160 families.
 24 I reviewed your final
 25 scoping document and I guess I got

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 2 away a little confused. Because I
 3 just wanted to read to you what you
 4 say is a criteria, and then wonder
 5 why we're even here. Because
 6 starting with page 56, community
 7 facilities and services. It says,
 8 "The proposed actions and
 9 alternatives are significant impact
 10 to these facilities could occur if
 11 the proposed action and
 12 alternatives were to displace a
 13 facility, substantially disrupt
 14 delivery of a service currently
 15 available to the community will
 16 result in a new demand for such
 17 services."
 18 Well, you know it's quite
 19 obvious from listening to this it's
 20 going to happen to the Asphalt
 21 Green, type of situation. Then we
 22 go on to page 80 and the title
 23 there is the local waterfront
 24 revitalization policies and
 25 subpolicies and their

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 2 applicability.
 3 And then under policy ten,
 4 one of the things you are striving
 5 for and it says always, "Is to
 6 retain and preserve designated
 7 historic resources and enhance
 8 resources significant to the
 9 coastal culture of New York City."
 10 Well, you recognized back in
 11 the document that we have
 12 historical areas around that whole
 13 project. Yet here it is, retain
 14 and preserve, so you're going to
 15 ruin them by the way it's going.
 16 And finally, the thing that
 17 frightened me the most, I will
 18 admit based on what's going on,
 19 goes to page 20. The title,
 20 "public review process." And it
 21 says, "Action is one that minimizes
 22 or avoids significant adverse
 23 environmental effects to the
 24 maximum extent practicable." Then
 25 it goes on to say, "In addition,

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 2 any potential significant adverse
 3 effects disclosed would be
 4 minimized or avoided by
 5 incorporating mitigated measures
 6 that are identified practicable."
 7 Just a few weeks ago,
 8 another member of our government
 9 said that just talking about this,
 10 a similar response when we were
 11 advised that supplying armor to our
 12 troops abroad was, would have been
 13 nice if it were practicable.
 14 However, you know, like it wasn't
 15 practicable. So a bunch of body
 16 bags are. Practicable? I mean,
 17 that's a never-ending open
 18 document, practicable? By whose
 19 definition? Just doesn't make
 20 sense. Thank you (applause.)
 21 MR. SZARPANSKI: Thank you.
 22 I was just handed a note by
 23 the blood center saying that their
 24 blood delivery is coming in and
 25 they cannot allow us to stay beyond

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2 9:00.
3 So I apologize. We'll take
4 two more speakers and make it
5 brief, please.
6 Our next speaker is Babette
7 Bandler.
8 MS. BABETTE BANDLER: I'm
9 Babette Bandler, I hope that all
10 these magnificent speakers, all
11 their papers are being put into the
12 record.
13 I was not here at the June
14 meeting but I feel the frustration
15 of the people here who feel that
16 everything that was said, and if it
17 was as eloquently said then as it
18 is tonight, it is a crime that it
19 was not paid attention to.
20 I think (applause) that the
21 firm that did, and I don't know the
22 firm, it's not personal, if the
23 firm and our taxpayer money went to
24 a firm who did this impact
25 statement and came out with the

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2 conclusion that there's no impact,
3 they should be fired and we should
4 get somebody else (applause)
5 because it is impossible,
6 absolutely impossible.
7 Now, I'm going to give you a
8 personal thing. When those trucks
9 were queued up in order to get in,
10 let me just give you a visual,
11 because I saw on that board, your
12 thing of the play yard, you didn't
13 see any buildings, you didn't see
14 any sidewalks, it was just like an
15 open thing that you showed before.
16 I park my car on 88th
17 Street. I tried to get out of my
18 garage on York Avenue, I couldn't,
19 because all the garbage trucks were
20 queued up. Then you walk two
21 blocks down, our area has been
22 deprived of a subway system for
23 many, many years. Because we do
24 not have a subway system, we have
25 to rely on buses. Those buses, you

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2 have York Avenue, York Avenue you
3 have two lanes here, going this way
4 (indicating) and two lanes going
5 that way. You have some cars
6 parked along the way. If you take
7 the parked cars and you take the
8 garbage trucks, okay, you are
9 leaving York Avenue with one lane
10 to go up. That lane has to take
11 all of the York Avenue buses, it's
12 the only place people can travel to
13 and from, north and south. Those
14 buses and many of them are double
15 'cause there's so much traffic, has
16 to turn on, I believe 91st Street
17 or 90th Street. If the truck, if
18 the garbage trucks are in this lane
19 and this huge bus has to make a
20 turn, that's the end of all the
21 traffic.
22 Where is this York Avenue
23 going to? It happens to be a major
24 entry to the FDR Drive northbound
25 and to the southbound traffic.

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2 Now, if you sit there and
3 say to me that there is no impact,
4 that there is no queuing, how on --
5 oh, oh, wait a second. Now you go
6 up a few more blocks, and I don't
7 care if these buses turn, but you
8 have 42,000 people coming to this
9 aqua center, all these wonderful
10 people of all backgrounds coming to
11 the aqua center in school buses
12 (bell rings) in buses, and what
13 happens? They can't get off. So
14 when you take traffic, just nothing
15 else but traffic, you have not in
16 any way addressed the problem, you
17 have no way mitigated it and saying
18 that you're not going to queue
19 these trucks, is absolute insanity.
20 I consider this report that
21 was given to us an insult to our
22 intelligence (applause.)
23 MR. SZARPANSKI: Thank you.
24 Our final speaker.
25 MS. BABETTE BANDLER: One

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 2 more remark, I'm sorry.
 3 It's very important. I
 4 believe that if we don't hear a
 5 real concern of what's being
 6 expressed at the June meeting and
 7 this meeting, that we all should
 8 get together, let's get 60 Minutes,
 9 let's get TV involved. Let them
 10 start pushing that drive. We're
 11 getting nowhere this way.
 12 MR. SZARPANSKI: Thank you.
 13 Our final speaker is S.M.
 14 Roth. Okay, Evelyn Malina. And I
 15 think Dr. Roy Geronemus ceded his
 16 time to somebody else.
 17 You will be the final
 18 speaker. I urge all of you to
 19 submit your comments in writing By
 20 January 24th.
 21 MR. ANDREW RACINE: I've been
 22 asked by one of the other
 23 participants to let the record
 24 reflect the other speakers who
 25 didn't get to speak tonight. I

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 2 don't know what that means, but if
 3 we can do that, that would be
 4 great.
 5 Okay, thanks. I'm going to
 6 try to be brief. I'm one of those
 7 rich white folks that Mr. Logan was
 8 referring to before. And on the
 9 other hand, I've spent the last 20
 10 years of my life working in poor
 11 communities of color.
 12 Right now I'm the Clinical
 13 Professor of Pediatrics at the
 14 Albert Einstein College of Medicine
 15 and I work as the Director of the
 16 Division of General Pediatrics at
 17 the Children's Hospital at
 18 Montefiore which is in Bronx.
 19 I came to talk about three,
 20 just to make three points, and this
 21 has to do with my particular
 22 concern which is the health of the
 23 children who live and visit the
 24 area.
 25 First point has to do with

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 2 the emissions that are out of
 3 diesel fuel and these are that
 4 important to understand what they
 5 are.
 6 The second has to do with
 7 the fact that the pulmonary
 8 physiology of children, infants and
 9 children is different than adults,
 10 which leads to the third point and
 11 that is that the draft impact
 12 statement has nothing to say about
 13 that.
 14 The first point about diesel
 15 emissions everyone knows, but the
 16 two things that are of particular
 17 importance are particulate matter
 18 of 2.5 microns and ten microns.
 19 These are things that have a
 20 predilection for lodging deep in
 21 lung tissue and may stay there for
 22 a long time period of time.
 23 Second issue about the
 24 physiology of infants and children
 25 is that they are different then we

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 2 are. I mean, you may notice they
 3 live close to the ground, close to
 4 the ground there the density of
 5 these toxicants that are emitted by
 6 trucks is higher than it is where
 7 we live, higher up. And so for
 8 example, in the draft impact
 9 statement uses 1.8 meters for their
 10 receptors to see what the level
 11 concentration of these pollutants
 12 is, it doesn't take into account
 13 the people that are in strollers or
 14 little ones walking around.
 15 So the first thing is they
 16 live in a different place relative
 17 to where the exhaust pipes are.
 18 Second thing is that their
 19 per minute ventilation is higher.
 20 They breathe faster, as a
 21 consequence, they entrain greater
 22 quantities of these pollutants per
 23 body surface area than adults do.
 24 Third thing is that they
 25 spend more time out of doors and

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 2 they spend more time physically
 3 active and so their exposure to
 4 these pollutants is higher.
 5 And the fourth thing which
 6 is probably the most important is
 7 that they are growing lungs, that
 8 is you don't finish growing your
 9 lungs until you're ten years of age
 10 so between zero and ten you're
 11 adding alveoli, air sacks. Any
 12 damage that is created to those
 13 developing lungs has a permanent
 14 effect on that lung function going
 15 into adulthood. And this is the
 16 problem with the draft impact
 17 statement. It's 154 pages just
 18 about chapter six alone for the
 19 91st station. There is a talk
 20 about fin fish, there's talk about
 21 the culture of the City, there's
 22 talk about all kinds of things,
 23 there's not a single statement, not
 24 one statement about the physiology
 25 of children, about what it will do

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 2 MR. SZARPANSKI: Thank you.
 3 Let the record show that
 4 there were other people who signed
 5 up and did not have an opportunity
 6 to speak because we are being asked
 7 to leave the room.
 8 I urge you also to please
 9 write to us. The deadline for
 10 submitting written material is
 11 January 24th.
 12 Thank you all for coming.
 13 (Time noted: 9:05 p.m.)
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 2 to being exposed to these
 3 pollutants.
 4 The fact that the
 5 epidemiology that is cited in
 6 chapter 33, you know, discounts
 7 some of the findings because
 8 they're cross sectional findings,
 9 also doesn't take into account some
 10 more recent information.
 11 So I've included in my
 12 statement to you, a policy
 13 statement from the American Academy
 14 of Pediatrics Committee on
 15 Environmental Health that came out
 16 this December, this month. And
 17 another article from the New
 18 England Journal Of Medicine. I
 19 would suggest that you read it
 20 because it talks about the
 21 permanent damage that will done to
 22 children's lungs by being exposed
 23 to pollutants that we're talking
 24 about. Thanks very much
 25 (applause).

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 2 C E R T I F I C A T E
 3 STATE OF NEW YORK)
 4 : ss.
 5 COUNTY OF NEW YORK)
 6
 7 I, Marc Russo, a Notary Public
 8 within and for the State of New York,
 9 do hereby certify that the within is a
 10 true and accurate transcript of the
 11 proceedings taken on December 20th,
 12 2004. I further certify that I am not
 13 related to any of the parties to this
 14 action by blood or marriage and that I
 15 am in no way interested in the outcome
 16 of this matter.
 17 IN WITNESS WHEREOF, I have hereunto set my
 18 hand this 30th day of December, 2004.
 19
 20
 21 MARC RUSSO
 22
 23
 24
 25