APRIL 19, 2007 ENVIRONMENTAL JUSTICE INFORMATIONAL MEETING PROPOSED EAST 91ST STREET MARINE TRANSFER STATION INDEX OF MEETING COMMENTS

October 2, 2007

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#1, Transcript page 17, lines 8-12.	Garodnick, Daniel Councilmember, 4th Council District	Poor public policy to locate an MTS in a densely populated, residential neighborhood.	DSNY has pursued a regulatory process that has addressed the concerns of the community on multiple prior occasions and has issued a FEIS that addresses the issues, discloses impacts and mitigation. Regulatory process - Transcript page 20 (line 11) - page 21 (line 23); Alternatives - Transcript page 26 (line 25) - page 31 (line 8); EJ/Equitable Distribution - page 35 (line 10) - page 36 (line 22).	Alternatives – #7, p85, #74 p130, #218 p207 & #253 p225; Also, see FEIS, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13. Equitable Distribution – #37 p103, #74 p130,# 229 p3213 & #253 p225; Facility Design – #2 p82; Impacts – #206 p196, #211 p200, #222 p209, #267 p234, #275 p238; Neighborhood Impacts – #92 p141, #279 p240 & #300 p253; Population Density – #46 p107, #227 p212, #261 p229, #270 p235 & #286 p245; Public Policy – #284 p242; Siting Rules – #223 p210; Zoning – #206 p196, #261 p229.
#2, Transcript page 18, lines 6-8.	Garodnick, Daniel Councilmember, 4th Council District	Residents suffered with the previous MTS.	DSNY acknowledges that the previous facility was unable to process waste quickly enough to prevent queues on York Avenue and explains how the proposed MTS will avoid	#2 p82, 206 p196 & #261 p229

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			queuing on the street. Transcript page 40 (line 1) - page 41 (line 6) & page 55 (lines 21 - 25)	
#3, Transcript page 18 (line 9) - page 19 (line19).	Garodnick, Daniel Councilmember, 4th Council District	EJ Meeting presentation did not address concerns with noise, smell, rodents and traffic.	In addition, to the numerous public meeting and hearing presentations made by DSNY, the FEIS issued by DSNY and provided on its website addresses these concerns. Transcript page 20 (line 11) - page 21 (line 23); page 47 (line 12) - page 49 (line 11) & page 57 (line 5) - page 59 (line 10).	Facility Design – #2 p82; Impacts – #92 p141, 211 p200, #279 p240 & #300 p253; Noise – #222 p209, #252 p225, #259 p228 & #267 p234; Odor – #2 p82, #57 p118, #211 p200, #220 p208, #275 p238, #294 p249 & #299 p253; Rodents – #50 p112, #209 p199, #214 p203 & #251 p224; Traffic –#62 p123, #69 p129, #207 p197, #217 p206, #219 p207, #238 p218, #243 p219 & #291 p248;

	Speaker and			
Comment	Affiliation (in order of			Related FEIS Chapter 40 Response # and
Lighted Street, 1885 on	арреагансе)	Summary of Issues	Summary of Response	Page Reference
#4,	Ludorf, Jackie	Proposed site is located	The FEIS provides an	<u>Alternatives</u> –#7 p85, #74 p130, #218 p207 &
Transcript		in a densely populated	alternatives analysis. The	#253 p225; Also, see Final Environmental
page 22		residential neighborhood.	Mayor decided to pursue a	Impact Statement, Section 1.3.3 - Alternatives
(lines 19 -			program to transform its	to the Proposed Action, page 1-13.
21).			existing MTSs into facilities	Equitable Distribution –# 37 p103, #74
			that could containerize and	p130,#229 p213 & #253 p225;
·			barge waste. After it was	Facility Design –#2 p82;
			determined that the	<u>Impacts</u> – #206 p196, #211 p200, #222 p209,
			availability of existing	#267 p234, #275 p238; Neighborhood
			facilities would require the	<u>Impacts</u> – #92 p141, #279 p240 & #300
			need for fewer MTSs, the E.	p253;
			91 st Street site made the	Population Density – #46 p107, #227 p212,
			most sense for the handling	#261 p229, #270 p235 & #286 p245;
			of its waste shed and would	Public Policy – #284 p242;
			yield a superior project.	<u>Siting Rules</u> – #223 p210;
			There are limited places to	Zoning – #206 p196, #261 p229.
			build a facility in this waste	
			shed. Other areas of the	
			City, like Jamaica, Queens,	
			have transfer stations as	
	,		close as this facility is to	
			residences and parkland.	
			Regulatory process -	
			Transcript page 20 (line 11)	
		1	- page 21 (line 23);	
			Alternatives - Transcript	·
			page 26 (line 25) - page 31	
			(line 8); EJ/Equitable	
		1	Distribution - page 35 (line	
			10) - page 36 (line 22);	

Speaker and Affiliation			
· `	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
udorf, Jackie ommunity Board	Future construction of 2 new buildings and Second Avenue Subway will add to congestion.	DSNY's FEIS took into account everything that was proposed as of the issuance date of the FEIS. Subsequent environmental reviews will have to take into account this project. A detailed traffic analysis was performed and included a Future No Build Scenario which took today's traffic volumes and added new project volumes to volumes in the future. We looked at all planned developments or projects in the area of the site and found no potentially significant adverse impacts would result from the proposed MTS project.	#219 p207 and #268 p235
	Affiliation (in order of appearance) dorf, Jackie	Affiliation (in order of appearance) dorf, Jackie ommunity Board Summary of Issues Future construction of 2 new buildings and Second Avenue Subway	Affiliation (in order of appearance) dorf, Jackie mmunity Board Future construction of 2 new buildings and Second Avenue Subway will add to congestion. Future Subway will add to congestion. Summary of Response DSNY's FEIS took into account everything that was proposed as of the issuance date of the FEIS. Subsequent environmental reviews will have to take into account this project. A detailed traffic analysis was performed and included a Future No Build Scenario which took today's traffic volumes and added new project volumes to volumes in the future. We looked at all planned developments or projects in the area of the site and found no potentially significant adverse impacts would result from the

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#6,	Ludorf, Jackie	The capacity of the	The existing facility was	#1 p81 & #215 p204; Also, see FEIS, Section
Transcript	Community Board	proposed MTS is four	permitted to handle 4,800	2.1.2.2 - Capacities of Converted MTSs in the
page 23,	8	times greater than what	tons per day. This facility	New SWMP, pages 2-10 through 2-11 and the
lines 16 -		was handled by the	will have a permit that limits	City's Comprehensive SW MP, Section 3.4.2
18)	,	former MTS.	the facility to 9,864 tons	- Converted MTS Capacities, pages 3-11 and
			over a six day week. That is	3-12.
			a much lower average daily	
			limit than that of the	
			existing facility at 4,800	
			tons per day. Both facilities	
			were capable of handling	·
			large quantities of waste to	
			meet peak hour demands.	
			The proposed facility is able	
			to process 5,300 tons of	
		1	waste for 24 hours if	
			necessary, but it is not	
			permitted to operate at that	
			rate for non-emergencies or	
			upsets, just like your car can	
			accelerate to high speeds but	
			is not expected to run at	
			high speeds for its entire	
			life. Facility capacity -	
			Transcript page 49 (line 15)	
	•		- page 51 (line 10). Also	
			see Supplemental	
		1	Comment/Response #1.	

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#7, Transcript page23 (line 15) - page 24 (line 14).	Ludorf, Jackie	In addition to emergency (and upset) conditions, will reserve capacity be used to accommodate waste from MTSs not built, other transfer stations and increase in the city's population?	If plans for the use of West 59 th Street MTS as a facility for the export of commercial waste only fall through, the waste shed accepted at E. 91 st Street Converted MTS will not change. See Supplemental Comment/Response #2 for more details.	See FEIS, Section 2.1.2.1 - General Design Features, pages 2-7 through 2-11, Section 2.1.2.2 - Capacities of Converted MTSs in the New SWMP.
#8, Transcript page 24 (line 15) - page 25 (line 4).	Ludorf, Jackie Community Board 8	We have never seen a cost benefit analysis.	A cost benefit analysis was presented to the City Council of this program versus alternatives and we can make it available to you if you'd like. Transcript page 26 (lines 12 – 17).	#103 p146 & #104 p147
#9, Transcript page 25, lines 5 - 11.	Ludorf, Jackie Community Board 8	There's been no alternatives analysis.	See response to comment #4 above. Transcript page 26 (line 25) - page 31 (line 8).	Alternatives –#7 p85, 74 p130, #218 p207 & #253 p225; Also, see FEIS, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13.

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#10,	Swanson, Jane	A marine transfer station	See response to comment #4	<u>Alternatives</u> - #7 p85, #74 p130, #218 p207 &
Transcript	Councilmember	clearly belongs anywhere	above. Transcript page 35	#253 p225;Also, see FEIS, Section 1.3.3 -
page 33,	Jessica Lappin	but in the heart of a	(line 19) - page 36 (line 22).	Alternatives to the Proposed Action, page 1-
lines 4 - 6.		densely populated		13.
		residential neighborhood.		Equitable Distribution - #37 p103, #74 p130,
		·		#229 p213 & #253 p225;
				Facility Design – #2 p82;
				<u>Impacts</u> - #206 p196, #211 p200, #222 p209,
			,	#267 p234, #275 p238; Neighborhood
				<u>Impacts</u> - #92 p141, #279 p240 & #300 p253;
				Population Density – #46 p107, #227 p212,
			,	#261 p229, #270 p235 & #286 p245;
				Public Policy – #284 p242;
			22	Siting Rules – #223 p210;
				Zoning – #206 p196, # 261 p229.

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Comment	appearance)	Summary of Issues	Summary of Response	Page Reference
#11,	Swanson, Jane	Would you like to live or	While DSNY	#241 p219
Transcript	Councilmember	have your children live	representatives stated	Also, see FEIS Section 6.8, p 6-47 through p
page 34,	Jessica Lappin	over a garbage dump?	variously that the facility	6-50.
lines 19 -			proposed is not a garbage	·
21.			dump and that they would	·
			move to the neighborhood	
			with their children aged 16	
			and 13 (Transcript page 34,	
			lines 23-24; and page 37,	
			lines $2 - 12$), it is also worth	·
			noting that the FEIS	
			conducted for the project	·
1			contained technical analyses	
			of air quality, traffic and	
			noise impacts that disclosed	
	,		no potentially signficant	1
			adverse impacts on neighborhood character.	
#12,	Pilmack, Monica	The old MTS caused a	See response provided to	Rodents – 50 p112, 209 p199, 214 p203 &
Transcript	Resident	rat problem in the park,	comment #2 above.	251 p224;
page 38	Resident	double parked garbage	Transcript page 40 (line 2) -	Queuing – 207 p197, 238 p218 & 291 p248;
(lines 2 -		trucks and odors.	page 41 (line 6) & page 55	Odors – 2 p82, 57 p118, 211 p200, 220 p208,
15).		li deks and odors.	(lines $21 - 25$).	275 p238, 294 p249 & 299 p253
#13,	Bluestein, Dr.	DSNY incorrectly	DSNY provided a full	213 p202
Transcript	Clifford	performed a Tier II Air	description of the analysis	F
page 41	Assistant Clinical	Quality Analysis to	performed and confirmed	
(line 23) -	Professor of	mitigate "unmitigatable"	that it used the standard	
page 42	Urology	Tier I PM10 and PM2.5	method. Transcript page 44	
(line 11).		impacts.	(line 10) - page 46 (line 6).	

	Speaker and Affiliation			
Comment	(in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#14, Transcript page 42, lines 12 - 20.	Bluestein, Dr. Clifford Assistant Clinical Professor of Urology	DSNY incorrectly excluded background PM2.5 levels from the modeling analysis to determine incremental PM2.5 concentrations contributed by traffic related to the proposed facility.	DSNY explained its application of NYCDEP PM2.5 incremental analysis method used for all projects in NYC. Transcript page 46 (line 7) - page 47 (line 8).	54 p115, 237 p216 & 290 p247; also, see Section 40.3.4.2.2 General Responses to OWN Comments, comment # 10.
#15, Transcript page 42 (line 21) - page 43 (line 4).	Bluestein, Dr. Clifford	For the measurement of PM2.5 alone, the location of the measurement was the center of the MTS, whereas for all the other measurement of pollution they used the property line.	No. On-site analysis for air quality, noise and odor conservatively assumes that the facility is operating with all the equipment operating (including cranes/redundant equipment) and the maximum number of trucks are queuing on site. Transcript page 47 (line 9) - page 49 (line 11). See Supplement Comment/Response #3.	211 p200, 267 p234 & 275 p238; Also, see FEIS Section 3.17 - Air Quality, pages 3-69 to 3-88 for modeling methodology.

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#16, Transcript page 48 (lines 9 - 17).	Bluestein, Dr. Clifford Assistant Clinical Professor of Urology	Air quality analysis was improperly based on 130 trucks per day and not the facility capacity of over 400 trucks per day which would result in [significant] environmental impacts	No, a Tier II analysis looks at neither the design capacity nor the average day, but the peak day that occurs every week and considers the actual truck distribution. Facility capacity - Transcript page 44 (line 14) - page 46 (line 6) & page 49 (line 15) - page 51 (line 10);	1 p81, 207 p197, 215 p204 & 264 p232
#17, Transcript page 48 (lines 18 - 20).	Bluestein, Dr. Clifford Assistant Clinical Professor of Urology	Air quality analysis included only one truck in queue.	No, DSNY analysis assumed one truck on the outbound scale and 16 trucks queuing on the onsite ramp and equipment operating in the MTS building. Transcript page 48 (lines 21 - 24).	230 p213, 237 p216, 261 p229 & 291 p248
#18, Transcript page 48 (line 25) - page 49 (line 2).	Bluestein, Dr. Clifford Assistant Clinical Professor of Urology	With respect to the air quality analysis, were the 16 inbound trucks queuing inside the MTS building.	See response provided above to comment # 17. Transcript page 49 (lines 3 - 11).	230 p213, 237 p215, 261 p229 & 291 p248

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#19, Transcript page 53 (lines 7 - 24).	Ard, Tony Gracie Point Community Council President	DSNY has not addressed the cumulative effect of the proposed MTSs with the current and proposed DSNY garages and traffic.	See response provided to comment # 5 above. To the extent projects were contemplated at the time they were in the FEIS. New projects that DSNY has undertaken since the completion of the FEIS will undergo separate environmental review. I can only think of one in the area, the garage at East 73 rd that will be rehabbed. Transcript page 55 (line 12) - page 62 (line 20).	90 p138 & 99 p144
#20, Transcript page 54 (lines 2 - 10).	Ard, Tony Gracie Point Community Council President	EIS does not consider the possibility that if plans for the West 59th Street MTS fall through that that waste will have to go to the only other place on Manhattan, the East 91st Street MTS.	Transcript page 29 (line 9) - page 30 (line 19). See the response provided to comment # 7, above.	90 p139, 94 p142, 105 p147, 135 p161, 229 p213, 305 p255 & 313 p259

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#21,	Edmunds, Kathryn	Traffic data is	No. A detailed analysis of	Pedestrians – 232 p214, 244 p220,
Transcript	Resident	inconsistent and needs to	off-site traffic was	286 p245;
page 63	1105140111	be reanalyzed. It's	conducted that looks at	Traffic Analysis – 206 p196,
(line 14) -		collected by different	existing conditions. Four	207 p197 & 213 p202;
page 64		people with no	intersections were analyzed	Vehicle Weights – 65 p126 & 66 p126;
(line 7).		distinction between	and vehicles were counted	•
		heavy-weight vehicles	for many days to determine	
		and other vehicles and	what the existing traffic	
		doesn't consider the	patterns were on a weekday,	
		accurate number of	the typical day of operation.	
		pedestrians.	We also analyzed the	
			summer months and	
			activities related to the	
			busing of students to the	
1			aqua center and the use of	
			the aqua center Transcript	
			page 57 (line 5) - page 59 (line 10).	

Comment	Speaker and Affiliation (in order of			Related FEIS Chapter 40 Response # and
Comment	appearance)	Summary of-Issues	Summary of Response	Page Reference
#22, Transcript page 64 (line 12) - page 66 (line 21).	Opher, Philip Resident @ 1725 York Avenue	Speaker questioned siting of the proposed MTS in a flood plain, comparing the pier level elevation of six inches over the 100-year flood elevation to a 30 foot hurricane storm surge. People question what the New York City Mayor knew of this and what the New York City Council was told about it.	To comply with the Building Code and NYSDEC requirements, the pier level for the MTS is set at 6" above the base flood elevation. The Building Code, Article 27, Section 158 requires that elevations be referenced to the applicable borough datum. In terms of Manhattan Borough Datum, the pier elevation is set at 8.75'. The Building Code does not define design requirements for the effects of storm surge. See Supplemental Comment/Response #4 for more on the effects of a storm surge on the MTS and the purpose of OEM maps.	See FEIS, Section 40.3.3.1.1 - General, page 40-283, comment #13 and pages 6-56, 6-79 and 6-80.
#23, Transcript page 68 (line 16) - page 69 (line 2).	Reilly, Gorman CIVITAS Citizens, Inc. President	Must guarantee no queuing on the streets. Questioned whether the ramp can accommodate two-way traffic.	The facility will be able to queue trucks on the ramp instead of York Avenue as set forth in the permit application. Transcript page 40 (line 23) - page 41 (line 6) & page 71 (lines 5 - 20).	<u>Queuing</u> – 207 p197, 238 p218 & 291 p248; <u>Ramp Design</u> – 2 p82 & 230 p213

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#24,	Reilly, Gorman	Personnel on the ramp is	DSNY has already	206 p196, 232 p214 & 286 p245
Transcript	CIVITAS Citizens,	essential to traffic and	committed to have a	
page 69	Inc. President	pedestrian safety.	Sanitation officer on duty at	
(lines 3 -			the foot of the ramp to control traffic and ensure	·
9).			•	
:			safety. Transcript page 72 (lines 14 - 18).	
#25,	Reilly, Gorman	Consider enclosing at	DSNY studied the air issues	
Transcript	CIVITAS Citizens,	least part of the truck	associated with covering the	
page 72	Inc. President	ramp to vent fumes away	ramp. We don't see	
(lines 9 -		from the playing field	enclosing the ramp as an	
13).		and Murphy Center.	advantage in terms of	
			moving air emissions away.	
ļ			Transcript page 72 (lines 15	·
			- 20). Also see	·
			Supplemental	
			Comment/Response # 7. (DSNY did consider this	
			issue during the facility	
		·	design process and decided	
			against it because of	
			associated visual impacts	
			and the potential for	
			additional noise from the	
			fans that would be required	
			for ventilation.)	

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#26, Transcript page 49 (lines 3 - 11), pages 71 and 72 (lines 22 - 8).	Reilly, Gorman CIVITAS Citizens, Inc. President	At a minimum there should be a visual barrier between the ramp and playing field.	DSNY has proposed screening the ramp and incorporated into the design a louvered cast steel charcoal green wall as the best ramp screen alternative. Transcript page 71 (lines 24-25) and page 72 (lines 1 -8).	216 p205 & 263 p231
#27, Transcript page 73. (line 8) - page 74 (line 2) & page 115 (line 13) - page 116 (line 19).	Reilly, Gorman CIVITAS Citizens, Inc. President	Allowing a large number of commercial waste trucks seems unreasonable. Suggested further limiting number of commercial waste trucks and delivery window for same.	Commercial waste haulers operate at night. DSNY will need to program commercial waste to go to the MTS. DSNY was required by the City Council through a local law in 2000 to study the ability of the MTSs to handle commercial waste. We have already limited the number of trucks that can be accepted at the MTS based on off-site impacts at night. Transcript page 73 (lines 10 - 25).	Facility Design -2 p82; Impacts - 64 p125, 68 p128 & 206 p196; Fair share - 221 p209; Noise Mitigation Enforcement - 252 p225; Public Policy - 259 p228; Queuing - 291 p248

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#28, Transcript page 77 (line 19) - page 78 (line 11).	Costello, Greg Resident	How can the Department build a facility that it's own regulation wouldn't allow a private entity to build?	You are reminded that existing waste transfer stations operate less than 400 feet from residences and parks in this City. DSNY has a permit for the MTS and has had one for over 30 years. DSNY siting rules allow existing facilities to maintain their permits. Transcript page 77 (lines 4-10).	211 p200, 223 p210 & 303 p254
#29, Transcript Page 82 (lines - 12 -17).	Morin, George Lexington Democratic Club & Resident @ 1725 York Avenue	DSNY Commissioner admitted to Community Board #8 that they never bothered to look at other places. Speaker focused on West 33rd and 34th Street alternatives.	See response provided to comment # 4 above. Transcript page 105 (line 5) - page 106 (line 16). Alternatives - Transcript page 26 (line 25) - page 31 (line 8); EJ/Equitable Distribution - page 35 (line 10) - page 36 (line 22).	Alternatives – 7 p85, 74 p130, 218 p207 & 253 p225; Also, see Final Environmental Impact Statement, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13. Equitable Distribution – 37 p103, 74 p130, 229 p213 & 253 p225; West side Alternatives – 91 p140 & 94 p142
#30, Transcript page 83 (line 23) - page 84 (line 3).	Nelson, Steve 510 East 86th Street Owners, Inc.	Unspecified operational problems with the existing MTS.	See response to comment # 2 above. Transcript page 40 (line 1) - page 41 (line 6).	2 p82, 206 p196 & 261 p229

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#31,	Nelson, Steve	Photo of proposed MTS	The rendering is based on	216 p205 & 240 p219
Transcript	510 East 86th Street	in comparison to the	site survey and computer-	
page 84	Owners, Inc.	concrete factory and	drafted electronic files of	
(lines 12 -		Murphy Center is	MTS plans and elevations	•
19).		deceptive.	that contain the actual	
			dimensional survey and	
			plans and elevations data. A	
•			3-D virtual model of the	
•			MTS in its site is generated	
			and the viewpoint matched	:
			to the photo viewpoint by	
•			overlaying an electronic	•
			transparency. The result is	
			as accurate as possible in	
	;		both the vertical and	
			horizontal dimension.	
			See Supplemental	
			Comment/Response #5 for	
	,		more details.	
#32,	Nelson, Steve	DSNY has not responded	See response to comment #s	92 p141
Transcript	510 East 86th Street	in any meaningful way to	1 and 3, above. Transcript	
page 85	Owners, Inc.	the underlying	page 20 (line 8) - page 21	
(lines 3 -		fundamentals of this	(line 23).	
5).		project.		

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#33, Transcript page 85 (lines 10 - 25).	Nelson, Steve 510 East 86th Street Owners, Inc.	Referred to other alternative commercial/industrial sites to consider - West side ~ 33rd & 34th Streets.	See response to comment # 4, above. Transcript page 105 (line 5) - page 106 (line 16). Alternatives - Transcript page 26 (line 25) - page 31 (line 8); EJ/Equitable Distribution - page 35 (line 10) - page 36 (line 22)	Alternatives - 7 p85, 74 p130, 218 p207 & 253 p225; ; Also, see Final Environmental Impact Statement, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13. Equitable Distribution - 37 p103, 74 p130, 229 p213 & 253 p225 West side Alternatives -91 p140 & 94 p142
#34, Transcript page 106 (line 25) - page 107 (line 16).	Nelson, Steve 510 East 86th Street Owners, Inc.	With the West side development, DSNY still has 20 or 30 square blocks to site an alternative location.	See response to comment # 4, above. Transcript page 26 (line 25) - page 31 (line 8).	West side Alternatives - 91 p140 & 94 p142; Also, see Final Environmental Impact Statement, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13.
#35, Transcript page 89 (lines 14 - 22).	Tweedy, Carol Executive Director of Asphalt Green	The truck ramp edge is against the foundation wall of the aqua center, the other side is against the edge of the field and it runs along the walkway people use to enter the aqua center.	The FEIS looked at the effects of off-site emissions – the buildings, trucks and all equipment at the property boundary. We had fence line receptors along the entire perimeter of the ramp and the facility and met all air quality standards at the fence line. Transcript page 47 (lines 12 - 17) & page 71 (lines 5 - 12).	Pedestrian Safety – 206 p196, 232 p214 & 286 p245

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#36, Transcript page 91 (lines 7 - 9).	Tweedy, Carol Executive Director of Asphalt Green	The masking agent is an irritant for asthmatics and people with allergies.	The MTS will employ a neutralizing agent (called Anotec), not a masking agent; it is a non-toxic agent. Transcript page 93 (lines 2 - 6 and lines 20 - 23); page 94 (lines 10 - 13). See Supplemental Comment/Response #6 for a more detailed response.	2 P82, 49 P108, 214 203, 261 P229
#37, Transcript page 94 (line 14) - page 96 (line 6).	McCorry, Anne Resident	General statement made in opposition to the project	Comments acknowledged Transcript page 96 (line 8).	
#38, Transcript page 97 (lines 9 - 13).	Lukas, Suzanne Resident	There are areas in the City that have not been developed, that are industrial, commercial or just plain undeveloped like on the West side, along the Hudson, and the lower part of Manhattan.	See response to comment # 4, above. Transcript page 26 (line 25) - page 31 (line 8) & page 105 (line 5) - page 106 (line 16).	Westside Alternatives - 91 p140 & 94 p142; Also, see Final Environmental Impact Statement, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13.

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#39,	Smyser, Hugh	Environmental impacts	Because of the way the	50 p112
Transcript	Resident	from the DSNY's use of	MTS is designed, the trucks	·
page 99		rodenticides and	do not drive over the waste.	
(line 8) -	•	pesticides have not been	Transcript page 101 (lines	
page 100		evaluated.	16 - 22). The use of	
(line 9).			rodenticides and pesticides	
			is subject to federal, state	
			and local regulations and is	
			not required to be evaluated	
			in the CEQR process. The	•
			MTS vector and pest control	
			program is in the final Part	
			360 Permit Application,	·
			Vol. 1, Section 3.4.4. See	
			Supplemental	
			Comment/Response #6 for	·
			more details.	

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#40, Transcript page 102 (line 17) - page 103 (line 9) and page 103 (line 21) - page 104 (line 4).	Forman, Robin Resident	Are there going to be standards imposed on the design of commercial waste trucks that will reduce leakage of garbage and liquid onto the street?	In 2007, all new diesel trucks will be required to comply with new Clean Air Act requirements. As to leakage, commercial waste trucks will be required to comply with the same enforcement standards as DSNY trucks. Transcript page 73 (line 8) to 74 (line 2), page 126 (line 18) - 127 (line 2) & page 103 (lines 11 - 20).	163 p173
#41, Transcript page 108 (lines 11 - 15).	Klingon, Judy	Suggested that we make the "space" a world children's center for the study of the environment and particularly global warming.	Comment acknowledged. Transcript page 108 (line 17).	235 p225
#42, Transcript page 109 (lines 6 - 18).	Roth, Seymour Resident	High rate of asthmatic and allergic kids is from rats and rat control and you'll never triumph over a rat with the truck ramp.	See response to comment # 39, above. Transcript page 110 (line 10).	49 p108, 50 p112 & 214 p203

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#43, Transcript page 109 (line 19) - page 110 (line 5).	Roth, Seymour Resident	Concern about air quality impacts and analysis in the playing field.	The FEIS looked at the effects of off-site emissions – the buildings, trucks and all equipment at the property boundary. We had fence line receptors along the entire perimeter of the ramp and the facility and met all air quality standards at the fence line. Transcript page 110 (line 25) - page 111 (line 13).	49 p108, 51 p113 & 53 p114
#44, Transcript page 110 (lines 7 - 9).	Roth, Seymour Resident	Is the DSNY willing to pay a fine if air quality standards have been violated?	NYSDEC would regulate MTS operations; DSNY would pay any penalty assessed. Transcript page 110 (lines 14 - 24).	
#45, Transcript page 112 (lines 2 - 11).	Wesley, Kitty Stanley Isaacs Senior Center	Cannot mitigate traffic, noise, odor and vermin impacts, now especially with the construction of the 2nd Avenue subway. Has the large number of people in this area been considered?	See responses provided to comment #s 1, 3, and 5, above. Transcript page 57 (line 5) - page 62 (line 20)	Facility Design – 2 p82; Future Development – 62 p123, 219 p207 & 268 p235; Impact Mitigation – 92 p141; Noise – 222 p209, 252 p225, 259 p228 & 267 p234; Population Density – 46 p107, 227 p212, 261 p229, 270 p235, 280 p240, 286 p245; Queuing – 207 p197, 238 p218 & 291 p248

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#46,	Wesley, Kitty	Doesn't want trucks	See response to comment #	Facility Design – 2 p82;
Transcript	Stanley Isaacs	lining the street causing	2, above. Transcript page 40	Noise – 222 p209, 252 p225,
page 112	Senior Center	odor and noise.	(line 23) to 41 (line 6)	259 p228 & 267 p234; 294 p249; <u>Odor</u> – 211
(lines 18 -				p200, 220 p208 &
24).				275 p238;
				Queuing -46 p107,
				227 p212, 261 p229, 270 p235,
				280 p240, 286 p245;
#47,	Gerrard, Mort	Need to clarify	Described process by which	64 p125, 222 p209, 246 p222, 252 p225, 259
Transcript	Resident	restrictions on DSNY	routes to the MTS, noise standards and truck arrival	p228, 267 p234
page 114		and Commercial Waste		
(lines 20		trucks relating to noise mitigation.	patterns and levels were analyzed to determine the	
		initigation.	maximum number of DSNY	
			and commercial trucks that	
			could be accepted during	
			any hour of the day without	·
			causing significant impacts.	
			Transcript page 115 (line 9)	
			- page 118 (line 2) and Page	
			126, lines 8-25.	
#48,	Gerrard, Mort	Do you use DSNY or	Both DSNY and	64 p125 & 217 p206
Transcript	Resident	commercial trucks in the	commercial waste trucks	
page 114		environmental study?	were analyzed. Transcript	
(lines 20			page 115 (lines 13 - 15).	

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
#49, Transcript	Gerrard, Mort Resident	Will there be any future control on the	See response to comment # 40, above. Transcript page	217 p206, 246 p222, & 252 p225
page 114 (line 22) -		commercial waste truck fleet?	73 (line 8) - page 74 (line 2) & page 103 (lines 11 - 20).	
page 115 (line 6).				
#50,	Dominguez, Vivian	General statement made	Comments acknowledged.	
Transcript page 118	Resident (Stanley M. Isaacs)	in opposition to the project.	Transcript page 120 (line 9).	
(line 9) -	ivi. Isaacs)	project.		
page 120 (line 7).				
#51,	Klingon, Robert	Concern with particulate	See response to comment #	49 p108, 51 p113, 53 – 55 pgs 114-116, 82
Transcript page 123	Resident	emissions from the facility and ramp with	35, above. Transcript page 110 (line 25) - page 111	p136 & 217 p206
(lines 10 -		impacts in the middle of	(line 13), page 124 (lines 11	
14).		the only playing field on	- 19), & page 126 (lines 8-	
		east side of Manhattan north of 4th Street.	25).	

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
52	Klingon, Robert Resident	Go back to the drawing board and evaluate alternatives, then come back to us and say there isn't any better place to put this.	See response to comment # 4, above. Transcript page 123 (line 25) - page 124 (line 8); Transcript page 26 (line 25) - page 31 (line 8); Transcript page 105 (line 5) - page 106 (line 16)	Alternatives - 7 p85, 74 p130, 218 p207 & 253 p225; ; Also, see Final Environmental Impact Statement, Section 1.3.3 - Alternatives to the Proposed Action, page 1-13. Equitable Distribution - 37 p103, 74 p130, 229 p213 & 253 p225 Facility Design - 2 p82; Impacts - 206 p196, 211 p200, 222 p209, 267 p234, 275 p238; Neighborhood Impacts - 92 p140, 279 p240 & 300 p253; Population Density - 46 p107, 227 p212, 261 p229, 270 p235, 286 p245; Public Policy - 284 p242; Siting Rules - 223 p210; Zoning - 206 p196, 261 p229.
53	Klingon, Robert Resident	Is there any effort to follow the DOT and operate DSNY trucks on natural gas?	DSNY has tested natural gas trucks and is in the forefront of testing alternative fuels in its vehicles. Currently, DSNY trucks operate on low sulfur diesel fuel. Transcript page 125 (lines 13 – 24).	60 p121, 61 p122 & 82 p136

Comment	Speaker and Affiliation (in order of appearance)	Summary of Issues	Summary of Response	Related FEIS Chapter 40 Response # and Page Reference
54	Klingon, Robert Resident	Will there be any future control on the commercial waste truck fleet?	See response to comment # 40, above. Transcript page 73 (line 8) - page 74 (line 2), page 103 (lines 11 - 20), and page 126 (lines 8-25).	217 p206, 246 p222, & 252 p225
55	McGlynn, Margaret Resident	Residents suffered with the previous MTS traffic queuing.	See response to comment # 2, above. Transcript page 40 (line 1) - page 41 (line 6).	Pedestrian Safety - 206, 232 & 286; Queuing - 207 p197, 238 p218 & 291 p248; Ramp Design - 2 p82 & 230 p213
56	McGlynn, Margaret Resident	Concerned with hurricane/flood threat and noted examples of past flooding.	See response to comment # 22, above. For more detail, see Supplemental Comment/Response #4.	See FEIS, Section 40.3.3.1.1 - <u>General</u> , page 40-283, comment #13 and pages 6-56, 6-79 and 6-80.
57	Diamond, Ellen Resident	General statement made in opposition to the project	Comments acknowledged. Transcript page 130 (line 24).	
58	Ryan, Brendan Resident	General statement made in opposition to the project	Comments acknowledged. Transcript page 133 (line 19).	

APRIL 19, 2007 ENVIRONMENTAL JUSTICE INFORMATIONAL MEETING FOR THE PROPOSED EAST 91ST STREET MARINE TRANSFER STATION

Supplemental Responses to Public Comments October 2, 2007

1. **Comment:** The capacity of the proposed MTS is four times greater than what was handled by the former MTS.

Response: The existing MTS has a permit still in effect, which would allow it to process 4,800 tons per day. In the early 1980s, commercial carters still delivered waste to the existing MTS. However, during its most recent operating years, it processed only DSNY-managed waste from the same wasteshed, Manhattan Community Districts #5, #6, #8 and #11, that would deliver to the proposed Converted MTS. As noted in Special Condition 17 of the draft permit, except for during the occurrence of an emergency condition or an upset condition, the proposed E. 91st Street Converted MTS is limited to processing no more than 1,860 tons per day, Monday through Saturday, and a total of 9,864 tons per week, which is equivalent to a daily average of 1,644 during the week. These limits account for both DSNY-managed Waste and the potential to accept up to 780 tons per day of commercial waste.

2. Comment: In addition to emergency (and upset) conditions, will reserve capacity be used to accommodate waste from MTSs not built, other transfer stations and increases in the City's population? The EIS does not consider the possibility that if plans for the West 59th Street MTS fall through that that waste will have to go to the only other place on Manhattan, the East 91st Street MTS.

Response: No. Both the draft permit (see Section 2.2.1, Acceptable Waste and Waste Sources) and the City's adopted Solid Waste Management Plan (see Section 3.3, Proposed Actions) designate the wasteshed, the specific Manhattan Community Districts named above, that would deliver waste to the E. 91st Street Converted MTS.

If plans for the use of West 59th Street MTS as a facility for the export of commercial waste only fall through, the wasteshed accepted at E. 91st Street Converted MTS will not change; the SWMP requires that DSNY seek and report on potential alternate sites for a commercial waste only transfer station in Manhattan if the West 59th Street MTS does not prove to be a feasible site for a commercial waste facility.

3. **Comment:** For the measurement of PM2.5 alone, the location of the measurement was the center of the MTS, whereas for all the other measurements of pollution the property line was used.

Response: This is incorrect. For all air pollutants analyzed in the FEIS, emissions were modeled from equipment operating on-site within and outside of the Converted MTS building, (including DSNY and commercial waste collection vehicles) and from tugboats that would be operating in the vicinity of the Converted MTS. Using the standard

USEPA-approved model, emissions were predicted at the property boundary of the site for comparison to federal, state and local standards.

4. Comment: A speaker questioned the siting of the proposed MTS in a flood plain, comparing the pier level elevation of six inches over the 100-year flood elevation to a 30-foot hurricane storm surge.

Response: Pier level elevations for the Converted MTSs are defined by the Base Flood Elevations extracted from the Flood Insurance Rate Maps (FIRMs) published by the Federal Emergency Management Agency (FEMA). The New York City Building Code defines the requirements for the lowest floor of new structures in a flood hazard area as at or above the 100-year flood or base flood elevation (Article 10, Section 27-317). In addition, NYSDEC requirements prohibit locating waste handling facilities within the flood plain. The FIRM maps reference base flood elevations using the National Geodetic Vertical Datum of 1929 (NGVD 29) and give the base flood elevation in the area of the 91st Street MTS at El. +11.00. In order to comply with the Building Code and NYSDEC requirements, the pier level for the East 91st Street Replacement MTS is set at 6" above the base flood elevation. The Building Code, Article 27, Section 158, requires that elevations be referenced to the applicable borough datum. In terms of Manhattan Borough Datum, the pier elevation is set at 8.75'. The Building Code does not define design requirements for the effects of storm surge. The New York City Office of Emergency Management (OEM) has published a map indicating New York City Hurricane Evacuation Zones. The East 91st Street MTS is located in Zone A. Residents living in Zone A are advised that they face the highest risk of flooding from a hurricane's storm surge.

It is important to note that OEM does not intend that the map be used as a design guide in designing structures and facilities located within certain areas of the City, rather it is to be used as a tool for residents so that they, given sufficient warning of a significant storm event, can be prepared to evacuate certain areas of the City. OEM has provided information to DSNY that the loading level, which is 14-feet above the pier level would not be subject to flooding in a Category 4 storm. It is fully anticipated that in the event of a significant storm event, DSNY would cease accepting waste and would have sufficient warning to take the necessary precautions to have all waste containing containers and barges dispatched from the MTS.

5. Comment: Photo of proposed MTS in comparison to the concrete factory and Murphy Center is deceptive.

Response: The rendering was prepared by the highly regarded City firm of Dattner Architects, the architect for the MTS building. The renderer started with electronic site survey files and computer-drafted files of the transfer station plans and elevations. A characteristic of those electronic files is that they are more than line drawings; they contain the actual dimensional data generated by the surveyor for the site survey or by the drafter for the building plans and elevations.

The renderer used those files to generate an accurate three dimensional virtual model of the building in its site and then matched the viewpoint for the virtual model to the photograph viewpoint by overlaying an electronic transparency of the virtual model on an electronic scan of the photo. The resulting rendering is as accurate as possible in both the vertical and horizontal dimension.

6. Comment: The masking agent is an irritant for asthmatics and people with allergies.

Response: The substance to be employed at the Converted MTS is not a masking agent, but an odor neutralizing agent called Anotec 0307 ("Anotec"). The following was prepared by the Operations Manager for AT Products, the manufacturer of Anotec, in response to this allegation.

"Conventional <u>masking</u> agents may contain irritants either because of the surfactants or the chemical make-up of the product. These products simply overwhelm malodors by laying down a second odor to cover up the offensive odor.

Anotec, an <u>odor neutralizing agent</u>, is not known to do that. It has been tested at the premier odor laboratory in the country, Odor Science & Engineering, where it was determined Anotec is an odor neutralizer, not a masking agent. Anotec is a blend of approximately 34 different plant oils and water and as determined by toxicity testing is deemed to be non-hazardous, non-toxic, and natural. In the 17 years of operation, AT Products has never had any complaints of Anotec as an irritant. Anotec has been used around the most sensitive people, pets, and plants with over 5 million gallons having been sprayed in California alone."

7. **Comment:** Environmental impacts from DSNY's use of rodenticides and pesticides have not been evaluated.

Response: Rodenticides and pesticides are used in many applications, at waste processing facilities and elsewhere throughout the City. Their use and application are subject to federal, state and local regulations and are not required to be evaluated under the CEQR process. A description of DSNY's procedures for vector and pest control is provided in the January 2007 Part 360 Permit Application, Volume 1, Section 3.4.4 with NYSDEC Pesticide Technician Identification Cards for trained DSNY personnel provided in Attachment A of the same Application.

8. Comment: Consider enclosing at least part of the truck ramp to vent fumes away from the playing field and the Murphy Center.

Response: DSNY did consider this issue during the facility design process and decided against it because of associated visual impacts and the potential for additional noise from the fans that would be required for ventilation if the ramp were partially enclosed.

DSNY Stakeholder Notice

The New York City Department of Sanitation (DSNY) has identified you as a stakeholder for the East 91st Street Converted Marine Transfer Station project proposed to be located in the Upper East Side of Manhattan.

This postcard notifies you that on May 30, 2007, the New York State Department of Environmental Conservation published a Notice of Complete Application in connection with DSNY's application for a permit to construct and operate the East 91st Street Converted Marine Transfer Station and issued a draft permit for the facility. A 30-day period was established for the receipt of comments on the project. The draft permit includes conditions for the following permits sought by DSNY:

- Article 27 Title 7 Solid Waste Management
 Article 25 Tidal Wetlands
- · Article 19 Air State Facility
- Section 401—Clean Water Act Water Quality Certification

All project documents, including the Notice of Complete Application and the draft permit can be found on the DSNY $we bsite \ at \ http://www.nyc.gov/html/dsny/html/reports/guides.shtml \ and \ at \ each \ of \ the \ two \ document \ repositories:$

96th Street Regional Public Library

112 East 96th Street, New York, NY Contact Name: Bill Sufert Phone: (212) 289-0908 Call for hours

Manhattan CB 8 Office

505 Park Avenue, New York, NY Contact Name: Elizabeth McKee Phone: (212) 758-4340

Hours: Monday—Friday 9 am to 5 pm

NOTE: All comments on the project must be submitted in writing to the following Contact Person no later than July 2, 2007:

Contact Person: John F Cryan, NYSDEC Region 2 Headquarters 47-40 21st Street, Long Island City, NY 11101 (718)482-4997

601510

says that he/she is the principal Clerk of the Publisher of the

New York Post

a daily newspaper of general circulation printed and published in the English language, in the County of New York, State of New York; that advertisement hereto annexed has been regularly published in the said "NEW YORK POST" once,

on the 01 day of June, 2007

BYRON STEVENS
Notary Public, State of New York
No. 01ST6117803
Qualified in New York County
Commission Expires November 1, 2008 day of 2007 Notary Public



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF COMPLETE APPLICATION

05/24/2007

Applicant: NYC DEPT OF SANITATION 125 WORTH STREET NEW YORK, NY 10013-4006 Facility:

NYC-DOS EAST 91ST ST MTS EAST 91ST ST & EAST RIVER NEW YORK, NY 10028

Application ID: 2-6204-00007/00013

Permits(s) Applied for:

Triniste) Applied 101.

1 - Article 19 Air State Facility
1 - Article 27 Title 7 Solid Waste Management
1 - Article 25 Tidal Wetlands
1 - Section 401 - Clean Water Act Water Quality Certification

Project is located: In NEW YORK COUNTY

Project Is socared: IN NEW YURK COUNTY

Project Description: Construction and operation of a converted marine transfer station (MTS) on the upper east side of Manhattan. The proposed facility is designed to process 4,290 tons per day of municipal solid waste (MSW), allowing for 5,280 tons per day of MSW during emergency conditions. The East 91st Street MTS is a waste processing facility, one of four proposed waste management taclifies identified as part of the NYC Solid Waste Management Plan - NYC Department of Sanitation long term waste export program. The existing marine transfer station will be demolished and the proposed containerized waste management facility, with a footprint of approximately 63,521 square feet, will be built to provide for barge transport of MSW to out of NYC locations. All solid waste transfer and containerized activities will take place within the fully enclosed building. and containerized activities will take place within the fully enclosed building.

In addition to the construction of a new facility building, the applicant proposes to dredge the adjacent waterway to allow for barge operations and disturb tidal wetlands for the construction of a new fendering system and over water access ramps for the proposed MTS. The applicant will mitigate wetland habitat losses by creating and restoring additional tidal wetland areas at other areas within MYC, including other waste management facilities, at a ratio of no less than 2 times the combined wetland area lost for the proposed four converted MTS facilities.

The facility is subject to the provisions of the state facility regulations found at 6 NYCRR Sec. 201-7.2. The facility has potential emissions from exempt combustion sources and trivial activities and by the draft Air State Facility Permit is capping its Oxides of Nitrogen emissions to less than 22,5 toop per year. The draft Air State Facility permit contains a listing of applicable federal, state and compliance monitoring requirements for the facility.

A draft permit has been prepared and is available for inspection at the document repositories established for this project:

96th Street Regional Library, 112 East 96th Street, NYC and Manhattan Community Board 8 Office, 505 Park Avenue, NYC

The site is located in within Manhattan tax Block 1587, lot 27 and part of lot 1, East River, FDR, and 91st Street.

Availability of Application Documents: Filed application documents, and Department draft permits where applicable, are available for inspection under the provisions of the Freedom of Information Law during normal business hours at the address of the contact person.

This project is subject to the Department's Environmental Justice Policy This project is subject to the Department's Environmental Justice Policy and an enhanced public participation plan has been prepared and accepted as a component of application completeness. As part of the plan, a document repository has been established near the project area that contains application and project related materials, information on the repository location and other outreach components of the plan is available from the identified DEC contact.

State Environmental Quality Review (SEQR) Determination: A final environmental impact statement has been prepared on this project

SEQR Lead Agency: NYC Department of Sanitation

State Historic Preservation Act (SHPA) Determination:
The proposed activity is not subject to review in accordance with SHPA.
The permit type is exempt or the activity is being reviewed in accordance with federal historic preservation regulations.

Coastal Management:

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29):
The proposed action is subject to CP-29. An enhanced public participation plan was submitted by the applicant and has become part of the complete

Availability For Public Comment: Comments on this project must be submitted in writing to the Contact Person no later than 07/02/2007.

Contact Person: JOHN F CRYAN

NYSDEC REGION 2 HEADQUARTERS 47-40 21ST ST

LONG ISLAND CITY, NY 11:101-5407 (718) 482-4997

mailto:r2dep@gw.dec.state.ny.us

You're Invited

to an Environmental Justice Informational Meeting on the Proposed East 91st Street Converted Marine Transfer Station

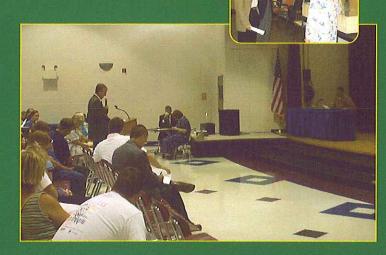
The Environmental Justice informational meeting on the Proposed East 91st Street Converted Marine Transfer Station

(MTS) will be conducted on:

Thursday, April 19, 2007, at the New York Blood Center (Auditorium) 310 E. 67th St. New York, NY 10021 6:30 pm – 9:00 pm

Site Location - Proposed East 91st Street Converted MTS





The Department of Sanitation will provide information and answer your questions on the MTS project, the State permit applications under review by the New York State Department of Environmental Conservation, and the permit process.

Please come and talk with us!



POSTER PLACEMENT FOR E. 91st STREET MTS HOST COMMUNITY

The posters were placed within the host community district for the E. 91st Street MTS (Manhattan Community Board 8) in community or public spaces where there appeared to be a high amount of pedestrian traffic.

These places included community board offices, libraries, meeting venues, churches, schools, grocery stores, retail stores, restaurants/eateries, community health centers, and barbershops, among others, and these locations included, but were not limited to:

Manhattan Community Board 8 Office - 505 Park Avenue

NY Blood Center - 310 East 67th Street

96th Street Regional Public Library - 112 East 96th Street

Kwong Ming Restaurant - 1764 1st Avenue

S&O Wholesale Grocers - 426 East 91st Street

Vinegar Factory Café - 1745 York Avenue

Yorkville Cleaners - 1733 2nd Avenue