ATTACHMENT 7

April 16, 2007 Southwest Brooklyn Environmental Justice Informational Meeting

Consolidated Comments from Transcript with Responses

1. **Comment:** Environmental Justice (EJ) – Given the residential character of the neighborhood, proximity to the marina, parks, local bird and wildlife population and children's amusement area and 30-years of illegal incineration and its effects on the community, this is an egregious case of environmental injustice.

   Response: The Environmental Justice Policy is designed to promote the fair treatment and greater involvement of minority and low-income communities in the New York State Department of Environmental Conservation (NYSDEC) permitting and project review process and with respect to the development and enforcement of environmental laws. The City of New York Department of Sanitation (DSNY) has embraced the Policy and has employed the outreach methods recommended in the Policy since the beginning of the environmental review process for the City's Solid Waste Management Plan in 2004.

   The Draft and Final Environmental Impact Statement for the City's approved Comprehensive Solid Waste Management Plan (DEIS and FEIS) were prepared in accordance with City Environmental Quality Review (CEQR) procedures and evaluate and disclose the potential for significant adverse impacts from siting the proposed Southwest Brooklyn Converted Marine Transfer Station (MTS) on all local sensitive receptors, including parks, schools, residential households and marine life. After receiving extensive comments from this community and others proposed to be host communities for proposed Converted MTSs, the FEIS, published in April 2005 found that the proposed Southwest Brooklyn Converted MTS would not cause any potentially significant unmitigatable adverse impacts.

   In addition to the Environmental Justice Informational meeting held on April 16, 2007, DSNY held community hearings in December 2004 on the DEIS and January 2005 on the proposed Uniformed Land Use Review Procedures action. Conducted in accordance with NYSDEC's Environmental Justice Policy and using its recommended outreach methods, these meetings and hearings were intended to inform the community on the specifics of the project and provide a forum for meaningful involvement at which the community could raise concerns. DSNY has made a concerted effort to promote greater community involvement and to provide information that would address issues of concern about the proposed project.

   In response to comments and concerns aired at the numerous meetings and hearings on the project, DSNY has proposed a facility design for the Southwest Brooklyn Converted MTS that will avoid the problems associated with prior waste processing operations at this site.[1]

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[1] The Southwest Brooklyn MTS was a permitted facility; the Southwest Brooklyn incinerator operated under an NYSDEC Consent Order. The following is extracted from the FEIS, Chapter 40, Response to comment #2, page 82-83.

Specifically, the design features of the facility that insure reliability in operations and minimize the potential for impacts on the neighboring community include the following:

- The capability to receive and process up to 36 collection vehicles an hour, more than anticipated in the peak hour. Trucks queuing outside the old MTS buildings were a frequent source of complaints. Accordingly, the new ramp tipping floor for the Converted MTS is designed with a large maneuvering area and six tipping bays to unload six trucks at a time.
- The tipping floor is 12 feet above the loading floor, which accelerates the unloading process by eliminating potential interference between collection vehicles and mobile waste processing equipment. Truck turnaround time is also improved through the use of automated scales in contrast to the manual weigh-in – weigh-out system at the old MTSs. Finally, should the arrival rate ever exceed the 36 trucks per hour design criteria, the ramp is structurally strong enough to hold queuing trucks. Although the peak arrival rate occurs during only one hour a day, the need to accommodate this peak rate, maintain the efficiency of DSNY collection operations and avoid on-street queuing problems were all important considerations in the design of the building.
- The loading floor is designed to process 220 tons per hour into containers, using three of four processing lines with one held in reserve as a spare. The floor can also provide approximately 760 tons of on-floor storage in the event of a delivery surge or a delay in barge arrival. These design criteria enable the facility to manage maximum expected arrival rates without excessive queuing or turning away trucks. The fourth processing line provides redundancy in the event of mechanical problems affecting one of the other processing lines.
- Container loading and lidding operations occur on the level below the loading floor within the enclosed building to prevent the escape of litter and odors to the outside environment. The through-the-floor loading system is a simple, fast, gravity-based process with a high degree of reliability.
- The building's ventilation system is designed to maintain negative pressure in the building at all times, even when doors are open with the capability to provide 12 air changes per hour, compared to the code standard of 6. It is also equipped with an odor neutralizing system, not the odor masking system used in the former MTS that treats air as it is exhausted from the building to remove 90% to 99% of the odors from the building's exhaust air. The neutralizing system uses a natural neutralizing agent, called Anotec 0307 that is made from a plant compound.

The components of the containerization process, including the containers, lids, shuttle cars, lidding hoists and gantry cranes, are designed for extreme continuous duty in harsh marine environments.

The containers are specifically designed to handle municipal solid waste. Their strength is much greater than standard cargo containers used at most marine terminals. These high strength environmental containers meet American Railroad Association and American Bureau of Shipping standards, and are industry standard equipment in many intermodal transfer operations.

The container lid is designed for high strength, water tightness and odor control. The lid design also incorporates a twist lock latch system currently used in the industry to fasten containers to transport trailers and rail cars. This new lid and latch system eliminates the need for workers to manually remove and reattach the lids. In this design, the lids are mechanically removed and reattached to the containers by an electric hoist attached to a spreader mechanism and locking device that will automatically position itself and automatically lock itself to the lid.

The entire process, including shuttle car operations, lidding/unlidding operations, container filling, and barge loading/unloading, will be controlled automatically or manually by staff located in safe controlled environments.

2. **Comment:** Incinerator – DSNY's Southwest Brooklyn incinerator operated without a permit for 30 years, was not maintained properly, deposited wind-blown ash on the community and in the water, and caused health problems and negative affects on the community. It is the only MTS project area to have previously hosted an incinerator. Demolition of the incinerator caused an ongoing rodent problem in the neighborhood, and there is currently garbage leaking into the water that is harming the fish.

   Response: First, it is worth noting that both the Southwest Brooklyn and Hamilton Avenue Converted MTS projects previously hosted an incinerator. As noted in Response #1, DSNY has devoted a great deal of attention during the facility design process to ensuring that the proposed Southwest Brooklyn Converted MTSs environmental control system prevents waste processing operations from affecting the outside environment, including the escape of litter into the adjacent waterbody. A comparison of the Converted MTS with the existing MTS facility highlights these design features, for example:[2]

   - The Converted MTS will be located upland on the old incinerator site, not over water like the existing MTS.
   - The Converted MTS will process waste into lidded, sealed containers in contrast to the use of open hopper barges in the existing MTSs.
   - Waste processing operations in the Converted MTS will be entirely enclosed within the building in contrast to the old MTS, which is open at the entrance to the barge slip.
   - The Converted MTS will be equipped with a ventilation system capable of 12 air changes per hour, twice the applicable code standard, to maintain negative air pressure in the building and thereby prevent the escape of odors and litter to the outside environment. The existing MTS does not have this type of ventilation system.
   - The Converted MTS is equipped with an odor neutralizing system that neutralizes odors from exhaust air as it leaves the building. A masking agent will not be used.

[2] The following is extracted from the FEIS, Chapter 40, Response to comment #186, page 188.

- Ongoing maintenance activities at the Converted MTS will include routine visits by pest control specialists to control vectors. (See Part 360 Draft Permit Application, Volume I, Section 3.4.4, Vector and Pest Control, and Appendix D, Section 4.10, Vector and Pest Control Systems. It is also important to note the features of the MTS design that mitigate against rodent infestation, such as, totally enclosed waste processing operations and the use of flat deck barges with sealed containers stacked on top.

3. **Comment:** Dredging and Sediment Toxicity - The proposed area to be dredged includes pollutants, such as mercury from old incinerator ash, in sediments that have been undisturbed for 15 years. Dredging will release these toxins, and coliform bacteria, and affect the Lower Bay. Use of a clamshell bucket will release toxins; therefore a vacuum system should be used. Dredging will also affect operations of the marina, damage the marina seawall, and cause an increase in rodents. DSNY must gather more information and satisfy the community on the issue of sediment toxicity prior to dredging.

   Response:[3] Resumed use of this MTS site would require some dredging to provide sufficient water depths for the use of flat-top barges and tugboats. Maintenance dredging was undertaken in the early 1990s, so the majority of the sediment has accumulated since the closure of the incinerator. As noted in the draft application for Article 15/25 permits that is now undergoing review by NYSDEC, the volume of dredged materials would be approximately 4,280 cubic yards. The application specifically addresses issues related to potential impacts on marine resources arising from facility construction, including dredging. As NYSDEC proceeds with review of the application and the permit process which is likely to include a local public legislative hearing, it will determine the appropriate mitigative measures to minimize impacts on marine life and the local community.

   Test results of sediments from the MTS site are not significantly different than sediment data test results for other dredge projects in the Harbor that were permitted by regulatory agencies and are now in construction. Likewise, additional testing will be conducted in advance of proposed dredging at the site. DSNY has carefully considered various dredging methods, including the vacuum (hydraulic) option, for this site. The basic premise for selecting a dredging method was that it must provide environmental safeguards, as necessary, and comply with all applicable environmental regulations. The use of mechanical clamshell dredging using an environmental bucket was selected for this site, and vacuum dredging method was rejected for the following reasons:

   A. Vacuum (hydraulic) dredging is preferred when dealing with "hazardous" sediments. DSNY has conducted sediment sampling and testing at this location to characterize the sediments. The testing included Toxicity Characteristic Leaching Procedure (TCLP) as specified by the federal Resource Conservation and Recovery Act (RCRA) regulations, and the New York State regulations for Identification of Hazardous Waste (6 NYCRR Part 371). None of the sediment samples failed these tests, indicating that the

[3] The following is extracted from the FEIS, Chapter 40, Response to comment #176, page 181-182.

sediments at this location are not "hazardous" as defined by the applicable federal or state regulations.

B. For any dredging operation, re-entrainment of contaminated sediments and its impact on the surrounding biota is a reasonable concern. DSNY has taken this concern into consideration, and will employ the following safeguards to minimize such impacts:

C. Dredging operations will be conducted using an environmental clamshell bucket. The environmental bucket is constructed with sealing gaskets or an overlapping sealed design at the jaws.

- The bucket will be equipped with a signal light in the control station to verify bucket closure and seal.
- Bucket hoist speed will be limited to approximately 2 feet/second.
- The bucket will be lowered to the level of barge gunwales prior to release of load.

D. No barge overflow will be allowed.

E. Excessive loss of water, sediment or both, from the time the bucket breaks the water surface to the time it crosses the barge gunwale, will not be permitted. In other words, the environmental bucket will be kept in good working order throughout the dredging operation.

F. As appropriate, dredging operations may be restricted during spawning seasons that may be identified in the permits issued for the project.

G. In the past, neither NYSDEC nor the US Army Corps of Engineers (USACE) has required or recommended the Vacuum (Hydraulic) method in the DSNY maintenance dredge permits for this or other MTS sites. These permits require the use of a mechanical clamshell dredge with an environmental bucket. In other words, NYSDEC and USACE have found that the mechanical clamshell dredging with an environmental bucket provides fully appropriate environmental safeguards, including protection against potential re-entrainment of sediments in the water column and its potential impact on the surrounding biota.

The 150-foot long king pile wall design was developed in consultation with the marina owner to protect the marina seawall from the effects of tug back wash. In addition, the king pile wall will result in a decrease in the total area to be dredged. No adverse impact to the adjacent marina will occur due to dredging activities.

Dredging will not result in any increase in rodents at or in the immediate vicinity of the site.

4. **Comment:** Air Quality – The neighborhood is not compliant with air quality standards, and facility and diesel emissions from trucks will worsen the problem. DSNY has not considered

the affects of emissions on the community and nearby sensitive nearby receptors. How much air pollution will hundreds of additional trucks add to the environment?

Response:[4] Under City Environmental Quality Review (CEQR) procedures, reasonable worst case peak hour traffic conditions must be evaluated in an EIS. Three peak time periods were analyzed in the DEIS and FEIS: the AM peak hour (7:45 a.m. to 8:45 a.m.) and PM peak hour (5:00 p.m. and 6:00 p.m.) when background traffic volumes are highest, and the facility peak hour (10:00 a.m. and 11:00 a.m.) when facility-generated traffic volumes are the highest. The facility peak hour occurs during the late morning hours after the AM peak hour. The analysis in the DEIS and this FEIS of the potential for project induced significant traffic impacts used a conservative assumption for the facility peak hour by: (1) using the average peak daily DSNY collection vehicle arrival profiles – that is, the typical highest day of each week (i.e. every Tuesday) when collection vehicle delivery profiles are between approximately 15% and 20% higher than the average day; and (2) increasing the average peak day hourly DSNY collection vehicle volumes by 20% above the DSNY-reported collection truck delivery profile to account for potential fluctuations.

By using the facility peak day as a basis for analysis and adding a 20% contingency factor for collection vehicle traffic, the DEIS and FEIS overstates the volumes of facility traffic that will occur on both average and peak days and, therefore, constitutes a reasonable worst case scenario. The trip generation data used in the DEIS and FEIS for this facility was derived from a sample of peak days during Fiscal Year 1998, when DSNY-managed loads and tons were relatively high compared to the historical averages that are used in the permit application. This, combined with the 20% contingency factor applied to the average peak day, means that the traffic data used in the DEIS and FEIS is comparable to the holiday week peak tons and loads based on historical data for the Southwest Brooklyn MTS wasteshed. The DEIS and FEIS traffic, off-site air quality and off-site noise analyses under these reasonably conservative conditions found that the development of the Converted MTS would not cause any unmitigable potentially significant adverse traffic impacts.[5]

On a regional basis, emissions and impacts of particulate matter, NOx, and VOC will not change significantly due to the Proposed Action. More importantly, the pollutants of primary regional concern, particularly $PM_{2.5}$ and ozone, are strongly affected by precursor pollutant emissions far upwind (remote from the City and the State). However, looking broadly at cumulative regional emissions, it is apparent that such emissions from several large source categories, including power plants, on-road engines, non-road engines, and many types of industrial sources, will continue to decrease dramatically in the next few years due to existing and proposed federal rules. Therefore, one can say with confidence that the City's air quality, to the extent it is impacted by these cumulative upwind regional emissions, will continue to improve in the coming years.

Currently, waste is being exported from the City via semi-truck transfer trailers. DSNY has estimated that the shift from truck-based transfer to barge/rail based for DSNY-managed

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[4] Some of the following is extracted from the FEIS, Chapter 40, Response #193, page 190.

[5] Also see response of J. Mariani in EJ Meeting transcript p. 76-77, and 79.

Waste will reduce waste transfer vehicle traffic by approximately 2.8 million miles per year. (See the response to Comment #42 in Section 40.3.3.1 of Chapter 40 of the FEIS for more detail on this estimate.) The noise, emissions, and congestion caused by this mode of waste export would be eliminated by the movement of waste out of the City predominantly by barges or rail. While barge tugboats and locomotives also produce air pollutant emissions, these emissions are less proximate to businesses, residences, and the commuting public, and therefore, the facilities in the SWMP are expected to lessen public exposure to air pollution within the region.

Furthermore, the region's ozone and particulate matter non-attainment issues are largely a function of industrial and power plant emissions occurring far upwind, with a lesser contribution from local transportation-related emissions sources. USEPA has already proposed rules to drastically reduce upwind ozone and particulate matter precursor pollutant (mainly nitrogen oxides and sulfur dioxide) emissions from power plants and from non-road vehicles, and has in place much more stringent on-road emissions standards for diesel trucks, which go into effect in 2007. With or without the proposed Converted Southwest Brooklyn MTS, the cumulative effects of these current and pending rules on a regional basis will far outweigh the regional differences in emissions between the current waste export program and the proposed export of waste by barge and/or rail.

Finally, the analyses in the FEIS took into account the potential for air quality and noise impacts on sensitive receptors from facility related traffic. Air quality on truck routes at sensitive receptor locations was evaluated and found to comply with standards. The potential impacts of daytime and nighttime noise generated by on-site facility operations and from facility generated traffic were evaluated and noise mitigation measures, such as restricting the volume of facility-generated truck traffic during certain nighttime hours, were identified and would be implemented to avoid any exceedance of standards.

5. **Comment:** Commercial Waste – The nighttime impacts of commercial waste deliveries were not considered.

Response:[6] The processing of commercial waste at the Converted MTSs reflects the results of the Commercial Waste Management Study (CWMS) that was mandated by Local Law 74 of 2000. (See Volume III of the CWMS published in March 2004.) As reported in the FEIS, 718 tpd of commercial waste, the equivalent of approximately 66 truckloads (conservatively assuming 11 tons per truckload), can be processed without causing potential significant adverse impacts at the Southwest Brooklyn Converted MTS by limiting waste deliveries by commercial carters to the hours of 8:00 p.m. to 8:00 a.m. with specific limits on the number of commercial waste hauling vehicles in each of the early morning hours.

The Part 360 permit limits that DSNY has proposed to NYSDEC would stipulate 718 tpd as the maximum quantity of commercial waste that could be received at the Southwest Brooklyn Converted MTS. (See the discussion of the permit limits Proposed by DSNY in Section 40.3.1.1 in Chapter 40 of the FEIS - Facility Capacity and Design, Comment #1.) If

[6] Some of the following is extracted from the FEIS, Chapter 40, Response #174, page 179.

that maximum quantity was processed, commercial waste would represent approximately 34% of the total waste processed, with the balance being DSNY-managed waste from the four Brooklyn Community Districts, 11-13 and 15, that constitute the Southwest Brooklyn MTS wasteshed.

6. **Comment:** Off-Site Queuing - Trucks will queue off-site in the neighborhood.

   Response: DSNY will not queue off-site in the neighborhood. As noted in Response #1 above, the tipping hall and the ramp for the Converted MTS have been designed to handle peak truck arrival rates of up to 36 trucks per hour. This is significantly more than the estimated 27 DSNY trucks (Part 360 Draft Permit, Volume I, Section 2.1.3) that would arrive during the daytime peak hour. Nighttime deliveries of commercial waste will have significantly lower arrival rates. Additionally, NYSDEC Part 360 regulations do not allow off-site queuing of waste delivery vehicles.

7. **Comment:** Alternative Sites - DSNY hasn't considered alternative sites proposed by the City Council. There are more appropriate industrial areas on the Brooklyn waterfront from Red Hook to Sunset Park. There are plenty of possible sites from 65th Street to the Battery Tunnel.

   Response: DSNY has considered the alternatives. Chapter 1, Section 1.3 of the FEIS discusses the city-wide Alternatives considered in formulating the Proposed Action for Long Term Export. The following is a summary explanation.[7]

   In July 2001, Mayor Michael Bloomberg completed an evaluation of the Long Term Export Program and directed DSNY to evaluate waste containerization and export from the City's eight existing MTSs. The Long Term Export Program was an element of the City Council and State approved 2000 SWMP Modification supported by an October 2000 FEIS that analyzed long term export options at some 20 different sites with 25 different facility options across the City. (The 2000 SWMP Modification and supporting FEIS are available from DSNY on request.) The Mayor's decision to pursue containerization at the MTSs was made after a determination that insurmountable problems prevented the implementation of the Linden Enclosed Barge Unloading Facility (EBUF) project. The Linden project, a key component of the 2000 SWMP Modification, would have received waste from five existing MTSs, three in Manhattan, Hamilton Avenue and North Shore. The Alternatives evaluated in the 2000 SWMP FEIS were not acceptable substitutes for Long Term Export from the three Manhattan and the North Shore MTS wastesheds, which comprised four of the five MTSs wastesheds that the Linden Project would have served.

   In July 2002, the Mayor announced that the City would move in a new direction by redeveloping all eight of the MTSs as facilities capable of containerizing waste for intermodal transport by barge or rail to out-of-City disposal facilities (Converted MTSs). Since that announcement, DSNY has worked diligently with the New York City Economic

[7] The following was extracted from the FEIS, Chapter 40, Response #7, pages 85-87.

Development Corporation, the City Law Department and other City agencies to implement the Mayor's policy directive.

In the course of developing the SWMP, as well as its predecessor, DSNY considered more than 25 alternative sites. DSNY proposes to implement four Converted MTS projects, not eight. DSNY would also note that the Brooklyn Community District 7 in the Hamilton Avenue Converted MTS wasteshed, adjoining the Southwest Brooklyn Converted MTS wasteshed would host two facilities proposed in the SWMP, the Hamilton Avenue Converted MTS **and** a recyclables processing facility for all of DSNY's metal, glass and plastic collections, to be located at the South Brooklyn Marine Terminal.

8. **Comment:** Alternative Technologies - DSNY has not considered alternative disposal options and technologies, including incineration, and should look to the future to propose a world-class, state-of the-art alternative to the Southwest Brooklyn Converted MTS.

   Response: The SWMP in Chapter 2, Waste Prevention and Recycling; Attachment III, Waste Characterization Activities; Attachment VI, Recycling; and Appendices A, B, C, and D, describes various aspects of the City's Waste Prevention and Recycling activities. In Appendix F, Report on New and Emerging Solid Waste Management Technologies, the SWMP discusses the City's investigation of alternative technologies. Also refer to the Section 40.3.1.3 in Chapter 40 of the FEIS for responses to related comments on recycling.

   Additional studies conducted on New and Emerging Solid Waste Management Technologies will include small scale pilots of some technologies and will provide data on the future reliability and environmental impacts.

9. **Comment:** Improper Siting - Siting does not consider proximity and buffer zones to residences, schools, parks, or wildlife habitats. The proposed land use is incompatible with current and future uses of the neighboring marina, Gravesend Bay, Coney Island, other recreational waterfront activities and the millions of dollars that the City has invested in restoring wetlands area at Drier-Offerman Park.

   Response: The FEIS evaluated the potential for significant adverse impacts from this siting action on, among other things, residences, parks, community facilities, and the marine environment. As to the land use issue, the site is the location of an existing permitted MTS, and accordingly, the City's Siting Rules do not prohibit the proposed siting action.

10. **Comment:** King Pile Wall Impacts – Has DSNY considered the affect of the king pile wall on beaches in the area? The construction of the groin in Seagate caused beach erosion.

    Response: The Southwest Brooklyn MTS is located immediately adjacent to the existing Marine Basin Marina seawall. Based on an engineering review, in order to protect the stability of the existing seawall during construction, maintenance, dredging and facility operations, a "king pile" bulkhead wall and rock apron will be installed. The rock apron will be placed between the "king pile" bulkhead wall and the existing seawall. It will consist of 250-pound armor stone with an under layer consisting of 10- to 50-pound stone (provided as a filter between the seabed and the armor stone). The rock apron will be designed to remain stable under the wave action of wind-generated waves with a 50-year significant wave height

of 5.9 feet, and it will mitigate the effects of erosion and eliminate the risk of undermining the existing seawall due to wave action of wind generated waves and prop-wash from tugboats maneuvering barges.

An existing "red" buoy marks the approach channel to the facility approximately 150-feet west of the Marina's seawall and 300-feet south of the existing DSNY property's bulkhead wall. All tugboats must approach to the west of the buoy; otherwise, they will run aground. A wall that extends past the buoy is not required to protect the marina from tug movements at the Converted MTS.

The proposed king pile wall will not result in any alteration to existing currents and sedimentation patterns. The Sea Gate project is located approximately 1.2 miles from the proposed king pile wall, along the Atlantic Ocean side of the Coney Island peninsula. No cumulative impact would be anticipated to occur due to the geographic distance between these facilities. The adjacent existing marina seawall, which would extend beyond the proposed length of the king pile wall, would continue to be the most significant shoreline structure in the immediate area of the proposed MTS site.

11. **Comment:** Bioaccumulation of Toxins in Fish - The area has the largest and most diverse fish population of any MTS site. Edible fish will accumulate acute toxicity, Class C toxins that will be consumed by residents who catch and eat local fish. The proposed area to be dredged includes pollutants, such as mercury, from old incinerator ash in sediments that were undisturbed for 15 years, but will now bioaccumulate in fish that are caught and consumed across southern Brooklyn.

    Response: The quantity of sediment that would be dredged at Southwest is relatively small, 4,200 cubic yards. The sediment quality at the MTS site was evaluated through core samples collected by DSNY's consultants in accordance with regulatory protocols and additional sampling will be conducted prior to the start of construction in accordance with NYSDEC requirements. Test results of sediments from the MTS site are not significantly different than sediment data test results for other dredge projects in the Harbor that were permitted by regulatory agencies and that have been completed or are now in construction. In addition, dredging at this location has occurred in the recent past and the levels of contaminants have not exceeded regulatory guidelines.

    The claim of bioaccumulation ignores the chemical and physical properties of the sediments, which affects the bioavailability of constituents of concern. The binding and adsorption of chemicals to the sediment would prevent them from instantaneously dissociating during dredging. Resuspension will also be limited through the use of protective measures during dredging operations, including silt curtains, prohibitions against dredge barge overflow and an environmental clamshell bucket.

    Bioaccumulation and/or biomagnification of contaminants also typically require an extended period of exposure and the contaminants must be biologically-available. Dredging at the proposed site would be minimal and of limited duration, approximately 20 days. Any temporary re-suspension of sediment that would occur would not increase health risks.

Based upon the nature of existing constituents of concern in sediments located at the MTS site and at much larger dredging projects in New York Harbor, as well as dredging that has occurred at facilities adjacent to the proposed MTS site that have been reviewed and approved by the appropriate regulatory agencies, no impacts related to biomagnification are anticipated.

12. **Comment:** Sediment Testing - Actual testing of sediments has not been done. Saying that the level of toxins in the sediments is the same as elsewhere in the Bay is meaningless because the New York Harbor is full of toxins. DSNY must gather more information and satisfy community on the issue of sediment toxicity prior to dredging.

    Response: Analyses of Gravesend sediments were conducted by DSNY in the mid to late 1990s and in 2003 when the Converted Southwest Brooklyn MTS was proposed. In addition, DSNY will also conduct additional testing as required by NYSDEC in advance of the proposed dredging of the site. Test results of sediments from the MTS site are not significantly different than sediment test results for other dredge projects in the Harbor that have been previously approved by regulatory agencies.

13. **Comment:** Noise Impacts from Construction - Noise impacts from pile driving during construction will affect the neighborhood.

    Response: Construction Impacts from the proposed Converted Southwest Brooklyn MTS are discussed in Chapter 32 of the FEIS. Since construction of the upland Converted Southwest Brooklyn MTS would be approximately 30 months in duration (and pile driving would only occur during a portion of this time), a detailed construction related noise impact analysis was not necessary.

14. **Comment:** MTS Construction Costs/Operations and Disposal Plan – The City's cost estimates of building the Converted MTSs have been largely understated, MTS operations have not been adequately detailed, and the disposal destination of barges and available disposal capacity is unknown.

    Response: At a City Council hearing on March 30, 2005, DSNY presented information clearly demonstrating the Proposed Action to be a fiscally prudent alternative for the City's solid waste management needs. The capital costs of MTS construction is but one element of the City's total cost of waste transfer, transport and disposal. The City is in the process of procuring a contract for transport and disposal of waste that would be handled at the MTS. Under City procurement rules, DSNY cannot divulge specific information on this procurement process at this time. A range of disposal destinations are being considered; ample disposal capacity is available for the proposed 20-year term of the contract. A contract award would not be made unless and until the MTS obtains regulatory approvals and permits.

15. **Comment**: Tonnage Offsets - Will land-based transfer stations close if this facility is constructed?

Response: It is not known if any private waste transfer stations will close if the Southwest Brooklyn Converted MTS is constructed and begins operations.

16. **Comment:** Traffic Impacts - There is a discrepancy in DSNY and commercial truck traffic estimates. The service road to the facility (Shore Road) is highly congested (particularly at Christmastime) and is the only means of access to the bordering stores. Increased traffic will overload Shore Road, affect access to the Marina (causing the number of Marina customers to decline) and make bus travel more difficult. DSNY's analysis is suspect and they have not considered the affects of traffic on the community, particularly congestion on Belt Parkway that causes motorists to use Cropsey Avenue.

    Response: FEIS traffic analyses were conducted in accordance with the methodologies described in Section 3.16 of the FEIS. The traffic and other methodologies were prepared in accordance with the 2001 CEQR Technical Manual and reviewed, commented on, and revised, as applicable, by New York City (City) agencies such as the City Department of Environmental Protection, City Department of Transportation, City Department of City Planning and others. Under CEQR procedures, reasonable worst case peak hour traffic conditions must be evaluated in an EIS. The DEIS and FEIS establish reasonable worst case conditions at intersections where project generated traffic would be most concentrated or most likely to have an impact on traffic flow through the intersection.

    CEQR also identifies specific times of the year and days during the week when typical conditions at study intersections should be observed and counted. Generally, holiday weeks and specific periods are excluded from acceptable counting days, as are Mondays and Fridays during the week. CEQR specifically states that "It is usually preferable to rely on typical day counts rather than seasonally adjusted counts." Traffic counts were collected on typical days for this project and at major convergence points along truck routes to and from the facility. The DEIS and this FEIS traffic analysis under these reasonably conservative conditions found that the development of the Converted MTS would not cause any unmitigable potentially significant adverse traffic impacts.

    Also, see response to Comments #4 and #5 above regarding the DSNY and commercial truck traffic estimates and response of W. Czwartacky on pages 92-97 of EJ Meeting Transcript.

17. **Comment:** Truck Routes - Trucks do not follow truck routes to the facility, and there should be more truck routes into the facility. Commercial traffic is not allowed on Bay Parkway.

    Response: DSNY workers have standing orders to follow certain routes to their destinations, which include, as required by NYCDOT Title 34 regulations, following NYCDOT-designated truck routes until they must exit that route to directly access a facility or collection route. If DSNY workers violate these route requirements, they are subject to discipline. DSNY's Permit and Inspection Unit will continue to be responsible for policing private carters in addition to concurrent NYPD efforts to enforce truck route designations (See FEIS, Chapter 40, comment #355, page 274). Bay Parkway in the vicinity of the proposed Southwest Brooklyn Converted MTS site is a NYCDOT designated truck route.

The NYCDOT truck route network for Southern Brooklyn can be viewed at http://www.nyc.gov/html/dot/downloads/pdf/lowertruckroute.pdf.

18. **Comment:** Dredging Impacts on Fish – There is a potential for the release of toxins from the facility, tug, and dredging operations that will affect the marine environment, other wildlife, Lower Bay (that is classified as a natural resource of ecological significance to NY Harbor), and endangered marine species, such as Atlantic Sturgeon and horseshoe crab.

    Response: Dredging, both initial and maintenance, will only temporarily disturb the benthic and pelagic environment. Benthic organisms and any demersal megainvertebrates and finfish eggs can be smothered by the disruption and redistribution of sediment. However, benthic communities are resilient and will reestablish themselves within months of the dredging activity. Adult finfish populations are sensitive to suspended sediment, and will avoid areas where the dredging is occurring. After the sediment has settled out of the water column, finfish are anticipated to return to the site of construction, and after food sources (benthic organisms) repopulate the sediment, finfish will be able to again obtain food from the local area. Since the dredged material will be removed from the site, any contaminants associated with the material will also be removed. In addition, as noted previously, several measures will be implemented during dredging activities to limit potential resuspension of sediments. These include, but are not limited to, the use of an environmental clamshell bucket, the prohibition of barge overflow, the use of silt curtains and the limitation of bucket hoist speeds. In addition, dredging would only occur during specified dredge windows established by state and federal agencies to be protective of sensitive life stages of important finfish species. Dredging and tug operations have also previously occurred at the site and did not result in any impacts to fish. Also see comment in FEIS Chapter 40, pages 175-179.

19. **Comment:** Facility Impacts - Facility impacts on nearby sensitive receptors and the marine environment were not considered. Has DSNY considered and published the affects of truck traffic and other possible impacts from this facility on the Block Institute, Nellie Bly Amusement Park and Drier-Offerman Park, and thousands of young and old park patrons and local residents that will be affected by waste transfer operations?

    Response: The FEIS predicted the potential for impacts on sensitive receptors and the marine environment. The Block Institute, Nelly Bly Amusement Park and Drier-Offerman Park were located near or along routes analyzed for traffic and off-site air quality. The Block Institute and Drier-Offerman Park, as well as a number of residences along Bay 44th Street were included in the on-site and off-site analyses for odor and noise. Noise impacts to the Nellie Bly Amusement Park were not considered since, in accordance with the methodology identified in Chapter 3.0 of the FEIS, this business is not, by definition, a noise-sensitive receptor. Impacts to the marine environment are discussed in detail in Section 5.9 of the FEIS.

20. **Comment:** Waterfront Impacts – The proposed project would have a negative affect on the waterfront.

    Response: The FEIS analyzed the potential for impacts to, among other things, land use, zoning and public policy, socioeconomic conditions, community facilities and services, open

space, cultural resources, urban design, visual resources and shadows, neighborhood character, natural resources, water quality, and the waterfront revitalization program and found no unmitigable significant adverse impacts.

21. **Comment:** Pedestrian Safety – DSNY has not considered that people have been killed trying to cross Cropsey Avenue. There is concern about the safety of visitors to Nellie Bly Amusement Park and pedestrian access to nearby parks because the proposed facility access and egress roads would be adjacent to the Park, and Shore Parkway is nearby.

    Response: Cropsey Avenue, in the vicinity of the proposed Southwest Brooklyn Converted MTS site, is a designated truck route. The NYCDOT truck route network for Southern Brooklyn can be viewed at http://www.nyc.gov/html/dot/downloads/pdf/lowertruckroute.pdf. Pedestrian counts were taken in the field at the time of the traffic counts. These pedestrian counts were incorporated in the traffic analyses of intersections in the area.[8] At the intersection of Bay Parkway and Shore Road southbound Exit 5 from Shore Parkway, there is a protected signal phase for pedestrian crossing only. This phase provides a time solely dedicated for safe pedestrian movements at this intersection. The traffic analyses include that protected signal phase. The traffic study area also included intersections and locations that could be considered high accident locations and problematic from a safety viewpoint. "A high accident location is one where five or more pedestrian accidents occur in any one year in the most recent three-year period for which data is available" as defined by the 2001 CEQR Technical Manual. No intersections along the major convergence points to and from the Southwest Brooklyn Converted MTS met this criterion.

22. **Comment:** Capacity - Why is the permit for three times the capacity you claim is needed, 1,680 tons per day?

    Response: What is needed on an average day is not the same as what is needed at other times. Item 12b, Attachment to the Part 360 Solid Waste Facility Permit Application for Southwest Brooklyn MTS and Section 40.3.1.1, page 40-76 of the FEIS provides a detailed discussion of proposed Converted MTS Capacities. In summary, the Maximum Peak limit on waste deliveries to the facility would be 2,106 tons per day. Additionally, deliveries during any week would be capped at 11,148 tpd, which on a six-day average basis equates to 1,858 tpd. As stated in Special Condition 17 of the draft permit, these limits would routinely apply except for the occurrence of a short term, temporary Emergency or Upset condition.

23. **Comment**: Pesticides and Larvicides - The FEIS talks about use of pesticides and larvicides at the MTS and to control standing water in the barges. These would be released into Gravesend Bay waters, tracked out into the street by trucks, and can also affect the development of young children.

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[8] Also see statement of J. Mariani on pages 79-80 of EJ Meeting Transcript.

Response: Rodenticides, larvicides and other 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. 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. Note also that standing water in the barges will not be an issue since the MTS would use deck barges that will be lidded, not the open hopper barges used as part of the former MTS operations. See also the FEIS, Chapter 40, comment #194, page 191.

24. **Comment:** Noise Barriers - Noise barriers should have been considered on the Belt Parkway.

Response: The FEIS included predicted facility-related on-site and off-site noise impacts on sensitive receptors near the SW Brooklyn Converted MTS site, and along convergence points of collection vehicle routes to and from the site. Following CEQR guidelines and the methodology in Chapter 3.0 of the FEIS, these locations were screened to determine whether there was the potential to double Passenger Car Equivalents (PCEs). As discussed in Section 6.17 of the FEIS, noise analyses resulted in mitigation measures that would restrict the volume of nighttime truck deliveries to the MTS during certain hours.

Because the analysis showed that hourly collection vehicle volumes delivering to the Southwest Brooklyn Converted MTS had no potential to double PCEs on the Belt Parkway, no mitigation measures along the Belt Parkway were required.

25. Comment: Mobro Barge - DSNY has no credibility here because the City once proposed to unload the "Mobro" barge at this site.

Response: The Mobro barge was unloaded and the waste disposed of at the former Southwest Brooklyn Incinerator. It was infamous not because of what the barge contained (it was municipal solid waste from Islip, a Long Island town), but because it became a symbol of cash strapped local government failures to adequately plan for waste transfer and disposal in the 1980s. The design of the proposed Southwest Brooklyn Converted MTS would make it impossible to unload loose waste from a barge. DSNY has no intention to unload any barge waste at this facility and moreover, it would be a violation of the permit conditions.

26. **Comment:** Truck Vibrations/Noise – Residents are concerned that truck traffic would cause vibrations on their residences and that noise from the trucks would affect nighttime peace and quiet.

Response: A total of 50 DSNY and 66 commercial waste collection vehicles are expected to travel along routes to the facility between 8:00 p.m. and 8:00 a.m., with the majority of deliveries between 8:00 p.m. and 10:00 p.m., 12:00 a.m. and 1:00 a.m. and 6:00 a.m. and 7:00 a.m. See also response to #5, above. No off-site noise impacts were predicted at analyzed sensitive receptors along routes during nighttime hours. Typical equipment-induced vibration levels from trucks are below the threshold of human perception at 50 feet. A summary of the vibration analysis determination is included in Appendix L to the FEIS.

27. **Comment:** Neutralizing Agent - What kind of chemicals will be used to neutralize odors and are they toxic?

Response: First, the proposed facility will be designed with ventilation systems to maintain the facility at "negative pressure" such that odors will not migrate out of open doors. The MTS ventilation system will include a mist system to apply odor neutralizing chemicals to air as it passes through the ductwork before it is exhausted to the open atmosphere through facility roof vents. Rapid roll-up access doors will be kept closed when waste collection vehicles and/or containers are not entering/exiting the MTS building. There will be a requirement that all waste processing areas be cleaned daily to ensure that all waste is processed within 24 hours and that the floors are washed to eliminate buildup of waste residue. Truck odors will be minimized by allowing adequate unloading space inside the building, thus minimizing on-site queuing time outside of the buildings. NYSDEC, NYCDEP and other City regulators will periodically inspect the facilities for compliance with applicable rules and permits, as appropriate. Because residential garbage cans and dumpsters, residential garbage collection vehicles, and other sources emit odors that are often detectable in close proximity to residences, a goal of zero odor is not feasible. However, based on dispersion modeling of the proposed MTS facility design and operation, predicted odors at sensitive receptors in the surrounding neighborhood are less than detection thresholds.

The odor control system is designed to prevent odors from being released into the surrounding areas from the MTS building exhaust. Each of the MTS's nine exhaust stacks includes a separate odor control fogging system. The fogging system installed within each exhaust stack is designed to fog the exhaust stream with a mixture of water and an odor control liquid, Anotec 0307. Anotec has been tested at the premier odor laboratory in the country, Odor Science & Engineering, where it was determined that 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. The Manufacturer of Anotec 0307 reports 95 percent odor removal efficiency when applied using a misting or fogging system. Removal efficiency test results from an independent laboratory for various compounds are available. A ring of 8 to 12 nozzles is located within each stack to produce the fine fog and saturate the exhaust stream of air prior to discharge from the stack. The system is started automatically whenever the exhaust fans are activated. The odor control system is comprised of exhaust stack mounted rings of stainless steel tubing and nozzles; two positive displacement pumps for redundancy located in the Odor Control Room; a chemical metering pump for injecting the odor control chemical; and a reverse osmosis water filter for cleaning the inlet water to the system.

28. **Comment:** Truck Delivery Enforcement - DSNY future operations, e.g., number of trucks, won't comply with the estimated numbers used in the FEIS.

Response: The number of DSNY collection vehicles was based on a sample of available, historical 1998 data for the average peak day (highest day of the week – typically Monday or Tuesday) of the Southwest Brooklyn Converted MTS wasteshed plus a 20% contingency allowance that reflects variations in the waste stream and a margin of conservativism in the

analysis of the potential for adverse impacts. The majority of the waste will arrive between 8:00 a.m. and 8:00 p.m. with no unmitigable significant adverse impacts. Limitations on DSNY and commercial waste collection vehicles routes and arrival patterns during certain periods between 8 p.m. and 8:00 a.m. to mitigate the potential for noise impacts will be strictly enforced by DSNY operating personnel. See also comment #174, pg 179 of the FEIS.

29. **Comment:** Tug Service - What happens to the garbage when tug operators go on strike?

Response: DSNY is currently in negotiations with four (4) short listed proposers with the objective of entering into 20 year transport and disposal contracts with one or more of them (see Section 40.3.5, page 40-400 in Chapter 40 of the FEIS for a Transfer, Transport and Disposal Plan that describes this in more detail). DSNY will require its selected proposer(s) to provide sufficient equipment and personnel to provide uninterrupted service to transport containerized waste from the SW Brooklyn MTS. DSNY will require that the selected contract have a contingency plan to address service disruptions, including tug operator strikes. In the worst case, DSNY would temporarily cease accepting waste at the proposed Southwest Brooklyn Converted MTS.

30. **Comment:** Flood/Fire - What happens if there is an accident and flooding or fire occurs at this facility?

Response: The Part 360 Permit Application Engineering Report, Appendix B – Contingency Plan provides the appropriate procedures, staff assignments and identification of other involved city agencies and departments concerning a variety of specific emergencies including fire (see Appendix B, Section 7.1) and flooding/spills (see Appendix B, Section 7.3 – Releases). The specific procedures applied vary with the type of incident; a container fire will have a specific procedure, different than that of a loading floor fire. As noted in the Part 360 Permit Application Engineering Report, Appendix A – Training Plan, facility employees will be trained to follow these established Contingency Plan procedures in the event of an emergency. All such incidents shall be reported to the NYSDEC and appropriate city agencies. In addition, the Part 360 Permit Application Engineering Report, Appendix D – Operations and Maintenance Plan provides further details regarding the Fire Protection Systems (Section 4.9). Also see above response to Comment 29.

31. **Comment:** Hurricane – What about the effects of a future hurricane on the facility?

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 gives the base flood elevation in the area of the Southwest Brooklyn Converted MTS at El + 13. In order to comply with the Building Code and NYSDEC

requirements the pier level for the Southwest Brooklyn Replacement MTS is set at 6" above the base flood elevation.

Building Code, Article 27, Section 158, requires that elevations be referenced to the applicable borough datum. In terms of Brooklyn Borough Datum, the pier elevation is set at 10.953. 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 area of the Southwest Brooklyn MTS is located in Zone B. Residents living in Zone B are advised that they may experience storm surge flooding from a MODERATE (Category 2 and higher) hurricane.

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. It is noteworthy that the loading level of the MTS is 14-feet above the pier level. It is anticipated that in 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.

32. **Comment:** FEIS Analysis Methodologies - FEIS studies were conducted at times that would produce the right answers.

Response: FEIS analyses were conducted in accordance with the methodologies described in Section 3.0 of the FEIS. These methodologies were prepared for each of the CEQR analysis categories in accordance with the 2001 CEQR Technical Manual and reviewed, commented on, and revised, as applicable, by New York City (City) agencies such as the City Department of Environmental Protection, City Department of Transportation, City Department of City Planning and others. In addition, the Draft Scoping Document and DEIS contained these methodologies and were available for public review and comment during an extensive public participation process. Results of the analyses were based on use of these standard, accepted, reviewed methodologies.

ATTACHMENT 8

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Transcript Reference	Comment	Referenced Consolidated Comment
Assemblyman William Colton, pgs 22-29	1. Environmental Justice (EJ) on siting should consider residential character of neighborhood and proximity to marina, parks, local bird and wildlife population and children's amusement area. 2. DSNY incinerator operated without a permit for 30 years and deposited wind-blown ash on the community and in the water. 3. Proposed area to be dredged includes pollutants, such as mercury, from old incinerator ash in sediments that were undisturbed for 15 years, but will now be picked up by fish that is caught for food across southern Brooklyn. 4. Neighborhood is not compliant with AQ standards and facility will worsen problem. 5. Nighttime impacts of commercial waste deliveries not considered. 6. Trucks will queue in neighborhood, off site.	1. EJ - See Consolidated Comment/Response #1 2. Incinerator - See Consolidated Comment/Response #2 3. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3 4. Air Quality - See Consolidated Comment/Response #4 5. Commercial Waste - See Consolidated Comment/Response #5 6. Off-Site Queuing - See Consolidated Comment/Response #6
Councilmember Dominic Recchia, pgs 30-34	1. Only MTS project area to have previously hosted an incinerator, therefore siting of this facility is not fair. 2. DSNY hasn't looked at alternative disposal options, including incineration, nor has it considered alternative sites proposed by City Council. 3. Siting does not consider impacts from traffic, proximity to residences, school, and parks. 4. Has affect of king pile wall been considered on beaches in area and that construction of groin in Seagate caused beach erosion?	1. Incinerator - See Consolidated Comment/Response #2 2. Alternative Sites - See Consolidated Comment/Response #7. Alternative Technologies - See Consolidated Comment/Response #8. 3. Improper Siting - See Consolidated Comment/Response #9. 4. King Pile Wall Impacts - See Consolidated Comment/Response #10.

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Transcript Reference	Comment	Referenced Consolidated Comment
Ilan Kayatsky, Representative of Congressman Nadler	1. DSNY must gather more information and satisfy community on the issue of sediment toxicity prior to dredging.	1. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3. Sediment Testing - See Consolidated Comment/Response #12.
Jeanette Givant	1. Not fair to site this facility here, given character of neighborhood and past history of incinerator.	1. Incinerator - See Consolidated Comment/Response #2
Charles Ragusa	1. Siting is a mistake because of proximity to residential community, parks, wildlife habitat, and potential for release of toxins affecting fish. 2. There are more appropriate industrial areas on Brooklyn waterfront from Red Hook to Sunset Park.	1. Improper Siting - See Consolidated Comment/Response #9 and Dredging/Sediment Toxicity - See Consolidated Comment/Response #3. 2. Alternative Sites - See Consolidated Comment/Response #7.
Ida Sanoff	1. The area has the largest and most diverse fish population of any MTS site, edible fish will accumulate acute toxicity, Class C toxins that will be consumed by residents who catch and eat local fish. Actual testing of sediments has not been done. 2. Methods of dredging with clamshell bucket will release toxins; coliform bacteria will also be released. 3. Noise impacts from pile driving during construction will affect neighborhood.	1. Bioaccumulation of Toxins in Fish - See Consolidated Comment/Response #11. Sediment Testing - See Consolidated Comment/Response #12. 2. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3. 3. Noise Impacts from Construction - See Consolidated Comment/Response #13.
John Culpepper	1. Air Quality in all the City's boroughs is bad.	1. Air Quality - See Consolidated Comment/Response #4
William Hershkowitz	1. City's cost estimates of building Converted MTSs have been wrong by a big margin, MTS operations have not	1. MTS Construction Costs/Operations and Disposal Plan - See Consolidated

Transcript Reference	Comment	Referenced Consolidated Comment
	been adequately detailed, disposal destination of barges and amount of available disposal capacity is unknown. 2. Will land-based transfer stations close if this facility is built? 3. There is a discrepancy in DSNY and commercial truck traffic estimates.	Comment/Response #14 2. Tonnage Offsets - See Consolidated Comment/Response #15 3. Commercial Waste - See Consolidated Comment/Response #5. Traffic Impacts - See Consolidated Comment/Response #16.
Carmine Santamaria	1. Operation of old incinerator caused health problems in neighborhood. 2. Service road to facility is also the only means of access to stores located on it and it has major traffic problems, particularly at Christmastime. 3. Dredging will affect fish life.	1. Incinerator - See Consolidated Comment/Response #2 2. Traffic Impacts - See Consolidated Comment/Response #16. 3. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3
Ludger Balan	1. Buffer zone between facility and sensitive receptors is inadequate, proposed use is incompatible with current future uses of the neighboring marina, Gravesend Bay, Coney Island, other recreational waterfront activities and the millions the City has invested in restoring wetlands at Drier-Offerman Park. 2. Impacts of dredging and tug and barge operations from proposed project will affect the Lower Bay that is classified as a natural resource of ecological significance to NY harbor and will cause release of contaminants that will affect endangered marine species, such as Atlantic Sturgeon and horseshoe crab. 3. The service road that is already overloaded will be	1. Improper Siting - See Consolidated Comment/Response #9. 2. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3 & #12 3. Traffic Impacts - See Consolidated

Transcript Reference	Comment	Referenced Consolidated Comment
	seriously affected by traffic increase.	Comment/Response #16.
Bryan Thomas	1. Dredging will affect operations of marina and local fish, damage marina seawall, cause an increase in rodents. 2. Increased traffic will affect access to marina and tug emissions will affect marina patrons, causing the number of marina customers to decline.	1. Dredging Impacts on Fish - See Consolidated Comment/Response #18. 2. Traffic Impacts - See Consolidated Comment/Response #16.
Ruth Cohen	1. Community suffered from operation of Southwest Brooklyn incinerator. 2. DSNY has not considered affects of traffic and emissions on community.	1. Incinerator - See Consolidated Comment/Response #2 2. Traffic Impacts - See Consolidated Comment/Response #16. Air Quality - See Consolidated Comment/Response #4
Steve Chung	1. Southwest Brooklyn incinerator had negative affect on community. 2. Impacts on nearby sensitive receptors and marine environment were not considered.	1. Incinerator - See Consolidated Comment/Response #2 2. Facility Impacts - See Consolidated Comment/Response #19
Adeline Michaels	1. Southwest Brooklyn incinerator was a plague on community. Demolition of the incinerator caused rodent problem in neighborhood. 2. Traffic and related air emissions will affect sensitive nearby uses. 3. Dredging would release toxins; therefore a vacuum	1. Incinerator - See Consolidated Comment/Response #2 2. Traffic Impacts - See Consolidated Comment/Response #16 Air Quality - See Consolidated Comment/Response #4 3. Dredging/Sediment Toxicity - See

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Transcript Reference	Comment	Referenced Consolidated Comment
	system should be used to contain sediments. 4. DSNY should have considered new technologies.	Consolidated Comment/Response #3 4. Alternative Technologies - See Consolidated Comment/Response #8.
The Speciales	1. Dredging will seriously affect marine environment.	1. Dredging Impacts on Fish - See Consolidated Comment/Response #18.
Leo Mikityansky	1. Saying that the level of toxins in the sediments is the same as elsewhere in the Bay is meaningless because the New York Harbor is full of toxins. 2. Has DSNY considered the affects of truck traffic and other possible impacts from siting this facility and is a report available?	1. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3. Sediment Testing - See Consolidated Comment/Response #12. 2. Traffic Impacts - See Consolidated Comment/Response #16. Facility Impacts - See Consolidated Comment/Response #19
Seymour Jecher	1. Dredging will release toxins. 2. Additional traffic will affect Shore Road.	1. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3 & #12 1. Traffic Impacts - See Consolidated Comment/Response #16
Melvin Wolfson	1. Traffic analysis is suspect. 2. Proposed project would have a negative affect on waterfront.	1. Traffic Impacts - See Consolidated Comment/Response #16 2. Waterfront Impacts – See Consolidated Comment/Response #20.
Vicki Grubman	1. The community suffered enough from the health effects of incinerator ash. It should not be burdened with this new facility.	1. Incinerator - See Consolidated Comment/Response #2

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Transcript Reference	Comment	Referenced Consolidated Comment
Stanley Lave	1. Contaminants from dredging will be spread throughout area, harming fish and other wildlife.	1. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3 Dredging Impacts on Fish - See Consolidated Comment/Response #18.
Harvey Cigman	1. How much will truck traffic increase and during what hours will it occur? 2. Commercial trucks and diesel emissions are problems; there should be more truck routes into the facility.	1. Traffic Impacts - See Consolidated Comment/Response #16 2. Air Quality - See Consolidated Comment/Response #4. Truck Routes – See Consolidated Comment/Response #17.
Albina Raziano	1. It's unacceptable that DSNY proposes to dump on us again. Proposed project will certainly have an impact on quality-of-life. You haven't considered traffic back-ups on Belt Parkway that cause traffic to use Cropsey Avenue, nor that people have been killed trying to cross Cropsey, nor the effects of NYCDOT roadway maintenance.	1. Incinerator - See Consolidated Comment/Response #2 Traffic Impacts - See Consolidated Comment/Response #16 Pedestrian Safety - See Consolidated Comment/Response #21
Mark Treyzer	1. Given 30 years of illegal incineration and its effects on the community, this is an egregious case of environmental injustice. 2. How does the EIS address the thousands of young and old park patrons and local residents that will be affected by waste transfer operations?	1. Incinerator - See Consolidated Comment/Response #2; EJ - See Consolidated Comment/Response #1 2. Facility Impacts - See Consolidated Comment/Response #19
Anthony Ard	1. The SWMP and EIS do not get at environmental truth. Effects on Block Institute have not been considered.	1. Facility Impacts - See Consolidated Comment/Response #19
Lenda Budanitsky	1. Concerned about safety of users of Nellie Bly Park, because proposed facility access and egress roads would be adjacent to Park and Shore Parkway is near the	1. Traffic Impacts - See Consolidated Comment/Response #16 Pedestrian Safety - See Consolidated

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Transcript Reference	Comment	Referenced Consolidated Comment
	proposed facility.	Comment/Response #21
Mitchell Cohen	1. Why is the facility permit limit three times the capacity you claim is needed, 1,680 tons per day? 2. The FEIS talks about use of pesticides and larvicides at the MTS and to control standing water in the barges. These would be released into Gravesend Bay waters, tracked out into the street by trucks, and can also affect the development of young children. 3. How much air pollution will hundreds of additional trucks add to the environment?	1. Capacity - See Consolidated Comment/Response #22 2. Pesticides and Larvicides - See Consolidated Comment/Response #23. 3. Air Quality - See Consolidated Comment/Response #4
Julian Melendez	1. Use of the Nellie Bly and Drier-Offerman Parks would be affected by proposed facility. 2. Noise barriers should have been considered on Belt Parkway. 3. Community will certainly be affected by traffic.	1. Facility Impacts - See Consolidated Comment/Response #19 2. Noise Barriers - See Consolidated Comment/Response #24 3. Traffic Impacts - See Consolidated Comment/Response #16
Stephen Abramson	1. DSNY has no credibility here because City once proposed to unload "Mobro" barge at this site.	1. Mobro Barge – See Consolidated Comment/Response #25
John Vento	1. No detailed comments	
Alice Uzoaga	1. Concerned that truck traffic would shake building where she lives and impede pedestrian access to parks. 2. Sanitation failed to keep the Southwest Brooklyn Incinerator clean and currently Sanitation workers don't pick up garbage that is spilled, why should we think this facility would be different? 3. What kind of chemicals will be used to neutralize odors	1. Truck Vibrations - See Consolidated Comment/Response #26 Pedestrian Safety - See Consolidated Comment/Response #21 2. Incinerator - See Consolidated Comment/Response #2 3. Neutralizing Agent - - See

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	and are they toxic?	Consolidated Comment/Response #27
Victoria Goldfedib	1. There is currently garbage leaking into the water polluting the fish and rats from DSNY's operations.	1. Incinerator - See Consolidated Comment/Response #2
Joseph Laspragata	1. DSNY future operations, e.g., number of trucks, won't comply with estimated numbers used in the FEIS. 2. What happens to garbage when tug operators go on strike? 3. There are plenty of possible alternative sites from 65th Street to the Battery Tunnel. 4. The City should think 50 years ahead and propose world-class state-of the-art alternative to this.	1. Truck Delivery Enforcement - See Consolidated Comment/Response #28. 2. Tug Service - See Consolidated Comment/Response #29. 3. Alternative Sites - See Consolidated Comment/Response #7. 4. Alternative Technologies - See Consolidated Comment/Response #8.
Bryan Gottlieb	1. What happens if there is an accident and flooding or fire occurs at this facility?	1. Flood/Fire - See Consolidated Comment/Response #30
Chris Beeson	1. Commercial traffic is not allowed on Bay Parkway. 2. Why is DSNY putting an incinerator here?	1. Truck Routes – See Consolidated Comment/Response #17. 2. Improper Siting - See Consolidated Comment/Response #9.
Morris Steinwurzel	1. Truck vibrations affecting people indoors, trucks that don't stay on truck routes, possible water main breaks, the effects of a future hurricane, contamination from dredging, these are the things that concern the community.	1. Truck Vibrations/Noise - See Consolidated Comment/Response #26 Truck Routes – See Consolidated Comment/Response #17. Hurricane - See Consolidated Comment/Response #31. Dredging/Sediment Toxicity - See Consolidated Comment/Response #3

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Transcript Reference	Comment	Referenced Consolidated Comment
Alvira	1. Enjoyment of children attending Block Institute will be affected.	1. Facility Impacts - See Consolidated Comment/Response #19
Nino Milgaly	1. FEIS studies were conducted at times that would produce the right answers. 2. Community was dumped on for over 30 years, enough is enough.	1. FEIS Analysis Methodologies See Consolidated Comment/Response #32 2. Incinerator - See Consolidated Comment/Response #2
Jeffery Kaye	1. Rumbling trucks will cause vibrations and noise would affect nighttime peace and quiet. 2. Bus travel is already difficult and will be made more so by proposed facility. 3. Pesticides would have an impact.	1. Truck Vibrations/Noise - See Consolidated Comment/Response #26. 2. Traffic Impacts - See Consolidated Comment/Response #16 3. Pesticides and Larvicides - See Consolidated Comment/Response #23

ATTACHMENT 9

DSNY Stakeholder Notice

The New York City Department of Sanitation (DSNY) has identified you as a stakeholder for the **Southwest Brooklyn Converted Marine Transfer Station** project proposed to be located at Bay 41st Street and Gravesend Bay in the Gravesend section of Brooklyn.

This postcard notifies you that on August 29, 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 proposed Southwest Brooklyn 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 19 Air State Facility
- Article 25 Tidal Wetlands
- 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 website at http://www.nyc.gov/html/dsny/html/reports/guides.shtml **and** at each of the two document repositories:

New Utrecht Library
1743 86th Avenue, Brooklyn
Contact Name: Ed Jelen
Phone: (718) 236-4086
Call for hours

Brooklyn CB 11 Office
2214 Bath Avenue, Brooklyn
Contact Name: Howard Feuer
Phone: (718) 266-8800
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 October 1, 2007:

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

ATTACHMENT 10

State of New York
COUNTY OF NEW YORK

SS:

INGRID CHRISTIANI being duly sworn, says that he/she is the principal Clerk of the Publisher of the

610298

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 31 day of August, 2007

Ingrid Christiani

Sworn to before me this 31 day of August 2007

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

Notary Public

610298

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF COMPLETE APPLICATION

Date: 08/27/2007

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

Facility: NYC-DOS-SOUTH WEST BKLYN MTS
BAY 41 ST & GRAVESEND BAY
BROOKLYN, NY 11214

Application ID: 2-6106-00002/00022

Permits(s) Applied for:
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 KINGS COUNTY

Project Description: Construction and operation of a converted marine transfer station (MTS), designed to facilitate the transfer of solid waste from collection vehicles into sealed and leak proof containers for export by barge and rail. 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 South West MTS is a waste processing facility, one of four proposed waste management facilities identified as part of the NYC Solid Waste Management Plan - NYC Department of Sanitation long term waste export program. The proposed facility, with a footprint of 62,856 square feet, will be built at the site of the demolished South West Brooklyn incinerator 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.

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 bulkhead reconstruction and the construction of a stormwater outfall to support facility operations and for the development of a king pile wall and related filling operations to protect the adjacent private marine structures. The applicant will mitigate wetland habitat losses, for the proposed four converted marine transfer stations, by creating and restoring additional tidal wetland areas at other locations within the New York Harbor.

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 tons 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:

- New Utrecht Library, 1743 86th Avenue, Brooklyn; and;
- Brooklyn Community Board 11, 2214 Bath Avenue, Brooklyn.

The site is located in the Gravesend section of Brooklyn, bounded by the Belt Parkway, 25th Avenue and Gravesend Bay.

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 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 and is on file.

SEQR Lead Agency: NYC Department of Sanitation

State Historic Preservation Act (SHPA) Determination:
Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

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 application.

Availability For Public Comment: Comments on this project must be submitted in writing to the Contact Person no later than **10/01/2007** or 33 days after the publication date of this notice, whichever is later.

Contact Person: JOHN F CRYAN
NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY 11101-5407
(718) 482-4997

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Notices

FORECLOSURE NOTICE

SUPREME COURT - COUNTY OF QUEENS

FREMONT INVESTMENT & LOAN, Plaintiff against **LOUIS CLERGE**, et al Defendant(s).

Pursuant to a Judgment of Foreclosure and Sale entered on May 7, 2007,

I, the undersigned Referee will sell at public auction at the Queens County General Courthouse, 88-11 Sutphin Boulevard, Court Room # 25, Jamaica, N.Y. on the 21st day of September, 2007 at 11:00 a.m. premises

Beginning at the corner formed by the intersection of the southwesterly side of 139th Avenue (formerly Sherman Avenue) with the northwesterly side of 250th Street (formerly Lafayette Avenue); being a plot 50 feet by 100 feet by 50 feet by 100 feet.

Said premises known as **249-18 139th Avenue, Rosedale, N.Y. 11422.**

Tax account number: SBL # : 13610-29.

Approximate amount of lien $ 555,073.81 plus interest and costs.

Premises will be sold subject to provisions of filed judgment and terms of sale.

Index No. 25163/06. Michael McSweeney, Esq., Referee.

Fein Such & Crane, LLP
Attorney(s) for Plaintiff
1800 First Federal Plaza
Rochester, N.Y. 14614

Sell your car in the New York Post

Notices

FORECLOSURE NOTICE

NOTICE OF SALE

SUPREME COURT. QUEENS COUNTY. WASHINGTON MUTUAL MORTGAGE SECURITIES CORPORATION, Plf. vs. **NUR ALAM HOWLADER**, et al, Defts. Index #2006-25588. Pursuant to judgment of foreclosure and sale entered May 3, 2007, I will sell at public auction in Courtroom #25 at the Queens County General Courthouse, 88-11 Sutphin Blvd, Jamaica, NY on Friday, Sept. 28, 2007 at 11:00 a.m. prem. k/a 160-03 108th Ave., South Jamaica, NY. Said property located on the northerly side of 108th Ave. formerly Cumberland St., 25 ft. easterly from the corner formed by the intersection of the northerly side of 108th Ave. with the easterly side of 160th St. (formerly Washington St.), being a plot 100 ft. x 25 ft. Approx. amt. of judgment is $114,104.88 plus costs and interest. Sold subject to terms and conditions of filed judgment and terms of sale. JUDAH MALTZ, Referee. CULLEN & DYKMAN LLP, Attys. for Plf., 100 Quentin Roosevelt Blvd., Garden City, NY. #70255

SUPREME COURT - COUNTY OF QUEENS

JP MORGAN CHASE BANK F/K/A THE CHASE MANHATTAN BANK SUCCESSOR BY MERGER TO CHASE BANK OF TEXAS, NATIONAL ASSOCIATION F/K/A TEXAS COMMERCE BANK NA AS TRUSTEE FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2005-FF1 BY: SAXON MORTGAGE SERVICES, INC. AS ITS ATTORNEY IN FACT, Plaintiff against **SUNIL SEUNARINE**, et al Defendant(s).

Pursuant to a Judgment of Foreclosure and Sale entered on February 9, 2007,

I, the undersigned Referee will sell at public auction at the Queens County General Courthouse, 88-11 Sutphin Boulevard, Court Room #25, Jamaica, N.Y. on the 7th day of September, 2007 at 11:00 a.m. premises

Beginning at a point on the easterly side of 127th Street (formerly Thames Street) distant 167 feet southerly from the corner formed by the intersection of the easterly side of said 127th Street with the southerly side of 111th Avenue; being a plot of 100 feet by 24 feet by 100 feet by 24 feet.

Said premises known as **111-19 127th Street, South Ozone Park, N.Y. 11420.**

Tax account number: SBL # : 11632-59.

Approximate amount of lien $ 412,309.01 plus interest and costs.

Premises will be sold subject to provisions of filed judgment and terms of sale.

Index No. 22163/06. Joseph Misk, Esq., Referee.

Fein Such & Crane, LLP
Attorney(s) for Plaintiff
1800 First Federal Plaza
Rochester, N.Y. 14614

Legal Notices

LEGAL NOTICE

NOTICE is hereby given that a license, serial number **1197982**, for Beer has been applied for by the undersigned to sell beer at retail in a Deli under the Alcoholic Beverage Control Law at **6523 20th Ave., Brooklyn, NY 11204** for on-premises consumption;

RAHA CORPORATION

NOTICE is hereby given that a license, serial number **1188643**, for "Eating Place Beer" has been applied for by **Candy Shop 93, Inc.** to sell Beer at retail in a store/delicatessen under the Alcoholic Beverage Control Law at **9305 Third Avenue, Brooklyn, NY 11209** for on-premises consumption.

Notice is hereby given that an Order entered by the Civil Court, New York County, on the 13th day of August 2007, bearing Index Number **501635/NC07**, a copy of which may be examined at the Office of the Clerk, located at 111 Centre Street, New York, NY in Room 225, grants me the right to assume the name of **KAYLA PIKTEL**. My present name is **KAYLA GORDON**. My present address is 53 Driggs Ave., #3L, Brooklyn, NY 11222. My place of birth is St. John's Hospital, Queens, NY. My date of birth is May 18, 2007.

Notice is hereby given that license number **1195844** for an on-premises Liquor license has been applied for by the undersigned to sell Beer, Wine & Liquor at retail in a restaurant under the Alcoholic Beverage Control Law at **TONG KUM INC., 311 Bedford Ave., Brooklyn, NY 11211.**

Check out the Employment Section Every Monday in the New York Post & Each Day Online NYPOST.COM/ATWORK

Notice is hereby given that license, serial number **1195841** for an on-premises wine license has been applied for by the undersigned to sell Beer and Wine at retail in a restaurant under the Alcoholic Beverage Control Law at **QL NATURAL INC., 201 1st Avenue, New York, NY 10003.**

Legal Notices

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF COMPLETE APPLICATION

Date: 08/27/2007

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

Facility: NYC-DOS-SOUTH WEST BKLYN MTS
BAY 41 ST & GRAVESEND BAY
BROOKLYN, NY 11214

Application ID: 2-6106-00002/00022

Permits(s) Applied for:
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 KINGS COUNTY

Project Description: Construction and operation of a converted marine transfer station (MTS), designed to facilitate the transfer of solid waste from collection vehicles into sealed and leak proof containers for export by barge and rail. 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 South West MTS is a waste processing facility, one of four proposed waste management facilities identified as part of the NYC Solid Waste Management Plan - NYC Department of Sanitation long term waste export program. The proposed facility, with a footprint of 62,856 square feet, will be built at the site of the demolished South West Brooklyn incinerator 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.

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 bulkhead reconstruction and the construction of a stormwater outfall to support facility operations and for the development of a king pile wall and related filling operations to protect the adjacent private marine structures. The applicant will mitigate wetland habitat losses, for the proposed four converted marine transfer stations, by creating and restoring additional tidal wetland areas at other locations within the New York Harbor.

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 tons 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:

- New Utrecht Library, 1743 86th Avenue, Brooklyn; and;
- Brooklyn Community Board 11, 2214 Bath Avenue, Brooklyn.

The site is located in the Gravesend section of Brooklyn, bounded by the Belt Parkway, 25th Avenue and Gravesend Bay.

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 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 and is on file.

SEQR Lead Agency: NYC Department of Sanitation

State Historic Preservation Act (SHPA) Determination:
Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

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 application.

Availability For Public Comment: Comments on this project must be submitted in writing to the Contact Person no later than 10/01/2007 or 33 days after the publication date of this notice, whichever is later.

Contact Person: JOHN F CRYAN
NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY 11101-5407
(718) 482-4997

UNITED STATES CUSTOMS AND BORDER PROTECTION

Notice is hereby given that the following merchandise has been seized on or about the date indicated for violations of Customs or other laws.

$7,600.00 in US Currency, seized on May 7, 2007, (2007-1001-000272-01);
$6,980.00 in US Currency and $27,900.00 in US Currency, seized on May 15, 2007, (2007-1001-000289-01);
$82,902.00 in US Currency, seized on May 16, 2007, (2007-1001-000292-01);

Any party asserting an interest and claim to the property must appear within 20 days from the date of the first publication of this notice and file with the FP&F Director at 1100 Raymond Blvd., Newark, NJ 07102, a seized asset claim form asserting an ownership interest in default of which the property will be forfeited to the United States Government. (3026)

Edward P. Nagle
Director of Fines, Penalties and Forfeitures

ATTACHMENT 11

Department of Sanitation
Proposed Southwest Brooklyn
Converted Marine Transfer Station

You're Invited

to an ***Environmental Justice Informational Meeting*** on the
Proposed Southwest Brooklyn Converted Marine Transfer Station

The Environmental Justice informational meeting on the Proposed Southwest Brooklyn Converted Marine Transfer Station (MTS) will be conducted on:

Monday, April 16, 2007, at the
Shore Parkway Jewish Center
8885 26th Avenue
Brooklyn, NY 11214
6:30 pm - 9:00 pm

Site Location - Proposed Southwest Brooklyn 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!

Water Side View

ATTACHMENT 12

POSTER PLACEMENT FOR SOUTHWEST BROOKLYN MTS HOST COMMUNITY

The posters to advertise the Environmental Justice Informational Meeting for the Southwest Brooklyn MTS host community were place in the district (Brooklyn Community Board 11) in community or public spaces where there appeared to be a high amount of pedestrian traffic.

These places included the community board office, libraries, meeting venues, churches, schools, grocery stores, retail stores, restaurants/eateries, community health centers, and barbershops, among others. For the Southwest Brooklyn host community, these locations included, but were not limited to:

1. Shore Parkway Jewish Center – 8885 26th Avenue
2. New Utrecht Public Library – 1743 86th Street
3. Brooklyn CB#11 Office – 2214 Bath Avenue
4. Asia City Restaurant – 2547 Cropsey Avenue
5. Juliette Restaurant – 2611 Bath Avenue
6. Cropsey Pizzeria Restaurant – 2811 Cropsey Avenue
7. Kay's Pharmacy – 2201 Bath Avenue
8. Nassau Candy & Grocery Inc. – 2207 Bath Avenue
9. Jerry's Barber Shop – 2163 Bath Avenue
10. Rainbow Nails – 2153 Bath Avenue
11. Silver Spoon Inc. – 2158 Bath Avenue
12. Top One Nail Salon – 2262 86th Street
13. Pizza Pazza – 8774 Bay Parkway
14. Hygrade Distribution – 2326 Bath Avenue
15. Dennis Grocery – 2302 Bath Avenue