

## CHAPTER 40 – REPOSIVENESS SUMMARY (NEW CHAPTER)

### 40.1 Introduction

Both the Draft New SWMP and the DEIS were issued on October 22, 2004. Pursuant to CEQR/SEQRA procedures, DSNY established a public comment period extending from October 22, 2004 to January 24, 2005, a total of 94 days. During the public comment period, between December 1 and December 20, 2004, DSNY held 8 public hearings at which oral testimony was received in each of the potential project areas where long term export facilities were proposed. Additional written comments were accepted by mail, email and fax until the close of the comment period. This section presents responses to all the public comments received. It is organized as follows:

- Section 40.2 provides an index of comments received, both orally during the public hearings, or written, by source, organization and/or individual. The index refers the reader to the numbered comment where a response is provided. Because numerous comments were received on the same issue, the comments stated in this section condense and distill the submitted comments, while stating the essence of the commentator's question. A verbatim compendium of all the comments received in the form of transcripts of testimony at the public hearings and written comments submitted is provided in Appendix G to this FEIS.
- Section 40.3 contains comments and responses, organized into the following major categories:
  - Section 40.3.1 lists general comments organized by the following topics: Facility Capacity and Design, Alternatives Analysis, Waste Reduction and Recycling, Enhanced Public Participation, Borough Self-sufficiency, Public Health, Odor, Air Quality, Traffic, SWMP Process and Objectives, and Costs.
  - Section 40.3.2 list site-specific comments and is organized by borough and by site within each borough.
  - Section 40.3.3 provides comments by Involved Agencies, inclusive of: (i) comments from NYSDEC, NYCDOT, and NYCDPR; and (ii) comments received by the City Planning Commission during the ULURP application review process.
  - Section 40.3.4 contains comments from the Commercial Waste Management Study and includes: (i) a subsection containing an undated report from OWN that followed publication of this Study in March of 2004 and a subsection containing DSNY's response to that report; and (ii) comments received during the DEIS public comment period.

- Section 40.3.5, Transfer Transport and Disposal Plan, is a report prepared in response to a request from NYSDEC during its review of the draft Part 360 Permits to provide information on the intermodal transfer, barge and/or rail transport, and disposal requirements for handling containerized waste from the Converted MTSs. This report also addresses comments on this topic received during the public comment process.
- Section 40.3.6 describes the enhanced public participation program that DSNY conducted during the public comment process. This program was implemented in all the potential project areas where public hearings were conducted. The information in this section is supplemented with examples of materials used in conducting this outreach program.

## 40.2 Comment Index

<b>Index of Oral Comments at DEIS Hearings</b>				
<b>Hearing Location</b>	<b>Speaker/Author</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
<b>Staten Island</b>	Councilman Oddo		1. The Staten Island TS should only accept waste from Staten Island.	360
			2. Trucks should utilize major roads instead of local streets to get to the TS	361
	Councilman McMahan		1. Borough-based self sufficiency is critical.	45
			2. Completion of the rail connection.	362
			3. The Staten Island transfer station must only take waste from Staten Island.	360
			4. Where will the waste go?	70
	Barbara Warren	OWN, Zero Waste	1. Why should waste be handled by private companies, if costs have risen?	102
			2. Analysis of costs and terms of the contracts is needed.	103
			3. Plan needs to address alternatives	8
			4. Support the 70% recycling goal.	9
			5. Create industries that use waste.	10
			6. Need new composting facilities.	11
			7. Manhattan needs a more adequate waste infrastructure.	44
			8. The 59 <sup>th</sup> Street MTS should allow containerization.	305
			9. There are no concrete plans for reducing capacity of private waste TSs	2*
			10. SWMP is vague and needs more detail on Zero Waste.	71
			11. Why don't the MTSs have compacting	3

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			capability? 12. The Staten Island transfer station should not be operated by a private entity. 13. State-of-the-art waste processing systems should be included in the SI TS.	363 364
	John Arntzen	ACTA Maritime Development Corporation	1. Support of the marine system	72
	Helen Bialer	Staten Island Citizens for Clean Air	1. SWMP failed to address alternatives.	8
	Joe Valentin		1. SWMP needs to address better ways to recycle and add materials.	12
	Nick Dmytryszyn		1. Borough-based self sufficiency is critical. 2. Plan must clearly state that Fresh Kills won't reopen. 3. Trucks should use the streets of Travis, and utilize internal landfill roads.	45 73 361
<b>Greenpoint, Brooklyn</b>	Alison Hirsh	Assemblyman Vito Lopez	1. SWMP is a step forward towards borough self sufficiency. 2. Unacceptable to have both sites remain open. 3. SWMP does not discuss closure of the commercial waste sites. 4. DEIS says that the 2 sites will process waste that Greenpoint MTS is processing, but MTS has not operated in five years. 5. If either of the 2 sites are chosen there would need to be mitigation measures.	45 131 79 131 132

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			6. Would like a community advisory board.	133
	Joseph Lentol	State Assemblyman	1. Opposed to opening of any private transfer stations in CB1. Should be in other areas. 2. Needs an environmental review that looks at cumulative impacts.	134 81
	Diana Reina	City Council member	1. Concentrations of waste transfer stations in Williamsburg, Greenpoint and the South Bronx are discriminatory. 2. The EIS must account for true impacts, not just geographic proximity. 3. Need continued community involvement.	134 81 133
	Ana Zak	State Senator Martin Dilan	1. Will not support the plan unless there is reduction of waste in the community. 2. Unfair to have two transfer stations in the community when others could open.	134 131, 134
	Judd Schechtman	Borough President Marty Markowitz	1. Brooklyn has been shouldering the burden of waste for years. 2. Requires certainty that Manhattan's MTSs open, and that there is a decline in receipt of Manhattan's waste. 3. Need commercial haulers to utilize the MTSs, then a phased shut-down of land-based stations. 4. City should enforce regulations at the existing facilities, and ensure that DSNY's facilities also operate under stringent standards. 5. One marine or rail facility, not two would be acceptable.	135 135 136 83 131

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
	Ray Kairys	Chairman of OUTRAGE	<ol style="list-style-type: none"> <li>1. Community is overburdened by land-based transfer stations, resulting in traffic, air, odor and noise pollution.</li> <li>2. SWMP must permanently reduce commercial and residential waste processed in the community. Any expansion of capacity must have an offset.</li> <li>3. Manhattan must handle its own waste.</li> <li>4. Open the Brooklyn MTSs before any of the alternatives to reduce waste in the neighborhood as quickly as possible.</li> <li>5. Opposed to the opening of two private facilities in Williamsburg/Greenpoint.</li> <li>6. Need dedicated ingress and egress from highways.</li> <li>7. Traffic impacts from Kosciusko Bridge must be considered.</li> <li>8. Wants a community advisory group.</li> </ol>	<p>134</p> <p>79, 131</p> <p>45</p> <p>136</p> <p>131</p> <p>132</p> <p>137</p> <p>133</p>
	Deborah Masters	Chair or CB1 Environmental Committee	<ol style="list-style-type: none"> <li>1. CB1 handles 45% of waste, which results in health concerns to the community.</li> <li>2. There are many questions which need to be answered to make the process work.</li> <li>3. The community wants to be involved in the decision-making process.</li> <li>4. Health issues are a concern.</li> <li>5. The permit applications must include an analysis of PM<sub>2.5</sub> and H<sub>2</sub>S.</li> <li>6. Any facility must be equipped with the best particulate controls.</li> </ol>	<p>138</p> <p>139</p> <p>133</p> <p>140</p> <p>140</p> <p>141</p>

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			<ul style="list-style-type: none"> <li>7. Issues related to trucking are the major concern: emissions, vehicle speed and accidents, etc.</li> <li>8. Impact of major local projects was not considered in the DEIS.</li> <li>9. DSNY trucks must stagger deliveries.</li> <li>10. Questions regarding dredging of Newtown Creek.</li> <li>11. If BFI is chosen, what is the plan to minimize congestion in Harlem River Rail Yards?</li> <li>12. What are the alternative plans in case of breakdowns?</li> <li>13. Recommendations for house-keeping of the facility.</li> </ul>	<ul style="list-style-type: none"> <li>132</li> <li>132</li> <li>142</li> <li>143</li> <li>144</li> <li>145</li> <li>146</li> </ul>
	Sister Veronica Hammond		<ul style="list-style-type: none"> <li>1. The high number of trucks is a real problem in the neighborhood.</li> <li>2. Its an injustice that Manhattan sends its waste elsewhere.</li> <li>3. There should be no more than one transfer station in this neighborhood.</li> <li>4. The traffic on Metropolitan Avenue is a problem.</li> </ul>	<ul style="list-style-type: none"> <li>132</li> <li>135</li> <li>131</li> <li>132</li> </ul>
	Delia Lopez		<ul style="list-style-type: none"> <li>1. Odors are a problem in the neighborhood.</li> </ul>	147
	Shannon Stone	Waste Prevention Coalition	<ul style="list-style-type: none"> <li>1. Need aggressive advancement of waste prevention, reuse and recycling.</li> <li>2. There are no details on how to achieve the 70% recycling goal.</li> <li>3. Draft SWMP omits the waste prevention</li> </ul>	<ul style="list-style-type: none"> <li>8</li> <li>9</li> <li>14</li> </ul>

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			coordinators programs. 4. The title of Chapter 2 of the SWMP omits the word “reuse”. 5. A waste characterization study should be conducted every five years. 6. SWMP needs much more education on waste prevention, reuse and recycling programs. 7. In favor of annual HHW collection days, but recommend additional items for collection. 8. Reuse is more cost effective than landfilling.	15  16  17  18  12
	Guido Cianciotta		1. There are too many transfer stations in the neighborhood. All of the MTSs should be opened, to ease the burden. 2. The traffic on Metropolitan Ave. is too heavy. 3. The heavy traffic, opening two TSs and two garages in one area is too much.	45  132  131
	Theresa Cianciotta	Concerned Citizens of Withers Street and the area block association	1. Concern with air quality, traffic, noise and rats from all of the additional trucking. The new garage on Varick will bring even more trucks into the area. 2. The commercial trucks aren't properly covered and don't stay on truck routes. 3. We don't want 2 transfer stations.	132, 131  132  131
	Rebecca White	North Brooklyn Greens	1. We want our fair share; not all of the waste. Existing stations must be closed. 2. The number one goal is a permanent reduction in waste handling capacity. 3. An MTS should be sited in lower Manhattan.	131  134  135



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			4. Trucks need to avoid residential streets. 5. DEIS is erroneous to say there are no negative health impacts. 6. Waste prevention is key. 7. Need to reduce emissions of waste vehicles.	132 138 12 10*
	Laura Hoffmann	Barge Park Pals	1. Need a net reduction of solid waste handling in the community. 2. City must choose only one facility for the area. 3. If the BFI facility is chosen, DSNY must ensure it is state-of-the-art. 4. Manhattan must have its own MTS. 5. The Greenpoint MTS must not open. 6. Community involvement is needed for disposition of the Greenpoint MTS site. 7. Communities affected by the SWMP facilities should receive amenities. 8. The EIS must consider the Cross Harbor project impacts. 9. The Williamsburg/Greenpoint rezoning may affect the SWMP. 10. Truck traffic must stay off residential streets.	134 131 148 45 149 149 80 137 137 132
	Carlotta Giglio		1. Truck traffic on Metropolitan is unbearable. 2. The traffic noise affects the school on (or near) Metropolitan 3. The truck rumbling has caused cracks in some area homes.	132 150 132
	Alison Cordero	St. Nicholas	1. Need a reduction in waste facilities in the	134, 131

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		Church	<ul style="list-style-type: none"> <li>neighborhood.</li> <li>2. Need a fair share of facilities.</li> <li>3. Clean fill transfer stations need to be addressed.</li> <li>4. We have nonconforming uses which are affected by the private transfer stations.</li> <li>5. Wants one facility, not two.</li> <li>6. Community needs mitigation and compensation.</li> <li>7. Use of green trucks at the new garage facility.</li> <li>8. Need a community advisory board.</li> <li>9. Continue with waste prevention.</li> </ul>	<ul style="list-style-type: none"> <li>45</li> <li>4*</li> <li>151</li> <li>151</li> <li>80</li> <li>82</li> <li>133</li> <li>12</li> </ul>
	Dr. Edward Fishkin	Medical Director of Woodhull Hospital	<ul style="list-style-type: none"> <li>1. Concerned with the truck traffic, and its affect on asthma rates.</li> <li>2. Need fair share of facility distribution.</li> </ul>	<ul style="list-style-type: none"> <li>152</li> <li>45</li> </ul>
	Carina Sciangola		<ul style="list-style-type: none"> <li>1. Take the trucks off the street and barge the waste.</li> <li>2. Need better odor controls, monitoring and enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>132</li> <li>141, 132</li> </ul>
	Dominick Sciangola		<ul style="list-style-type: none"> <li>1. Need a reduction in the number of transfer stations, and a cap on capacity.</li> <li>2. More enforcement of existing laws.</li> <li>3. Must reduce truck traffic.</li> </ul>	<ul style="list-style-type: none"> <li>131, 134</li> <li>2*</li> <li>132</li> </ul>
	David Yassky	City Council member	<ul style="list-style-type: none"> <li>1. This CD needs relief from waste transfer; offsets for any new facility.</li> <li>2. All MTSs must open.</li> </ul>	<ul style="list-style-type: none"> <li>134</li> <li>135</li> </ul>
	Evelyn Cruz	Congresswoman Valezquez	<ul style="list-style-type: none"> <li>1. Must permanently reduce land-based facilities, and address their closure.</li> </ul>	<ul style="list-style-type: none"> <li>131</li> </ul>

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			<ul style="list-style-type: none"> <li>2. Must have borough self-sufficiency.</li> <li>3. The waste transfer stations and clustering of other facilities is damaging the environment and health.</li> <li>4. Must have a tonnage offset.</li> <li>5. Commercial waste should be handled at all MTSs.</li> <li>6. DSNY must evaluate the private land-based transfer stations and regulations.</li> <li>7. Enforcement needs to be stepped up.</li> </ul>	<ul style="list-style-type: none"> <li>45</li> <li>134</li> <li>131</li> <li>5*</li> <li>79</li> <li>83</li> </ul>
<b>The Bronx</b>	Paula Laura Kaplan	Bronx Borough President Adolfo Carrion	<ul style="list-style-type: none"> <li>1. Approval of several key aspects of the Plan.</li> <li>2. DEIS inadequately analyzes HRY and 132<sup>nd</sup> Street site.</li> <li>3. Need a comparative assessment between the two sites.</li> <li>4. DEIS failed to analyze PM<sub>2.5</sub> at 132<sup>nd</sup> Street</li> <li>5. Barge-to-rail would contradict the fair share objectives of the plan.</li> <li>6. The plan fails to identify disposal sites.</li> <li>7. How will the 70% recycling rate be achieved?</li> <li>8. Waste reduction is inadequately addressed.</li> <li>9. The DEIS undervalues the correlation between diesel fumes and asthma.</li> <li>10. The DEIS fails to analyze the impact on the redevelopment in Port Morris.</li> <li>11. The impacts to Randalls Island must be addressed.</li> <li>12. While not part of the proposed plan, the</li> </ul>	<ul style="list-style-type: none"> <li>45, 110, 5*</li> <li>111</li> <li>112</li> <li>113</li> <li>114</li> <li>70</li> <li>9</li> <li>12</li> <li>49</li> <li>115</li> <li>116</li> <li>117</li> </ul>

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			DEIS makes statements about the South Bronx MTS impacts which are not true. 13. The DEIS states that the existing MTS would remain standing, which contradicts the Hunts Point Vision Plan.	117
	George Torres	Council member Jose Serrano	1. The plan is vague. 2. Both facilities should not be receiving waste, only one. 3. Is the development of an intermodal facility at HRY a reality?	118 118 119
	Marion Feinberg	Carlos Alicea	1. Exporting waste will impose environmental burdens on other communities. 2. It is disingenuous to say there is no permit expansion, since a permit expansion just took place. 3. Need to implement more reuse and recycling programs. 4. The plan includes a South Bronx staging area, so waste from other boroughs will come to the Bronx. 5. Manhattan waste will go to the incinerator in Newark, and this is an unhealthy strategy to dispose of waste. 6. The 20-year plan will guarantee a lot of money to private corporations, and specifically to Waste Management. 7. Poor and nonwhite depressed communities will bear the environmental impacts. 8. There is no cohesive plan for zero waste.	84 120 8 114 84, 85 84 37 71

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			9. Cannot support a plan that gives waste control to Waste Management 10. The plan claims to be fair but locations of facilities are all in areas of low-income. 11. When the East 91 <sup>st</sup> Street MTS doesn't get built, where will the waste go? 12. It is not fair that the waste goes to landfills also sited in poor communities. 13. There is an odor problem at the Waste Management facility. 14. There is insufficient rail capacity out of HRY and the City. Waste will back up.	121  37  45  37  121  121
	Harry J. Bubbins		1. A capacity expansion was allowed, and a full EIS was not done. 2. If CB1 is to get all of the waste, there needs to be mitigation and benefits to the community. 3. There should be a local neighborhood advisory council. 4. There should be a barge option in addition to rail. 5. The two proposed facilities occupy much of the waterfront; access is needed where space is not utilized. 6. City should look at initiatives to pressure companies to reduce packaging; reduce waste generated. 7. Biodiesel should be looked at to reduce emissions.	111, 120  80, 122  122  127  123  19  82

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	Silkia Martinez		<ol style="list-style-type: none"> <li>1. All of these facilities are put in low-income communities.</li> <li>2. The facility will affect the asthma rates.</li> <li>3. The Hunts Point community has 15 stations and doesn't need any more.</li> </ol>	<p>37</p> <p>49</p> <p>124</p>
	Marta Rodriguez	Sustainable South Bronx	<ol style="list-style-type: none"> <li>1. In favor of the MTS or the alternatives if private land-based transfer facilities close.</li> <li>2. How can there be no impacts from all these facilities?</li> </ol>	<p>124</p> <p>113</p>
	Elena Conte	Sustainable South Bronx	<ol style="list-style-type: none"> <li>1. Need to aggressively pursue zero waste.</li> <li>2. Need to reduce the putrescible waste capacity in the Bronx to 4,000 tpd, by closing land-based stations.</li> <li>3. Need to strictly adhere to borough self-sufficiency.</li> <li>4. Willing to accept fair share of waste if operation of facilities is improved.</li> <li>5. Host community benefits are needed for areas accepting the facility.</li> <li>6. Opening a new facility needs to be done at the same time as closure of land-based facilities.</li> <li>7. City should develop a community advisory group.</li> <li>8. Only one company should get Bronx waste.</li> <li>9. The proposed intermodal facility in the Harlem River Yard needs to be discussed. This facility violates borough self-sufficiency, and is unacceptable.</li> </ol>	<p>12</p> <p>124</p> <p>124</p> <p>125</p> <p>122</p> <p>124</p> <p>86</p> <p>118</p> <p>119, 114</p>

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			10. How can it be that the intermodal facility is not subject to environmental review? 11. The DEIS refers to previous studies but doesn't provide an analysis of current impacts. 12. None of the historical studies have examined off-site impacts; it needs a full analysis. 13. New truck traffic on Bruckner and Barry is not analyzed. Changing the traffic signal will not mitigate the problem. 14. Need more controls on existing facilities. 15. The environmental impacts of transfer station siting and operational regulations need to be assessed as part of the SWMP.	114 111 111 112 121 79
	Sharon Josln		1. We are suffering from the current conditions in the South Bronx. 2. NYC needs to be more creative in waste management. 3. The quality of life needs to be considered.	124 87 123
	Timothy J. W. Logan	Consumer Policy Institute of Consumers Union.	1. Only the MTSs are discussed in the SWMP. 2. Diversion strategies are needed. 3. Zero waste was dismissed. 4. There is no detail on how to get to the 70% and 35% diversion rates.	87 8,9 12 9
	Timothy Logan for Yolanda Gonzalez	Bronx SWAB	1. Support of waste export by barge or rail. 2. Need a comparative environmental analysis of the two sites. 3. Concern with HRY as an intermodal site,	72 112 114

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			taking waste from other boroughs. 4. Supports the transfer station in Manhattan. 5. Supports the composting projects and recycling goals but wants details. 6. City should develop borough-based recycling industrial parks. 7. Need greater attention on food waste composting. 8. SWMP needs to address commercial waste prevention and recycling. 9. Increased transfer station revenues need to be dedicated to commercial prevention and recycling programs. 10. SWMP needs to investigate commercial waste franchising. 11. City should pursue local EPR legislation. 12. City support for expansion of the State's bottle bill is needed. 13. Plastic packaging needs to be addressed. 14. Anaerobic digestion should be pursued, not types of incineration.	126 71 20 11 9 88 5* 21 12 12 87
<b>Review Avenue, Queens</b>	Jerel Klue	Council member Eric Gioia	1. SWMP will add more traffic to already crowded streets. 2. We don't want facilities to affect the waterfront.	352 354
	Joe Conley	Chairperson of Queens CB2	1. Truck traffic is already a big problem. 2. The Plan will affect revitalization of the area.	352 354
	Joseph Ruzalski	United 40s	1. Plan will cause traffic problems on Review	353



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		Civic Association and CB5	Avenue, Greenpoint Avenue; too much congestion, too many projects.	
	Dorothy Morehead	Chair of Environmental Committee of CB2	<ol style="list-style-type: none"> <li>1. Problems with trucks, resulting in LIC having worst air pollution in the City.</li> <li>2. Truckers don't stay on truck routes, and travel on regular streets.</li> <li>3. The siting is disastrous; should transport by rail.</li> </ol>	<p>352, 355</p> <p>355</p> <p>353</p>
	Don McCallian	Member of United 40s	<ol style="list-style-type: none"> <li>1. Truck traffic is currently horrendous; 48<sup>th</sup> Street, 43<sup>rd</sup> Street, 39<sup>th</sup> Street and Review Ave. cannot take more traffic.</li> </ol>	<p>352</p>
	Gertrude McDonald		<ol style="list-style-type: none"> <li>1. Streets cannot withstand heavy trucking.</li> <li>2. Is the City paying attention to our problems?</li> </ol>	<p>352</p> <p>356</p>
<b>Hamilton Avenue</b>	Fred Xuereb		<ol style="list-style-type: none"> <li>1. Manhattan facilities won't be built, resulting in trucks coming to Brooklyn.</li> <li>2. There are trains in Bay Ridge Yards now, with waste protruding from the cars.</li> <li>3. Why does Sunset Park get all of the barge facilities, when other areas, like the Arthur Kill could be utilized?</li> <li>4. The DEP or EPA should be involved with assurances on idling trucks.</li> </ol>	<p>154</p> <p>155</p> <p>158</p> <p>171</p>
	Nancy Walby	Brooklyn SWAB	<ol style="list-style-type: none"> <li>1. The Plan for moving waste by barge or rail from enclosed facilities is a good one.</li> <li>2. How can the community be assured that Hugo Neu's operation will be clean?</li> <li>3. Concern with truck queuing on Hamilton</li> </ol>	<p>72</p> <p>159</p> <p>162</p>

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			Avenue. 4. Concern with enforcement of air, noise and traffic pollution. 5. SWMP is not aggressive enough in plans for composting and recycling.	162 8
	Felecia Campasano	Board President of Bay Ridge Towers	1. What type of waste will be in the containers; how many trains and barges? 2. What happens if it is snowing or icy? 3. What guarantee is there that the containers will be sealed?	155 155 155
	David Rizutto	Property manager of the Towers of Bay Ridge	1. How can there be no need for an environmental study for an intermodal yard? 2. Where does the waste that is currently on the rails under the building come from? 3. How frequently will the barges take the containers away?	156 155 155
	Antonia Smith		1. How will waste at 65 <sup>th</sup> Street be transferred? 2. How can we be assured the containers will be enclosed? 3. How many trucks and trains will be moving in the area? 4. Have surveys been performed of the building structure to ensure that the train traffic won't damage the buildings? 5. How can we be sure that there won't be noise or odor impacts? 6. We are concerned with an increase in rodents.	155 155 155 156 156 155
	Nicole Tai	Chair of Sanitation	1. How much money will be put into fixing the streets?	162

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		committee for CB7	2. How can we be assured that trucks won't be using alternate routes? 3. Locating four facilities in the neighborhood is an overburden. Has the EIS addressed the cumulative impacts of all four? 4. We did not receive the SWMP or any of the appendices to the DEIS. 5. Is there potential for the 52 <sup>nd</sup> Street barge staging area to be a source of traffic? 6. Will the 65 <sup>th</sup> Street intermodal yard be a source of traffic? 7. If the Manhattan facilities don't open, will all the trucks go to Brooklyn? 8. When will the Hugo Neu facility open? 9. More is needed on waste prevention, recycling and reuse. 10. There is no mention of many facilities that accept recyclables. 11. There is no mention of the cost of waste prevention initiatives. No legislation.	162 164 165 157 155 154 159 12 12 9, 17
	Gloria Flora Nicolich		1. The Sunset Park area has become a dumping ground, home to all types of detrimental facilities. 2. The community does not want the facility because it will bring traffic, vermin, and pollution to the area.	164 159
	Edward Wade		1. There is concern that the Hamilton Ave. facility will have more trucks than East 91 <sup>st</sup> Street, so will be open longer.	163

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			2. The SWMP says that Manhattan recyclables will be trucked to Brooklyn. 3. Hamilton Avenue will be crowded with trucks from every Borough. 4. No other CD is getting four facilities, only CD7. 5. Why are there to be two truck weighing stations at the 30 <sup>th</sup> Street pier, if there are no trucks? 6. Concerning 52 <sup>nd</sup> Street, why build a 500-ft long, 60-ft wide pier, to tie up a barge? 7. The 65 <sup>th</sup> street rail yard has no cranes, so how can the containers get off the barge? 8. The containers from Hamilton Ave. will be trucked to 65 <sup>th</sup> Street, creating a lot of traffic.	160  163  164  160  157  155  160
	Timothy Logan	OWN, NYC Zero Waste Campaign, Consumer Policy Institute	1. The DEIS fails to examine siting regulations and phasing out of truck-based facilities. 2. The findings of no significant adverse impacts did not take into account the Gowanus redecking or the plan for closure of land-based transfer stations. 3. There are conflicting numbers for truck trips for the Hugo Neu site. 4. Only about one-third of Brooklyn should be going to Hugo Neu by truck...the rest should be barged. 5. SWMP needs more on reuse, recycling and composting. 6. SWMP fails to address zero waste.	79  166  160  160  8, 12  12

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			7. Manhattan needs to deal with its own waste. 8. 70% diversion goal provides no detail. 9. More discussion is needed on composting. 10. Commercial waste and C&D streams need to be addressed in terms of diversion. 11. Commercial waste franchising should be investigated. 12. City should pursue local EPR legislation. 13. SWMP should support the State's bottle bill. 14. Policy is needed to address plastics. 15. Alternative technologies should not include combustion; anaerobic digestion should be pursued.	45 9 13 9 5* 21 12 12 87
	Dyhalma Anaya	Youth organizer at UPROS	1. Open the barge-fed MTS, and close the transfer station on 50 <sup>th</sup> Street.	166
	Irene Shen	UPROS	1. Concerned with the truck traffic in the neighborhood. 2. Need to close land-based stations, and open the Manhattan facilities.	154 154
	Jeremy Laufer	District Manager of CB7	1. Under this SWMP, waste will go from Manhattan to Brooklyn, but not the other way around. 2. No other CD is asked to host four facilities. 3. Never received notification of ULURP certification. 4. Need an EIS for the 52 <sup>nd</sup> Street staging area and the 65 <sup>th</sup> Street Intermodal yard. 5. Need to address the cumulative impact of all these facilities in the neighborhood.	47 164 165 156 164

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			6. The land-based facility in the area is too close to people's homes. 7. The 25 trucks coming to Hugo Neu seems too low a number. 8. The replacement of the drawbridge will occur at the same time as the MTS will come on line. What will the impact be?	2*  160  166
	Chaplain Viviania Hernandez		1. Plans for Sunset Park indicate no barges and cleaner air. This conflicts with the SWMP. 2. Not fair to have four facilities in Sunset Park. 3. Each borough must recycle its own recyclables. 4. Community Development revitalization project, 197A is in direct opposition to the SWMP. 5. There will be construction impacts during park development which are not taken into account. 6. The area has deteriorated roadbeds and antiquated infrastructure. 7. Traffic congestion already results in air pollution.	167  164 47  167  167  162  162
	Judd Schechtman	Borough President Marty Markowitz	1. Hugo Neu facility will burden the area. 2. CDs 6 and 7 already handle more than their fair share of waste. 3. Brooklyn will get more facilities than any other borough. 4. Require assurances that any planned facilities operate under the strictest environmental	164 164  168  168

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			standards. 5. The plan must be undertaken in its entirety; Manhattan facilities must open. 6. Must guarantee offset in the total amount of waste handled. Close 50 <sup>th</sup> Street and 577 Court Street facilities. 7. Reduce truck traffic; use marine facilities. 8. Gansevoort Street facility must open. 9. Must coax the commercial haulers to utilize the Converted MTSs. 10. Best practices must be utilized to eliminate fugitive debris at the MTS. 11. Would like the Hugo Neu facility totally enclosed and preferably containerized. 12. What will happen to the 20% of material considered residue at Hugo Neu? 13. Don't want floatables in the harbor. 14. Need effective regulation of private facilities. 15. Need a citizen enforcement system. 16. Want host community compensation.	154 166 162 154 5* 170 159 161 159 2* 162 168
	Leonard Silver		1. Why can't the facilities be sited in areas where there are no residents?	164
<b>North Shore</b>	Robert LoPinto	Chair, CB7 Environmental committee and Queens SWAB	1. More emphasis on waste prevention is needed. 2. The CD already has a number of facilities, including the MTS and a garage for another CD.	12 345

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<b>Hearing Location</b>	<b>Speaker/Author</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
			3. Where will the waste go? 4. There may be concern about the height of the building from the Port Authority's perspective. 5. Traffic is a major issue; mitigation is needed.	70 346 347
	Victor Ross	Transportation Chair for CB7	1. Congestion is heavy at Linden Place. 2. College Point Boulevard should be avoided. 3. Recent traffic studies should be reviewed as there have been many changes.	347 348 349
	Crystal Feng		1. Will the truck routes be the same as they previously were?	350
<b>Southwest Brooklyn</b>	Domenic M. Recchia	NYC Council member	1. The facility will handle much more traffic than claimed. 2. The amount of commercial waste is underestimated. 3. Request that a new traffic analysis be added. 4. City needs a better system for commercial waste. 5. Need means of increasing recycling, and developing new technologies. 6. Concern with impacts on the marine life and the marina. Cannot have a negative effect on the marina's business.	173 174 173 3* 12, 87 175
	Bill Colton	Assembly member	1. The goals are basically a positive step. 2. Need more creative ways to deal with waste. 3. Concerns with traffic; are the projections realistic? 4. Traffic patterns vary considerably by season.	72 87 173 173



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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			Need greater assurance on traffic patterns. 5. Concern with impact of dredging upon water quality and upon marine life. 6. What will be done with the dredged material? Further study is needed. 7. Concern with impacts on the marina during construction and operation. 8. Impacts on the amusement park. 9. Concerned with odors, traffic and noise if volume of waste is greater than anticipated. 10. Concern that the MTS will receive additional volume of waste. 11. Where will the commercial waste be coming from, and what incentives will the private carters be receiving? 12. Concern with private trucks traveling on residential streets. 13. Need assurances that quality of life in the area will not be affected.	176 177 178 179 180 181 174 182 182
	Adeline Michaels	Chair or Concerned Citizens of Bensonhurst	1. Glad that the incinerator is being taken down, but how can another be built upstate? 2. Should promote innovative technologies. 3. Close incinerators in Nassau Co. and Newark, and find new technologies.	85 87 87
	Bryan Thomas Gagliano		1. Plans for the MTS encroach onto Bay 41 <sup>st</sup> Street and onto the marina property. 2. Requested that City protect the marina's seawall from tugboat and barge traffic. 3. Concern with other impacts to the marina	183 178 178

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			users.	
	Marisol Ponte-Greenberg		<ol style="list-style-type: none"> <li>1. Concerned with air quality.</li> <li>2. If the project is environmentally-friendly, why did Bay Ridge reject it?</li> </ol>	184 184
	Peter Gaudio		<ol style="list-style-type: none"> <li>1. Concerned with the increase in traffic especially from Bay Parkway to Caesar's Bay.</li> <li>2. Will every single truck be checked by an authority?</li> <li>3. Was the odor study undertaken during the heat of the summer? How can we be assured there will be no odors?</li> <li>4. How will runoff from the site be handled?</li> <li>5. Concern with noise and how containers will be handled.</li> </ol>	173  6  185  186 187
	Stanley Lave		<ol style="list-style-type: none"> <li>1. It's a bad idea to build a waste processing facility in a residential area.</li> </ol>	188
	Judd Schechtman	Borough President Marty Markowitz.	<ol style="list-style-type: none"> <li>1. Brooklyn is taking on too many burdens.</li> <li>2. Must have assurances that the facilities will operate with least community impact.</li> <li>3. If Brooklyn takes more than its fair share, it must be compensated.</li> <li>4. Support won't be given if Manhattan sites don't get built.</li> <li>5. Should work with the community to minimize impacts.</li> <li>6. Enforcement needs to be enhanced.</li> <li>7. Needs guarantee that DSNY follows its own regulations.</li> </ol>	189 189 80 45 189 83 83

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<b>Hearing Location</b>	<b>Speaker/Author</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
			8. Borough self-sufficiency is critical.	45
	Mark Treyger		1. The incinerator operated without a permit. 2. Traffic impacts will not be insignificant. 3. Noise will be a problem as trucks hit the potholes at night. 4. If there are any odor problems, the facility will be forced to close. 5. Truck idling will be a problem in terms of emissions and noise. 6. Need to ensure that marina will not be affected.	188 173 182 185 190 175
	Sidney Schatzman		1. Traffic will be a problem. There are bottlenecks at Nelly Bly, Kohls, and the problem will be unbearable. 2. Wants a study monitoring traffic 24 hours/day for 2 to 4 weeks.	173 173
<b>East 91<sup>st</sup> Street</b>	Liz Krueger	New York State Senator	1. Where will vehicles be diverted to avoid queuing? 2. What alternative sites were examined as an alternative to East 91 <sup>st</sup> Street? 3. The residential character and presence of Asphalt Green make 91 <sup>st</sup> Street an inappropriate location. 4. The DEIS fails to examine the impact of the maximum operational capacity. 5. The facility would receive 469 vehicles, not the 130 projected, which would result in more than 3.5 minutes turn-around time.	238 206 206 1 207

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			6. There will be queuing of trucks, idling, and this will create traffic congestion, noise, and a health risk to public health. 7. The plan was chosen long before the impact statement was ever undertaken. 8. City should support the bottle bill, promote recycling and decrease the waste stream	207  12  12
	Assemblyman Jonathan Bing	Holmes Towers-Stanley Isaacs Housing	1. Residents of Holmes and Isaacs Development will be negatively impacted. Location of the MTS will be a danger to the health and safety of residents. 2. Hundreds of truck trips per day will impact the neighborhood. 3. If the site is reactivated, the rats, noise and odors will be worse than before due to the increase capacity of the converted facility. 4. There will be a decrease in air quality and an increased risk of asthma.	208  207  209  49
	Assemblyman Scott Stringer	West side and Clinton community	1. The MTS shouldn't be sited in a residential neighborhood; it should be in a commercially-zoned area. 2. Should not put 12,000 children using Asphalt Green at risk. 3. There is far less traffic in the neighborhood today, since the MTS closed. 4. Come up with a real master plan for the entire City, working with community groups.	206  49  209  74
	Assembly member Peter Grannis		1. DEIS claims there will be no significant adverse impact on the community.	206

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			2. The 4 MTSs dropped from the plan were dropped because they were in residential communities, yet this is a residential community too. 3. Failure to address waste reduction strategies. 4. Expand usage of garbage grinders. 5. Trucks will be lining up on York Ave., and won't be accommodated on the ramp, adding to traffic issues. 6. The ramp to the facility should not be covered.	210  8, 12 13 207  216
	Eve Moskowitz	City Council	1. The MTS is a bad idea for many reasons. 2. Need to find a collective solution to waste disposal 3. The DEIS doesn't take into account the real picture.	206 74 207
	Jessica Lappin	Speaker Gifford Miller	1. Opposed to the East 91 <sup>st</sup> Street site 2. Favors use of marine system for waste removal. 3. Zoning should matter; MTS can't open in a residential area. 4. New MTS will take 2 to 4 times what it used to take; how can that have no impact? 5. Truck traffic will significantly impact York avenue. 6. DEIS fails to address the negative impact of the MTS on local parks. 7. More sensible alternatives exist for Manhattan's waste.	206 72 206 209, 1 207 211 212

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
	Micah Kellner	Congresswoman Carolyn Maloney, 14 <sup>th</sup> Congressional District	<ol style="list-style-type: none"> <li>1. This is the only MTS planned for a residential neighborhood.</li> <li>2. The DEIS contains significant flaws that reflect deference to political concerns.</li> <li>3. The DEIS does not reflect the true impacts on air quality, traffic patterns, pediatric health, open space and public health.</li> <li>4. The rates of asthma are among the highest in the U.S.</li> <li>5. Neighborhood was very different when the facility was first built.</li> <li>6. DSNY's siting rules do not permit a private transfer station within 400-ft of a park.</li> <li>7. No justification is given for why this site is suitable.</li> <li>8. The DEIS doesn't consider an analysis of the facility at full capacity.</li> <li>9. The DEIS fails to address the impacts of demolition of the existing facility, particularly on Asphalt Green.</li> <li>10. The DEIS fails to analyze odor impacts on recreational facilities.</li> <li>11. The DEIS inadequately describes the dimensions and appearance of the new MTS, and its impact.</li> <li>12. Having an MTS in each borough results in impacts to this residential community.</li> </ol>	<p>206</p> <p>213</p> <p>206</p> <p>214</p> <p>209</p> <p>211</p> <p>206</p> <p>1, 209</p> <p>215</p> <p>211</p> <p>216</p> <p>46</p>
	Rick Muller	Manhattan Borough	<ol style="list-style-type: none"> <li>1. Opposed to this facility in densely residential neighborhood.</li> </ol>	206, 211

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
		President C. Virginia Fields	2. The DEIS analyzes for less than half of the capacity. 3. Access to the facility cuts through Asphalt Green, and this is not adequately addressed. 4. DEIS needs to analyze air quality and noise of commercial vehicles. 5. Disclose why East 91 <sup>st</sup> Street was selected, but not West 135 <sup>th</sup> Street. 6. Manhattan SWAB identified 4 additional sites in Manhattan which were not suitable; these sites should be evaluated as well as the four sites in the CWMS.	215  216  217  210  218
	Jackie Ludorf	CB8 Chair of the Environmental and Sanitation Committee	1. DEIS analysis is at a lesser capacity than the intended design. 2. Inadequate analysis of alternatives. 3. DEIS lacks a comprehensive cost/benefit analysis. 4. What are the details of the traffic analyses performed? 5. What is the impact to delivery trucks? 6. No mention of odors from trucks. 7. While businesses that generate waste are located in CB8, the people come from all over the City. 8. Noise will be an issue. 9. Will diesel trucks be transporting waste from other areas?	215  210, 211 104  219  211 220 221  222 221
	Philip Opher		1. Clarify the definition of a buffer zone in the siting rules.	211, 223

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			2. Which zoning resolution will be utilized? 3. Public testimony from the Scoping hearings was not distributed to the public. 4. Responses to comments in the Scoping document showed lack of understanding. 5. Facility will impact on ambulances. 6. Garbage is transferred better today, than in the plan.	224 40 40 225 75
	Marjorie Flanagan Maclachlan		1. Comments were dismissed from the last hearing, and the DEIS misrepresents the true impacts. 2. Site was improperly chosen. 3. Asthma from diesel, rats, cockroaches and allergens is an issue. No one should have to deal with these issues. 4. The plan pits trash trucks against school children. 5. This plan threatens the parks and waterfront.	215 206, 218 206, 214 207 211
	Elaine Friedman		1. Environmental fairness does not mandate that a MTS be located in a densely populated area. 2. The purported sophisticated odor control system will not mitigate health consequences. 3. What will it be like with many, many trucks on streets?	46 57, 206 207
	Greg Costello		1. Siting is within 400 feet of a park or residence. 2. Trucks should go to New Jersey.	211 229



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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			3. Site was chosen for political reasons.	213
	Council Member Gale Brewer	West side of Manhattan	1. Would like commercial trucks to use alternative fuels. 2. Doesn't want all commercial or residential waste in one place.	10* 226
	Tony Ard	President of Gracie Point Community Council	1. The City's planning has pitted one neighborhood against another. 2. Studies have been done at Columbia University identifying alternatives that are less destructive.	74 212
	Carol Tweedy	Executive Director of Asphalt Green	1. How can the facility be sited in Asphalt Green? It is a City asset. 2. Need an analysis of economic impacts at Asphalt Green. 3. The facility conflicts with siting rules. 4. DEIS fails to analyze traffic on Saturdays, odors on Asphalt Green. 5. Ramp construction will interfere with the fields.	206 211 211 211 211
	Richard G. Leland	Attorney for Gracie Point Community Council	1. The DEIS, if submitted by a private developer would not have been accepted as complete. 2. DEIS lacks information on where waste will go. 3. There is no evidence that the Plan makes economic sense. 4. Underestimation of the true impacts and capacity of the facility. 5. DSNY believes it is exempt from full and	74 70 104 215 41

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<b>Hearing Location</b>	<b>Speaker/Author</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
			proper compliance with CEQRA.	
	Dr. E. Arthur Livingston		1. The DEIS was not objective; DSNY “cooked the books”.	41
			2. The MTS will destroy the area.	209
	Kathryn R. Edmunds		1. The study area for this project is three times more populous as the next most populated study area.	227
			2. Much of the data in the DEIS is given as a percentage, instead of as an actual number of people affected.	228
			3. The area is far too populated to accommodate the proposed MTS.	227
	Kendall Christiansen	Insinkerator	1. DEIS and SWMP failed to address food waste diversion.	13
			2. Food waste should be handled separately.	13
			3. SWMP doesn’t even propose looking at what other cities are doing.	13
	Evan Firestone		1. DEIS understates the affected community.	227
			2. No other borough is affected by Manhattan’s current disposal of waste.	229
			3. Real life data shows that there will be impacts.	209
			4. How can the ramp be widened?	230
			5. The facility will create gridlock on the entire Upper East Side.	219
			6. Commercial waste was not adequately studied.	3*
			7. There are alternative waterfront sites in Manhattan.	218

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
	Neal Flomenbaum		<ol style="list-style-type: none"> <li>1. The MTS will create serious adverse health impacts.</li> <li>2. The DEIS is seriously flawed.</li> <li>3. The MTS is a new facility, not a converted MTS.</li> <li>4. New MTS poses greater damage to health than a nuclear reactor.</li> </ol>	<p>214, 206</p> <p>213</p> <p>209, 211</p> <p>214</p>
	Benjamin Miller	Columbia University School of Engineering Center	<ol style="list-style-type: none"> <li>1. The plan will be a significant environmental and economic benefit.</li> <li>2. DEIS fails to address zoning for disposing of waste; City should not be dependent on private landfill market.</li> <li>3. Landfill will be the most expensive alternative; the City should acquire capacity within the State.</li> <li>4. Waste-to-energy is preferable.</li> </ol>	<p>231</p> <p>76</p> <p>76, 77</p> <p>77</p>
	Charles Emma		<ol style="list-style-type: none"> <li>1. Randalls Island would be suitable for an MTS.</li> </ol>	218
	Richard Marlin	President of 535 East 86 <sup>th</sup> Street	<ol style="list-style-type: none"> <li>1. The MTS will create problems worse than there were previously.</li> </ol>	209
	Dr. Clifford Bluestein		<ol style="list-style-type: none"> <li>1. The MTS will create major health risks.</li> </ol>	214
	Mary Fliegir	Trustee of the Gil N. Brewer School	<ol style="list-style-type: none"> <li>1. The MTS will create problems for our special needs children.</li> </ol>	232
	Alice Konorezov		<ol style="list-style-type: none"> <li>1. There were terrible odors when the MTS was previously opened.</li> <li>2. How will trucks get to the facility given the tremendous congestion that exists?</li> </ol>	<p>209</p> <p>207</p>

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
			3. Increased traffic on the river is a hazard.	233
	Heleen Brody	Vice President of 180 East End Tenants Association	1. DSNY is ignoring its own siting rules. 2. Analyzed the MTS at only a portion of its capacity. 3. An analysis of odors on the parks was not undertaken. 4. Does <u>not</u> advocate sending Manhattan's waste to other boroughs.	211 215 211 226
	Timothy Logan	Consumers Union, New York City Zero Waste Campaign, and Organization of Waterfront Neighborhoods	1. Disapproval of the plan without alternative sites is unconscionable. 2. Best available control technologies should be utilized at all MTSs, including routing of trucks. 3. There should be planned closure of truck-based facilities in conjunction with reopening of the MTSs. 4. Community mitigation programs need to be included in the Plan. 5. Zero waste should be embraced.	234 78 79 80 12
	Dr. Marjorie Clarke	Manhattan SWAB and Waste Prevention Coalition of New York City	1. Consider an alternate vision for the ramp. 2. Evaluate the feasibility of a number of small sites for recyclables and waste. 3. Stagger shifts to avoid queuing. 4. As new trucks are purchased, they should use alternative fuels. 5. The EIS should delineate cumulative emissions in all parts of New York from the no action alternative. 6. Strive for zero waste.	235 81 78 82 90 12

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Hearing Location	Speaker/Author	Representing	Summary of Issues	See Comment Number
	Elizabeth Dobell	Board of the Carl Schurz Park Association	1. Opposed to the facility because it will affect Carl Schurz Park.	211
	Laurie Edelstein		1. Every other MTS is in an M-3 zone except for East 91 <sup>st</sup> Street. 2. New zoning in the area. 3. Comments from the last hearing on West Nile virus and mosquitoes were not addressed. 4. Ramp traverses a part of the park for babies.	209 224 50 230
	Shannon Stone	Co-chair of New York City Sierra Club's Solid Waste Committee and recording secretary of NYC Waste Prevention Coalition.	1. Cost of landfilling will continue to rise; we need to look at means of reducing the garbage problem. 2. DSNY should phase out its diesel trucks with cleaner fueled vehicles.	12 82
	T. Gorman Reilly	President of Civitas Citizens, Inc.	1. Commends DSNY on its comprehensive and responsible plan, and commitment to long-range planning. 2. There does not appear to be any practical Manhattan alternative, but the facility should not be built until certain issues are addressed.	72 235
	Judy Schenidier		Ceded her time.	---
	Dr. Roy Geronemus	Clinical Professor at	1. The SWMP will create a public health crisis, especially for geriatric adults and very young	49, 206

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<b>Hearing Location</b>	<b>Speaker/Author</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
		New York University Medical Center	<ul style="list-style-type: none"> <li>children.</li> <li>2. This site may have made sense decades ago, but not now, because there will be detrimental effects from diesel exhaust, vermin, and neutralizing agents.</li> <li>3. Would like a review of Workers' Compensation Claims amongst Sanitation workers in NYC.</li> <li>4. Environmental justice issues apply here as well as the other areas of the City.</li> </ul>	<ul style="list-style-type: none"> <li>51</li> <li>52</li> <li>36</li> </ul>
	Barry Schneider	Member of CB8	1. The DEIS had a preconceived conclusion.	74
	Mort Gerard	Board member of 445 East 86 <sup>th</sup> Street	1. The proposed action will have a significant impact on a community service (Asphalt Green), will impact on cultural resources.	206
	Babette Bandler		<ul style="list-style-type: none"> <li>1. Can't have a conclusion that there is no impact.</li> <li>2. There will be traffic impacts with the waste vehicles and all of the bus traffic.</li> </ul>	<ul style="list-style-type: none"> <li>209</li> <li>207</li> </ul>
	Andrew Racine	Professor of Pediatrics	<ul style="list-style-type: none"> <li>1. Concern with the health of the children in the area and diesel emissions</li> <li>2. Pulmonary physiology of children is different from adults. This is not taken into account in the DEIS.</li> </ul>	<ul style="list-style-type: none"> <li>51</li> <li>53</li> </ul>

**Note:**

\*See Comment number in Section 40.3.4.3 for this item.

### Index of Written Comments on DEIS and Draft New SWMP

Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
<b>General</b>	Fazio, Christine A.	Bar Association of the City of New York	1. The Proposed Action needs to place higher priority of reducing and reusing waste.	87
			2. Failed to provide a comparative economic analysis or other solid waste management approaches.	104, 105
			3. Does not provide adequate alternatives for management of commercial waste.	89
			4. Include a project-wide analysis of impacts on the environment (specifically air pollution from diesel and barge exhaust), and alternatives that reduce air emissions.	90
			5. Include alternatives that increase recycling rates, etc.	12
			6. Rethink amending Local law 19.	22
			7. Energy recovered from WTE should be available to the planning unit.	77
			8. Need details on costs of proposed plan.	106
			9. SWMP should consider self-sufficiency.	76
			10. Need details on Hugo Neu contract.	24
			11. Consider ramifications over a 20-year period.	23
			12. Need project-wide air impacts.	58
	Christiansen, Kendall	In SinkErator	Refer to oral comments.	---
	Biggs, Jeanette, also: Cheng, Lug-Ting; Cotto, Liana; Davis, Sherisse; Garcia, Josefina; Igbal, Farah; Kairys, Elise,		1. Support the SWMP; it will improve the quality of life in all five boroughs.	72

**Index of Written Comments on DEIS and Draft New SWMP**

<b>Location of Comment</b>	<b>Written Comment by:</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
	L., Mark (not legible); Manniello, Angelo; Phillips, Christopher; Ramsay, Camieka; Shiller, Eugene; Tis, Danielle; Zilber, Gregory			
	Byron, Joan	Pratt Institute Center for Community & Environmental Development	1. Plan lacks substance on achieving the 70% recycling goal. 2. Applaud fair share, but oppose the HRY barge-to-rail facility. 3. Plan does not address recycling of commercial waste and C&D. 4. DSNY should adopt Zero waste goals.	9     48   27   12
	Konheim, Carolyn	Konheim & Ketcham	1. There is no assessment of cumulative traffic impacts from all facilities. 2. Analysis year omits consideration of approved development which follows shortly after the year 2006. 3. The traffic analysis method looks at each intersection in isolation. 4. An analysis of turnaround time and queuing potential is missing. 5. The mitigation proposed can worsen conditions on adjacent roads. 6. There is no analysis of the commercial impacts. 7. There is no discussion of the change in the flow of paper. 8. The reallocation of recyclables should be examined.	62                       166                       63                      64                      63                      64                      28                      28



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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			9. Means to reduce needless commercial transfer stations is vague. 10. No discussion of separately collected paper that is recycled. 11. Needs to be a discussion on how to attract commercial waste to the MTSs. 12. Need to discuss commercial traffic to the MTSs. 13. Waste generation factors needed for reliable projections are missing. 14. The economic impact analysis is missing. 15. There is no analysis of the hidden social costs of transport. 16. There is no discussion of the alternative potential of the proposed sites. 17. Need a discussion on garbage disposals.	2* 29 5* 8* 93 104 107 108 109
	Lassalle, Yvonne		1. SWMP and DEIS fail to address all waste. 2. Documents at repositories were incomplete. 3. Need a complete assessment for sites not under DSNY control. 4. DEIS fails to discuss existing impacts of the system. 5. No time frame given for mitigating burdens. 6. Need detail on intermodal infrastructure. 7. Details needed rail yard required for Review Avenue. 8. Discuss feasibility of ocean-going barges. 9. Assess the adequacy of intermodal transport capacity. 10. Need details on costs provided. 11. Describe composting if Spring Creek doesn't get permitted.	89 43 143 7* 7* 97 359 153 97 104 34

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			12. Clarify relationship between recommendations in the CWMS and the SWMP/DEIS. 13. Clarify compliance with DEC's EJ policy. 14. Evaluate the impacts of making Manhattan's interim plan final. 15. Certain traffic impacts weren't assessed. 16. Should have used data on actual operations. 17. Should provide methodology on truck counts. 18. CWMS comments to address. 19. Information needed by CD. 20. No. of trucks differs between the permit application and DEIS. 21. Need the truck distribution. 22. Need to evaluate "upset conditions". 23. Need data and methodologies in a technical appendix.	98 39 90 99 100 68 1* 68 243 69 1 101
	Roistacher, Robert E.		1. DSNY should consider using the Amtrak right-of-way for a truck-to-rail facility on the west side of Manhattan.	91
	Somesfalean, Jov Theodore		1. Waste should not be incinerated; it causes high cancer rates.	85
	Underwood, Joanna D. President	INFORM	1. SWMP needs a monitoring baseline for truck emissions. 2. Commitment to natural gas trucks is vital. 3. Fuel security is crucial. 4. SWMP should set the pace for commercial haulers. 5. Single-stream waste collection should be explored.	60 61 61 10* 35
	Warren, Barbara Project Director	Consumer Policy Institute	1. SWMP does not address the overburdened communities.	2*

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
		of Consumers Union	2. Does not advance zero waste. 3. The commercial waste study was deficient yet forms the basis for reform. 4. SWMP is vague, with no clear details, and violates State requirements. 5. The section on new and emerging technologies is irrelevant. 6. Composting not adequately addressed. 7. Key elements that should be in the plan. 8. Criteria that should be met by the plan. 9. Preference should be given to waste prevention programs. 10. City should use the MTSs for the movement of recyclables and compostables. 11. Plan should improve the commercial waste system. 12. Plan should advance plans to address Manhattan's waste. 13. SWMP did not comply with SWMA. 14. DEIS did not analyze the impacts of making the interim plan permanent. 15. Lacks clear steps concerning West 59 <sup>th</sup> Street. 16. Must address inequities, such as in the South Bronx. 17. Need detailed milestones. 18. Inadequate analysis for parts of the plan. 19. Nonroad equipment should be retrofitted. 20. Need a thorough cost analysis. 21. Plan failed to develop long term landfill capacity. 22. Need disclosure on the outlines of the private contracts.	12 3 71, 87 87 30 87 87 85 6 89 90 87 90 305 129 5* 119 82 102 76 103

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			23. Need to analyze all available options. 24. Need to plan for a system to divert loads with recyclables. 25. Need to address fill material. 26. Need to examine the “Reaching for Zero” report.	8 12 31 10
<b>General and Site Specific</b>	Wipper, Janette and Kearney, Gavin	New York Lawyers for the Public Interest	1. The Environmental Review must include a detailed review of the system proposed by the SWMP.	90
			2. The Environmental Review must evaluate cumulative impacts	90
			3. The EIS must analyze the existing network of commercial waste transfer stations.	7*
			4. The EIS must incorporate the siting regulations and the operational regulations included in the SWMP.	7*
			5. The EIS must incorporate an analysis of new commercial waste initiatives.	7*
			6. Hamilton Ave. MTS is much larger than the other facilities.	163
			7. More extensive mitigation strategies are needed for the Hugo Neu facility.	160
			8. Are the 52 <sup>nd</sup> Street staging area and the 65 <sup>th</sup> Street intermodal yard part of the SWMP?	156
			9. The DEIS did not assess the commercial transfer stations located next to residences.	351
			10. The FEIS should consider the impacts of the proposed facilities in conjunction with the existing ones.	138
			11. The FEIS must consider the impacts of all the proposed actions in the South Bronx.	119
			12. Comments from report entitled: “Analysis of the	1*

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			Department of Sanitation of New York Commercial Waste Study”	
<b>West 59<sup>th</sup> Street MTS</b>	Bradley, Michael	Riverside South Planning Corporation	1. Zoning error on area north of the West 59 <sup>th</sup> Street MTS.	307
			2. Area north of site is mapped parkland, and use of area is illegal.	308
			3. Any measures to resolve the safety conditions on the bike path must be disclosed in the DEIS.	309, 306
			4. Any actions affect the West 59 <sup>th</sup> Street or Gansevoort properties must be consistent with the Hudson River Park Act.	310
			5. Alternative sites must be examined for the recycling facility at Gansevoort Peninsula.	332
<b>Bronx</b>	Acosta, Joseph; also Munoz, Justin Pagan, Brian Richardson, Davon Rodriguez, Luis		1. Manhattan needs to have a facility	45
			2. South Bronx needs to have shoreline access.	123
			3. Trucks should be converted to bio-diesel	82
			4. Pass legislation to require businesses to accept consumer packaging.	19
	Conte, Elena		1. Should aggressively pursue Zero Waste.	10
			2. C&D stream needs to address waste prevention.	4*, 9
			3. Should discuss eco-industrial parks.	9, 10
			4. Should provide more detail on composting or organic food waste stream.	11
			5. Should look at innovative technologies.	87
			6. Should support the expansion of the Bottle Bill.	87
			7. The Manhattan facilities must open.	45
			8. Must eliminate excess permit capacity in the Bronx.	124
			9. SWMP should discuss economic flow control of commercial waste.	5*

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			10. Workers at the facilities need to be protected. 11. Should be host community benefits. 12. Need a community advisory group. 13. The intermodal facility is inconsistent with borough self-sufficiency. 14. The intermodal facility needs to be assessed. 15. Updated analyses are needed, especially off-site impacts. 16. The HRY site should not rely on DEC analyses. 17. The 132 <sup>nd</sup> Street site is deemed exempt from review with no basis. 18. Siting and operational regulations must be part of the review. 19. Use of alternative fuels. 20. Permit applications must include analysis of PM <sub>2.5</sub> and H <sub>2</sub> S 21. Dust migration, odor and vermin controls are needed. 22. Must be hazardous materials detection, on-site record keeping, and an on-site decontamination system. 23. There must be transport controls. 24. Other local projects must be included. 25. Unnecessary system-wide redundancy should be reduced. 26. Staggered deliveries are needed.	4 80 86 114 127 128 128 128 79 10* 130 130 78 5 128 89 78
	Dimino, Resa	Bronx SWAB	1. Fair share must be upheld. 2. Opposed to use of HRY for other borough's waste. 3. DEIS does not provide backup on the HRY site.	45 114 114

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			4. Should utilize barges instead of rail. 5. There is no discussion on means of coaxing commercial waste through the MTSs. 6. The DEIS on 132 <sup>nd</sup> Street is insufficient. 7. No programs are mentioned to meet the 70% diversion goal. 8. Need specific goals for alternative fuels. 9. No discussion on alternative fuels for private commercial carters. 10. Confusion on EJ Policy. 11. No milestones or targets for alternative technologies.	127 5* 128 9 82 10* 38 87
<b>General</b>	Hart, Carol L	Lemon Man Entertainment, Inc.	1. Plan ignored Zero Waste initiatives. 2. Plan did not discuss alternative technologies. 3. More public education is needed (recycling coordinators) 4. Recycling information should be in other languages. 5. Need regular pick-up of electronics.	12 87 14, 17 85 21
<b>Hamilton Ave. MTS</b>	Ramirez, Santana	Block Watcher	1. The transfer station on Thames Street is a health problem due to odors and rats.	172
<b>Southwest Brooklyn MTS</b>	Abeido, Lorraine		1. The MTS will affect the quality of life in the neighborhood.	188
	Ayvazyan, Svetlana; also Barone, Ruth; Blanck, Naomi;	Waterview Towers and Contello Towers	1. What are the O&M requirements and enforcement measures that will minimize impacts, and what restrictions will be placed on air emissions? 2. What is the state-of-the-art odor control equipment?	185 185

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	Butler, Lucille Butler, Ruth; Brown, Loretta; Celentano, Richard and Sandra; Clemente, Robert Coppola, Marie; Cowen, Esther; D’Onofrio, Catherine; Dubin, Milton; Geffen, Howard; Hager, Bernard; Hager, Pearl; Henry, Alice A.; Kraut, Jeanette; Lipscher, Allan; Impeduglia, Alfred; Mensowitz, Mollie; Mortman, David and Dorothy; Moran, Thomas J.; Mulvey, Patricia; Nemet, Leslie C.; Rabinowitz, Phyllis; Ritchings, Diane K.; Royzman, Velya; Sannasardo, Phyllis; Schleifer, Henry and Mildred;		3. Will Gravesend Bay accept seepage from the misplaced dumping of waste? 4. What will be the long range health effects on the community?	191 49



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	Sendyk, Ida E. Ventiera, Lorraine; Vinokurov, Lyubov, and Apt. 15D, 2652 Cropsey Avenue.			
	Cohen, Mitchel	Brooklyn Greens/Green Party of NY, and coordinator of No Spray Coalition	<ol style="list-style-type: none"> <li>1. There are discrepancies in truck traffic along Cropsey Avenue and Shore Parkway. (4 different sets of data)</li> <li>2. The DEIS fails to consider the senior citizen and nursing homes on Cropsey Avenue.</li> <li>3. The DEIS fails to anticipate increases in vermin populations.</li> <li>4. The impacts of dredging of toxic materials have not been addressed.</li> <li>5. The DEIS fails to address the increase in toxic burden.</li> <li>6. The DEIS fails to address the deleterious effects on the fish, and its resultant effect on humans.</li> <li>7. The DEIS needs to focus on waste reduction, recycling and reuse.</li> </ol>	<p>192</p> <p>192</p> <p>193</p> <p>177</p> <p>194</p> <p>176</p> <p>12</p>
	Grubman, Vicki	Wake Up (...and smell the garbage)	<ol style="list-style-type: none"> <li>1. Request for an extension of comment period.</li> <li>2. The DEIS does not address the impacts of the MTS on quality of life and health of neighborhood.</li> <li>3. The dredging will have adverse impacts on humans and wildlife.</li> <li>4. DEIS needs to more realistically look at traffic impacts.</li> <li>5. The DEIS must measure the cumulative health impacts from air pollution.</li> </ol>	<p>42</p> <p>188</p> <p>176</p> <p>192</p> <p>184</p>

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			6. Must analyze impacts from leakages, runoff, discharges, etc.	184
			7. Odors of the trucks must be addressed.	186
			8. Must analyze the cumulative effect of noises.	185
			9. Must examine the health hazard of vermin and insects.	187
			10. Must look at the impacts of chemical usage.	193
			11. Must address the erosion of the community.	194
			12. DEIS does not adequately explore other sites in industrial areas.	195
			13. DSNY has not tried to reduce the waste stream.	8
	Hershkowitz, William		1. Request for an extension of the comment period.	42
			2. There are inconsistencies in the discussion on dredging, the seawall, etc.	175, 176
			3. The DEIS did not discuss the impacts of the recycling facility, the types of materials brought there, and many other details.	196
			4. The exit from the Belt Parkway at Bay Parkway is dangerous.	192
			5. There will be impacts, as there were with the previous MTS.	188
	La Monaca, Guy	Brooklyn CB 11	1. Disputes the time frame for the “no-build” analysis. Future impacts should be based upon 20 years beyond completion.	197
			2. ATR counts were undertaken in February, but winter may have significantly lower traffic than in the summer. Pedestrian activity is also greater in the summer.	198
			3. The traffic approach diagrams should be turned.	199

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			4. Questions concerning Section 5.14.2.4. 5. Should use NYMTC's demand modeling tool. 6. There is no weekend traffic data shown.	200 198 201
	Lipstein, Arleen		1. Opposed to reopening of SW Brooklyn	205
	Magali, Nino		1. The facility will result in odor, noise and traffic problems. 2. How can we be assured this won't pollute the water? 3. What is the possibility of a child being injured by a truck?	182, 184 186 179
	New, Michael	Sephardic Nursing and Rehabilitation Center	1. Request for a comment period extension.	42
	Ortner, Ruth, also Breyman, Mark Cleaver, Marion, Greenberg, Allan; Hershkowitz, William Mergold, Yuri		1. Request for a comment period extension.	42
	Reznik, Sylvia		1. There will be impacts on public health from the facility	205
	Sanoff, Ira and Willner, Andrew	Natural Resources Protective Association and NY/NJ Baykeeper	1. Dredging will impact the fish and the people who consume them. 2. Toxins will deleteriously affect area biota. 3. The effects of constructing the breakwater should be evaluated in conjunction with others planned in the area. 4. Containers must be secured to the barges. 5. What mitigation is proposed for environmental	176 176 202 203 204

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			impacts?	
	Stella, Rochelle		1. The area generates a small % of commercial waste. 2. How will this not pollute the water	174 186
	Tomasuto, Phyllis		1. Two schools are located across the street from the MTS.	179
<b>Review Ave.</b>	Giordano, Gary	District Manager, CB5	1. Concerns with truck traffic in and around Queens CD5, due to 3 transfer stations. 2. Concerns with the truck-to truck-to-rail facility. 3. Need a spill mitigation plan for Newtown Creek, and look at water traffic issues.	352  357 358
	Amato, Gus; Bennington, Brian; Branco, Dennis; Branco, Loleta; Branco, Vanessa M; Conway, Francis; Daly, Margaret; Fondulis, Domina; Hampl, Marie; Lalsa, A.N; Lewis, William; McCarthy, Jan; McDonald, Gertrude; McEvoy, Mary; McGovern, Mary; McNamara, Catherine; Otono, Pamela; Renda, Charles;	United Forties Civic Association	1. Newtown Creek is extremely contaminated, resulting in neighborhood odors and pollution. 2. The Review Avenue facility along with other projects will bring too much heavy traffic to the area, resulting in noise, odors and pollution.	355  355

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	Skarmoutsos, Thea; Trovato, Alfie; Vankluooris, R.			
<b>East 91<sup>st</sup> MTS</b>	Ard, Anthony	Gracie Point Community Council	1. The use of the East 91 <sup>st</sup> Street facility is conjecture. 2. Facility should not be placed in a residential neighborhood. 3. DEIS was written to justify the plan, not evaluate it.	70 206 74
	Baker, Pat		1. This is not a good site for the MTS	206
	Bauer, Ilene		1. Previous MTS operated poorly. 2. Should not be in a residential area.	209 206
	Belina, Peter		1. The trucks coming to the facility will pose a danger to the children at Asphalt Green.	206, 211
	Blachere, Nathalie and Maki, Robert		1. The MTS may affect Carl Shurz Park and Asphalt Green. 2. Alternative location at the cement plant north of northern end of 1 <sup>st</sup> Avenue.	211 218
	Bleustein, Clifford		1. Diesel exhaust will affect asthma rates. 2. Conclusions drawn from PM analysis are flawed; the effects from diesel exhaust at the MTS and surrounding area has not been assessed. 3. The PM <sub>2.5</sub> analysis is based on false assumptions; the contribution from the facility needs to be added to the background and a cumulative PM analysis needs to be done. 4. There are too many trucks not to have queuing.	214, 49 51 237 238
	Borrell, Wendy		1. Facility is sited in a densely populated area. 2. Tonnages vary at each presentation.	206, 227 215
	Brand, Susan		1. Asphalt Green will not be a safe and healthy place if	206

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			the MTS gets built.	
	Bulua, Stan		1. The impacts are underestimated because the throughput is less than capacity. 2. There is no analysis of why the site was chosen. 3. DEIS did not address impacts to the residential area and parks.	215 210 209
	Bulua, Gail		1. The facility should not be sited in a residential area. 2. MTS siting does not meet current zoning laws.	209 209
	Chadwick, Knox		1. Don't build the facility.	206
	Chase, Norman and Joan		1. The facility should not be sited in a residential area. 2. There is already too much traffic. 3. Should examine alternative method and alternative sites.	206, 209 207 87, 218
	Clarke, Maggie		Refer to oral testimony.	---
	Adams, Joan; Angelo, Casey; Angelo, Lauren; Arkin, Hadara; Atkind, David; Auerbach, Jacqueline; Baker, Patricia; Bandler, Babette; Bartlett, Scott; Baum, Deborah H.; Blasi, Roberta D.; Blau, Joan; Bleustein, Clifford; Bleustein, Sheri; Braverman, Ellen J.		1. The facility should not be sited in a residential area. 2. It falsely assumes that one third of the capacity will be used. 3. The DEIS should look for other waterfront sites. 4. Mitigation is inadequate, impractical and unenforceable. 5. Site would not be acceptable if it were a private transfer station.	209 215 218 236 223

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	Bryers, Gabrielle; Bulua, Ariel; Bulua, Gail; Bulua, Scott J. Burrell, Wendy; Carmen, Jake; Carrier, Jesse; Celli, Robert; Chadwick, Donald Chang, Tom; Charrow, Charles; Chou, Katherine J. Christie, Sandra; Cohen, Michael A.; Cordova, Bette; Cosio, Nick; Costello, Annie; Costello, Greg; Curtis, James A.; Cutler, Judith; Davis, Peggy E.; Davis, Terri; Da Costa, Maria Delano, Laura; Desilets, Dolores M. Donovan, Christine; Edelstein, David; Edelstein, Gary; Edelstein, Laurie;			

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	Giampaolo, Eileen K.; Giampaolo, Joseph; Gordon, Jodi; Grace, N. Terrell; Graup, Leona Gray, Erik L.; Greenberg, L.S.; Grieco, Audrey M.; Griesman, Todd; Guarnera, Thomas A. Hager, Robert; Hamblett, Brooks; Haroules, B. Harrison, Jane; Harrison, Robert S. Heilbrunn, Lili; Heilbrunn, M.; Helleis, Jacqueline; Hoffman, Carol S. Hoffman, Jack; Holzhen, Lucia; Holzhen, Thomas Huntington, Linda; Huyer, Scott; Ildars, P.M.; Ingber, Hannah; Japha, Joan; Jenkins, C.C.; Johnstone, Douglas S.;			

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	Magnani, Louis A.; Malina, Evelyn Margolas, S.; Marlin, Caroline; Marlin, Richard; McGuire, Kevin; Mead, Catherine Mead, Robert; Miller, Elinor; Mishel, Maury; Muskin, Marlene; Neal, Katherine; Negrin, Leon; Nowak, Henry; Onghera, Peter; Opher, Philip; Osman, Jenny; Owen, Jane; Owen, Randy; Panzica, David J.; Passick, Terri; Pazzaglini, Emily; Pazzaglini, Matthew; Perchick, Wendy; Perez, Daniel; Peters, Debbie; Phillips, John; Pitman, Jennifer; Plimack, Monica;			

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	Quigley, M.J.; Ratner, Carol; Ratner, Jennifer; Rich, Judith P. Richner, Sandra; Rodman, Leroy E. Rodriguez, Jonathan; Roth, Annette; Roth, Carolyn; Roth, Ernie; Rothenberg, Sheldon; Rubenfeld, S. Rubin, Stephanie; Russo, Leslie; Salton, Edith; Savino, Laura; Scheckman, Elliot M. Schneider, Barry; Schneider, Judith E.; Schumaci, Louis; Selton, Gregg; Seltzer, Harold Seltzer, Matt; Senk, Susan; Seplow, Barbara R. Seplow, Kenneth F.; Shah, Linda; Sholinsky, Stephen; Silverstein, Al;			

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	Zanghellini, R.; Zazosi, Tammy; Zimmer, Samantha; Zimmer, Virginia			
	Curtis, James		1. The facility should not be sited in a residential area, near a historic landmark, or next to a park.	206
	Curtis Jr., James and Rachel		1. The MTS will have severe environmental impacts.	206
	DeCosse, Sheila		1. The MTS should not be near a park.	211
	Duff, Patricia		1. Opposed to the MTS because of severe traffic. 2. The diesel emissions will pose a health risk. 3. Vermin and extermination poisons will pose a health threat. 4. Noise will be a problem. 5. The large volume of sanitation trucks will pose a danger.	207 214 209 207 207
	Edmunds, Kathryn R.		1. This study area is 3x more densely populated than any other study area. 2. Pier 42 should be looked at as an alternative site. 3. East 91 <sup>st</sup> Street includes an EJ community, so outreach should be the same as for other areas. 4. PCEs for sanitation trucks were inappropriate. 5. There were differences in evaluating sites. 6. No buses were counted on 1 <sup>st</sup> , 2 <sup>nd</sup> or York Avenues. 7. Pedestrian counts seem inadequately estimated. 8. Commercial trucks are heavier, so studies need to be adjusted. 9. No information provided on trucks for recycling facility.	227 218 242 65 66 243 243 66 67

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			10. Public health study should be redone. 11. Pollutant risk factors. 12. EJ Problem with the how stakeholders were defined. 13. Tri-fold fliers were deceptive.	55 56 38 38
	Eldelstein, Laurie		1. The facility should be located in an industrial zone.	206
	Emma, Charles King		1. Randall and Wards Islands should be considered. 2. Examine the characteristics of each waste component.	218 25
	Feinberg, Barbara		1. Concerned that the facility will degrade air quality.	206
	Flieger, Scott		1. Site is not good for an MTS	206
	Fields, C. Virginia	Manhattan Borough President	Refer to Oral testimony	---
	Firestone, Evan		Refer to Oral testimony.	---
	Fleischer, Eva		1. Hearing date was not convenient. 2. Site is not good for an MTS.	239 206
	Friedland, Lawrence		1. No justification for this project is provided.	206
	Friedman, Elaine R.		1. The MTS should not be sited near a park. 2. Should not be in a residential neighborhood.	211 206
	Friedman, Grant Ethan		1. Should not be in a residential area.	206
	Friedman, Halle Kate		1. Should not be sited near a park.	211
	Geronemus, Roy	NYU School of Medicine	1. Health concern over placing the facility in a densely populated area.	206, 51
	Geronemus, Roy	Laser & Skin Surgery Center of NY	Refer to Oral testimony.	---
	Glaser, Herb	Glaser's Bake	1. Increased truck traffic will affect deliveries to local	214, 211

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
		Shop	businesses and the customers. 2. Should not be sited in a residential neighborhood.	206
	Grannis, Pete Assemblymember	Assembly, State of New York	1. What criteria were used to select the 4 MTS sites selected? 2. DEIS fails to address plans to reduce the amount of waste disposed. 3. The Plan is to handle vastly more garbage than the figures listed as average peak day deliveries. 4. The DEIS fails to include a cost benefit analysis. 5. There needs to be a commercial buffer between the MTS and residents. 6. Concern with risks so near the parks. 7. Need added focus on truck emissions. 8. The vehicular and pedestrian traffic studies are insufficient. 9. Need strict enforcement guidelines so bus stops are not blocked. 10. Odors cannot be mitigated by keeping trucks clean. 11. Noise will not be mitigated by limiting the number of trucks at night. 12. Could result in economic losses to Asphalt Green and businesses. 13. Impacts on Carl Schurz Park and Stanley Isaacs/ John Holmes Houses were not addressed.	206, 210  8  209  104 209  211 230 207  219  220 222  211  208, 211
	Grieco, Audrey M.		1. This is not a good site for the MTS	206
	Hall, Betsy		1. The MTS should not be sited in a residential area or near the park.	206
	Hamamoto, David	Brearley School	1. Diesel exhaust will pose a health threat. 2. Rats and vermin are already a problem in the	211, 214 209



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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			neighborhood. 3. Noise will be a problem. 4. Trucks will pose a problem to traffic and pedestrian safety.	222 207
	Havens-Hasty, Nancy; Letaconnoux, Calleen King	Havens Advisors	1. The MTS should not be sited in a densely populated area, or near a park. 2. Queuing trucks will pose a danger. 3. The intersection is already congested. 4. Expand recycling and explore other technologies.	206, 211  207 207 226
	Heilbrunn, Martin and Lila	East 79 <sup>th</sup> Street Neighborhood Association	1. This is not a good site for the facility.	206
	Kaplan, Howard		1. Should not be sited in this neighborhood.	206
	Kennedy, Donna	The Gillen Brewer School	Refer to Oral comments.	---
	Koeppel, Noel		1. Should not be sited in this neighborhood.	206
	Lefer, Jay		1. Should not be sited in a residential area.	206
	Leland, Richard G.	Kramer Levin Naftalis & Frankel	1. The DEIS is vague. 2. No information provided on where waste will go. 3. The DEIS analyzes artificially low throughput. 4. Alternatives are not analyzed. 5. The DEIS manipulates data. 6. Site is not appropriate. 7. The DEIS fails to discuss impacts to businesses. 8. Ramp will impact on open space. 9. No description of how the facility will look. 10. DSNY's siting regulations would not allow the facility. 11. No discussion on land grant impacts.	213 70 1, 215 218 213 206 211 275 216 211 275 216

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			12. Odor analysis did not take into account sensitive receptors. 13. Noise analysis is flawed. 14. Permit does not mention permit limitations. 15. Construction impacts need to include impacts on humans.	222 215 251
	Lesser, Gerson; Peters, Debbie		1. Should not be sited in a residential area. 2. Analyses must be at full capacity. 3. Other alternatives must be analyzed. 4. DEIS lacks a description of the facility, its dimensions, etc. 5. Would not meet DSNY's siting rules. 6. Mitigation is inadequate.	209 215 218 216 209 236
	Lesser, Eve		1. Should not be located in a densely populated area. 2. A private company would not site the facility at East 91 <sup>st</sup> Street for liability and logistical concerns. 3. Alternative Manhattan sites were not examined.	209 303 218
	Levine, Allen		1. The MTS will affect the area's quality of life.	211, 206
	Linder, Lindy		1. The facility will not operate at half its capacity. 2. The Facility should not be sited in a residential area. 3. Other alternatives must be explored.	215 206 212
	Maloney, Carolyn B.	House of Representatives, Congress of the United States	Refer to oral testimony	---
	McCandless, Deborah and Stephen		1. The facility will not operate at half its capacity. 2. Should not be placed in a residential area.	215 206
	McGuire, Kevin P.		1. This is not the site for the facility.	206
	Miller, Benjamin	Earth	Refer to oral testimony, also	---

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
		Engineering Center, Columbia University	<ol style="list-style-type: none"> <li>1. Use multiple sites to barge recyclables.</li> <li>2. Advantages of a franchise system for commercial waste.</li> </ol>	81 5*
	Miller, Gifford	Speaker, Council of the City of New York	Refer to oral testimony	---
	Mischel, Maria		<ol style="list-style-type: none"> <li>1. Opposed to the public outreach efforts.</li> <li>2. Graphics omit major features of the community.</li> <li>3. Why is the facility sized for a much bigger facility?</li> <li>4. Should not place the MTS in a residential neighborhood.</li> <li>5. Why is east 91<sup>st</sup> Street facility part of the plan, but the West 135<sup>th</sup> Street is not?</li> </ol>	239 240 215 206 210
	Morin, George		<ol style="list-style-type: none"> <li>1. NYC needs a state-of-the-art processing and recycling system.</li> <li>2. MTS should not be sited in a residential neighborhood or near a park.</li> <li>3. Put the facility adjacent to the west-side railyards.</li> </ol>	28 211 218
	Plimack, Monica		1. Opposed to the facility in this neighborhood.	206
	Racine M.D., Andrew		See comments from oral testimony.	---
	Rose, Daniel;		1. Previous MTS had a negative impact.	209
	Roth, Seymour M.		<ol style="list-style-type: none"> <li>1. DSNY is not being honest with the operation of the MTS.</li> <li>2. Alternative sites and costs not examined.</li> <li>3. Whose property will the facility be on?</li> <li>4. Noise will be objectionable.</li> <li>5. Odors will be objectionable.</li> </ol>	247 218, 70 248 222 220

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			6. Rats will be a health issue. 7. Design is questionable. 8. There is an EJ community involved.	50, 209 2 242
	Salton, Edith		1. Neighborhood is densely populated.	206
	Seltzer, Adele		1. Hearing is at an inconvenient time. 2. Facility shouldn't be in a densely populated area.	239 206
	Senk, Susan		1. Site is not appropriate.	206
	Schmidt, Gordon M.		1. Site is not appropriate.	206
	Schneider, M. Barry		1. Site is not appropriate. 2. Should not be near a park.	206 211
	Schneider, Judith E.		1. MTS should not be sited near a park. 2. Should not be in a residential area. 3. Will worsen truck traffic.	211 206 207
	Shragan, Barbara		1. Should not be sited in a densely populated area.	206
	Smyser, Hugh		1. Should not be sited in a densely populated area. 2. Discussion of planned specifications. 3. Noise, air quality, odors and vermin will be problems. 4. The facility will add to congestion. 5. The facility will severely impact Asphalt Green. 6. The plan is lacking in specifics. 7. No consideration of alternatives. 8. The process is to ram the plan through despite opposition.	206, 211 207 214  207 211 213 229, 208 239
	Staiger, Laura		1. Should not be sited in a densely populated area.	206
	Stone, Shannon	NYC Waste Prevention Coalition and NYC Group of	1. Should strive for Zero Waste in 20 years. 2. Phase out diesel trucks with cleaner-fueled vehicles.	12 82

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
		Sierra Club's Solid Waste Committee		
	Sweet, Melite		1. The facility should not be sited in a densely populated area; will create too many environmental impacts.	206
	Toby, Judith		1. There were environmental problems when the facility was previously open. 2. Would you let your children or grandchildren play within 20 feet of a garbage dump?	209 241
	Todrys, Karol		1. The facility should not be sited in a densely populated residential area	206
	Tripp, James T.B., Cruz, Ramon, Darrell, Andy	Environmental Defense	1. Support of the major goals of SWMP. 2. City needs to take additional measures to minimize impacts at 91 <sup>st</sup> Street in terms of truck operation, ramp issues, queuing. 3. There should be tonnage caps. 4. There must be detailed monitoring, data collection assessment and reporting. 5. Commercial waste system problems must be addressed. 6. The DEIS should evaluate other Manhattan sites and provide information on why the Manhattan sites were chosen. 7. New SWMP doesn't improve the handling of two-thirds of Manhattan's waste.	72 235  235, 1 246  3*, 2*  218  94
	Tweedy, Carol Executive Director	Asphalt Green	Refer to oral testimony.	---
	Warren, Charles S. and	Manhattan	Refer to oral testimony.	---

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
	Ludorf, Jacqueline	Community Board 8		
	Wasserman, Jack		1. Significant impacts will be created from DSNY vehicle traffic, noise and pollution. 2. Need an analysis of other reasonably cost-efficient sites.	207 210
	Wong, Winnie		1. The facility should not be sited near Asphalt Green.	211
	Zabar, Eli		1. Having DSNY vehicles use 91 <sup>st</sup> Street will put traffic at a complete standstill.	207
	Ferrandino & Associates, Inc. with Vanasse Hangen Brustlin Inc.	Gracie Point Community Council	Numerous comments on the East 91 <sup>st</sup> Street site	207, 209, 210, 211, 213, 214, 215, 216, 222, 227 and 249 through 302
	Budnick, Noah	Transportation Alternatives	1. If the 59 <sup>th</sup> Street MTS is in the Final SWMP, must ensure safety of greenway users.	306
<b>(also Gansevoort Recyclables Acceptance Facility)</b>	Doswell, John, Frederick, Pam	Manhattan CB4	1. Analysis for 59 <sup>th</sup> St. and Gansevoort requires a later build year. 2. Need a noise analysis 3. What were the alternatives to Gansevoort? 4. Other locations need to be examined. 5. Gansevoort site must have an environmental review. 6. The current analysis is premature. 7. Gansevoort site will be parkland only. 8. Noise analysis needed farther east. 9. There is a mischaracterization of the area.	321 322 339 340 341 321 341 342 313

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			10. The area is highly residential. 11. Significant residential information is missing. 12. Additions to future no-build land use 13. Socioeconomic conditions need revision. 14. There are Open Space contradictions. 15. There may be a negative impact on visual resources. 16. Design should involve the public. 17. The neighborhood is not industrial 18. What will be the effects of dredging? 19. There will be impacts on pedestrian traffic. 20. Further traffic analysis is needed. 21. The EIS must consider increase use of bikeway/walkway. 22. Questions concerning private hauler use of the facility. 23. What is the contingency if exhaust fans break down? 24. The odor receptor is incorrect. 25. The combined noise analysis must be done. 26. Commercial and residential waste may not have the same odor impacts. 27. The traffic analysis is speculative.	315 315, 319 319 318 310, 323 316  324 315 325 319 326 327  326, 10*     2*, 57  328 329 330  331
<b>(also Gansevoort Recyclables Acceptance Facility)</b>	Doyle, Noreen Executive V.P.	Hudson River Park Trust	1. The Hudson River Park Act imposes restrictions which should be in the FEIS. 2. Existing conditions sections should be modified. 3. Comments for a supplemental. 4. DEIS should acknowledge that the bulkhead is eligible for the State and National Registers of	310 310 310 310

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			Historic Places. 5. Comments on operational hours. 6. Hudson River Park Act would need to be amended to permit the recycling facility at Gansevoort. 7. List Hudson River Trust as an involved agency.	310 333 311
	Community Board 7		1. W. 59 <sup>th</sup> Street site was not evaluated for its intended use. 2. The underlying policy decisions need to be described. 3. Recycling section of SWMP needs more discussion. 4. What if East 91 <sup>st</sup> St is not approved and Hudson River Park Act doesn't get changed? 5. Section 22 needs to reflect current and near-future neighborhood character. 6. Need to know the loading activity. 7. DEIS should detail what was shown by the studies undertaken. 8. DEIS "neighborhood character" section is incorrect. 9. Include data on District 7's collection and relay trucks, recycling trucks etc. 10. Population statements are wrong. 11. Waterfront Revitalization Program incorrectly identifies several sub-policies as inapplicable. 12. DEIS failed to include a number of detailed items. 13. DEIS should analyze sanitary sewage and stormwater impacts.	313 96 12 314 315 316 317 317 317 318 338 319 320
<b>Gansevoort Recyclables Acceptance</b>	Glick, Deborah J. Assemblymember	Assembly, State of New York	1. The recycling acceptance facility will foul Hudson River Park, and will destroy the park's recreational value due to truck exhaust.	334



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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
<b>Facility</b>			2. Children’s playground will be adversely affected, and odors in the neighborhood will be a problem.	334
			3. The facility will create traffic problems.	334
			4. There is concern that the number of trucks will grow.	335
			5. There is no information on the proposed financing of the park, and who would get the income from commercial contractors?	312
			6. What would be the learning value of the facility?	336
			7. Explore other sites for recyclables or use more than one site so that Gansevoort will not get all of the burden.	337
			8. Should look explore waste reduction measures.	8
			<b>65<sup>th</sup> Street Rail Yard</b>	Eaton, Craig A.
<b>Visy Paper</b>	Domonoske, Daniel	Potential Industries, Inc.	1. DEIS does not evaluate the impacts of trucking paper over the Verrazano bridge to Visy.	32
<b>Manhattan</b>	Romero, Christine Datz, (Chair)	Manhattan Citizens’ Solid Waste Advisory Board	1. SWMP is deficient on waste prevention and recycling.	8
			2. Materials that never entered the waste stream should not be included in reduction totals.	12
			3. Phase out trucking for Manhattan waste.	94
			4. Manhattan should have additional transfer sites to decentralize waste handling, particularly below 59 <sup>th</sup> Street.	94
			5. Trucking waste to Newark should stop.	94
			6. Operational and design issues at East 91 <sup>st</sup> Street and Gansevoort must be addressed.	235
			7. Phase out queuing of trucks.	235

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Location of Comment	Written Comment by:	Representing	Summary of Issues	See Comment Number
			8. Encourage clean fuels. 9. Work with the community to develop a creative ramp design at 91 <sup>st</sup> Street. 10. Define the timetable for the Gansevoort facility. 11. Examine efficiency of trucking some recyclables to Hugo Neu in the Bronx. 12. Evaluate the cumulative emissions from alternate trucking schemes, and add TEQ to pollutants evaluated. 13. Plan for the 59 <sup>th</sup> Street MTS to optimize its use and minimize impacts. 14. Excess capacity at 91 <sup>st</sup> Street should be used for some portion of commercial waste, but needs more study.	124 235 333 33 59 305 235
<b>Brooklyn</b>	Diamondstone, Ken	Brooklyn Solid Waste Advisory Board	1. The Plan should identify goals and objectives for the entire 20-year period. 2. Pilot programs are needed. 3. Need concrete proposals to advance Zero Waste goals. 4. Plan is lacking on new initiatives. 5. Plan is lacking relief for EJ areas. 6. What was the rationale for paper going from Brooklyn to the Visy facility? 7. Would like an independent planning task force to advise on a 20-year SWMP.	86 76 12 12, 19, 20 2* 32 95
<b>Greenpoint, Brooklyn</b>	Markowitz, Marty	Office of the Brooklyn Borough President	Refer to oral testimony.	---

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<b>Location of Comment</b>	<b>Written Comment by:</b>	<b>Representing</b>	<b>Summary of Issues</b>	<b>See Comment Number</b>
	Paris-Mendez, Zaida	Outrage	1. Trucks create noise and pollution; need to reduce traffic.	132
	Shute, Benjamin		1. Reduce truck traffic in Greenpoint and Williamsburg. 2. Increase composting and recycling by educating the public	132 17
	Vevers, Stephanie		1. Reduce the truck traffic in Greenpoint and Williamsburg	132
<b>Involved Agencies</b>	Moore, Michelle	New York State Department of Environmental Conservation	See Section 40.3.3.1 for comments and responses from Involved Agencies.	
		New York City Department of Transportation	See Section 40.3.3.3 for comments and responses.	
		New York City Department of Parks and Recreation	See Section 40.3.3.4 for comments and responses.	

**Note:**

\*See Comment number in Section 40.3.4.3 for this item.

## 40.3 Comments and Responses

### 40.3.1 General Comments

#### *40.3.1.1 Facility Capacity and Design*

- 1. Comment:** Several comments expressed concern that the DSNY intended to process 4,290 tpd at each of the Converted MTSs and was being inconsistent in its presentation of the capacity it intends to permit at these facilities.

**Response:** The FEIS and the Draft New SWMP explain that each of the Converted MTSs will handle the respective wasteload historically served by the existing facilities and limited quantities of Commercial Waste, acceptance of which the environmental review in the FEIS shows would not cause any potentially significant unmitigatable adverse impacts. The proposal to process commercial waste at the Converted MTSs responds to the requirements of Local Law 74 of 2000, which directed that DSNY evaluate this issue as a potential means to reduce impacts from the presence of multiple transfer stations in certain neighborhoods of the City.

To dispel confusion on the issue of the permitted capacity that DSNY seeks in the Part 360 permit application pending before NYSDEC, the following presents the anticipated throughputs under various operating conditions and describes DSNY's proposal on the permit limits both on a weekly and on a daily basis for all the Converted MTSs. NYSDEC, as the permit issuing authority, will make the final determination on permit issuance and limits.

This describes the capacity requirements and the DSNY proposed permit limits for each of the four Converted MTSs designated in the Proposed Action, as described in the Draft New SWMP and supporting FEIS. These facilities are:

- The North Shore Converted MTS;
- The Hamilton Avenue MTS;
- The Southwest Brooklyn, and

- The East 91<sup>st</sup> Street MTS.

Table 40.3-1 provides information on the waste flows for DSNY-managed Waste that DSNY would expect to process at each of these facilities under various scenarios that are typical of DSNY operations. Additionally, the maximum daily volumes of Commercial Waste that would be delivered by private carters to each facility, consistent with the analysis of off-site impacts in the FEIS, is listed in the table. Finally, the on- and off-site impact analyses for traffic, air quality, odor and noise as evaluated in the FEIS are listed. The table notes following Table 40.3-1 provide additional information on the sources, underlying assumptions and application of the data in the table.

Table 40.3-2 presents the permit limits that DSNY has proposed to NYSDEC, which is in the process of reviewing a Part 360 Solid Waste Facility Permit Application for each of these facilities. When NYSDEC deems the application complete, it will hold public hearings on each of the applications. If NYSDEC's permit review and hearings process results in a permit issuance, permit conditions will apply to the operation of each facility and the waste types and volumes that can be processed under stipulated conditions. The table notes following Table 40.3-2 provide additional information on the proposed application of these Permit Limits.

Table 40.3-3 presents the Permit Limits that DSNY has proposed to NYSDEC to address a circumstance when there is a disruption in an element of the overall DSNY waste management system or when a public emergency requires that DSNY, acting on the basis of protecting the public health, must use the maximum design capacity at all facilities to remove accumulated refuse from the streets as quickly as possible. The classic example of this Emergency Condition is refuse collections after an extended snow emergency, when refuse has accumulated on the streets. The table notes following Table 40.3-3 provide additional information on the proposed application of these Permit Limits.

**Table 40.3-1  
Converted MTSs  
DSNY and Commercial Waste Anticipated Capacity Requirements  
and  
Capacities Evaluated in the New SWMP DEIS**

Converted MTS Location	DSNY-Managed Waste			Potential Commercial Waste (Noise Constrained) (tpd) <sup>(4)</sup>	Maximum Daily Waste Evaluated in DEIS for Off-Site Impacts (tpd) <sup>(5)</sup>
	DSNY Average (tpd) <sup>(1)</sup>	Average Peak Day (tpd) <sup>(2)</sup>	DSNY Holiday Week Peak (tpd) <sup>(3)</sup>		
Hamilton Avenue	1,900	2,280	2,850	1,274	<b>4,100</b>
Southwest Brooklyn	950	1,140	1,425	718	<b>3,451<sup>(6)</sup></b>
East 91 <sup>st</sup> Street	720	864	1,080	780	<b>2,892</b>
North Shore	2,200	2,640	3,300	1,000	<b>3,991</b>

**Table Notes:**

tpd = tons per day

1. The DSNY average ton per day (tpd) values are based upon an analysis of the historical volumes of DSNY-managed Waste generated annually averaged over 302 days per year in the respective MTS wastesheds.
2. The Average Peak Day (tpd) in column 2 is approximately 20% higher than the Average Day and reflects the daily and seasonal variability in DSNY's weekly collections as well as the potential growth waste generated over time, as a function of future population growth.
3. DSNY experiences a holiday week collection peak day, column 3, when a scheduled holiday reduces six days of collection activity to five days. Post-holiday day peak day collections can be approximately 50% above the annual average day.
4. Column 4 is the quantity of Commercial Waste that could be processed during the 8:00 p.m. to 8:00 a.m. time period without causing off-site noise impacts and was presented in the Summary Report in Volume III of the Commercial Waste Management Study, and also reevaluated in the FEIS. This 8:00 PM to 8:00 PM time period is the period when commercial carters collect waste in the City and DSNY collection operations are at their lowest volume. Local Law 74 of 2000 directed that DSNY evaluate the potential to process commercial waste at the MTSs. The arrangements under which processing of commercial waste would occur will be the subject of discussion between DSNY and the City Council during the adoption of the New SWMP.

**Table Notes for Table 40.3-1 (Continued):**

5. The Maximum Daily Tonnage Evaluated in the DFIS for Off-Site Impacts, Column 5, is the sum of data derived from the following sources and methods: (i) a calculated value from a sample of available, historical 1998 data for the Average Peak Day for DSNY-managed Waste in the Converted MTS wastesheds plus a 20% contingency allowance that reflects variations in the waste stream and a margin of conservatism in the analysis of the potential for significant adverse *off-site* impacts related to traffic, air quality, and noise (essentially DSNY collection vehicle traffic to and from the Converted MTS); and (ii) the Commercial Waste Tonnage identified in column 4.
6. This total is restricted for off-site noise analyses to 3,341tpd, but was analyzed for all other off-site impacts at 3,451tpd.

**Table 40.3-2  
Converted MTSs  
DSNY-Proposed Weekly and Daily Permit Limits**

Proposed Permit Limit	Weekly Limit – tpd times 6 days per week Tons per Week <sup>(1)</sup>	Maximum Peak Day (tpd) <sup>(2)</sup>
<b>Hamilton Avenue</b>	21,324	4,100
<b>Southwest Brooklyn</b>	11,148	2,143
<b>East 91<sup>st</sup> Street</b>	9,864	1,860
<b>North Shore</b>	21,840	3,991

**Table Notes:**

tpd = tons per day

1. The Weekly Limit (column 1) proposed is the sum of: (i) the DSNY Average TPD amount shown in Column 1 of Table 40.3-1 multiplied by 6 days per week and increased by a 20% contingency factor to allow for seasonal variability, growth in waste generation and system redundancy; and (ii) the Maximum Commercial Waste in Column 4 of Table 40.3-1 multiplied by 6 days per week. This limit would not be exceeded in any calendar week, except for an Emergency Condition.
2. The Maximum Peak Day TPD limit (column 2) is proposed as the level sufficient to enable DSNY to process holiday-week peak day tonnage which, based on DSNY historical data, is often 150% of average TPD throughput. This limit is calculated as the lesser of: (i) the sum of the 150% of Average TPD for DSNY-managed Waste plus the Commercial Waste from column 4 of Table 40.3-1; or (ii) in the case of Hamilton Avenue and North Shore, the maximum capacity evaluated in the FEIS (from Column 5 of Table 40.3-1) for off-site impacts and shown to have no significant adverse impacts.

**Table 40.3-3  
Converted MTSs  
DSNY-Proposed Emergency Permit Limits**

Proposed Permit Limit	Upset Condition Limit (Time Limited tpd) <sup>(1)</sup>	Emergency Condition limit (Time Limited tpd)
<b>Hamilton Avenue</b>	4,290	5,280
<b>Southwest Brooklyn</b>	4,290	5,280
<b>East 91<sup>st</sup> Street</b>	4,290	5,280
<b>North Shore</b>	4,290	5,280

**Table Notes:**

tpd = tons per day

1. The Upset Condition Limit would be defined as an infrequent, short-term event causing a reduction in the processing capacity of an element of the DSNY waste management system, such as a fire or equipment outages, requiring a temporary re-allocation over a period of few days duration, during which the tonnage normally processed by the affected element of the system is diverted to other unaffected elements of the system. The proposed Upset Condition Limit is the capacity of the Converted MTSs as documented in the Basis of Design discussion in the permit application, which is 4,290 tpd for all the Converted MTSs. The FEIS evaluated the potential for significant adverse impacts *on-site* related to air quality, odor and noise, assuming the facility were operated at its design capacity. The analysis evaluated emissions from all on-site sources, including equipment trucks inside the processing building and tugs servicing barges that would result from operating the facility at its design capacity.

The basis of design for the proposed MTS considered hourly and daily peak arrival rates for DSNY collection vehicles and tons of DSNY-managed Waste. The hourly throughput rate was established to ensure that the MTS could process anticipated peak hour deliveries of DSNY-managed Waste. This peak arrival rate for DSNY collection vehicles occurs during the second shift, typically for one hour between the hours of 8:00 a.m. to 12:00 p.m. Given on-floor storage capacity, the number of tipping bays and on-site truck queuing space on the ramps, this arrival can be accommodated without any off-site queuing. Daily capacity is a function of the number of operating shifts and shift hours during the day.

The MTS would operate for three shifts to accommodate anticipated deliveries of DSNY-managed Waste over a 24-hour period. Given these parameters for receiving and containerizing DSNY-managed Waste, there is also the potential for deliveries of Commercial Waste to the MTSs during nighttime periods between 8:00 p.m. and 8:00 a.m. when deliveries of DSNY-managed Waste are substantially less than the facility's available capacity.



**Table Notes for Table 40.3-3 (Continued):**

Hourly throughput and daily design capacity are based on the following assumptions:

- The MTS would process 10 containers per hour using three loading slots with the fourth maintained in a spare mode.
- The loader level would be kept as clear of waste as possible during processing hours by loading all waste received into containers as soon as possible and keeping stockpiles at a minimum.
- Each container would be loaded with approximately 20 to 22 tons of waste.
- Each barge would be loaded with 48 containers of waste.
- Barge switches would not interrupt waste processing operations.
- Employees would effectively work 6.5 hours out of an 8-hour shift due to shift changes and break time during the shift, resulting in 19.5 operating hours per 24-hour day.

Using these parameters, hourly throughput approximates 220 tons and the average design capacity is 4,290 tpd (220 tons per hour x 19.5 hours per day) for the four Converted MTSs.

Because a Converted MTS could operate at its design capacity of 4,290 tpd, the FEIS evaluated the on-site impacts associated with operating at this 4,290 tpd level to determine the potential for adverse impacts. The analysis accounts for air, odor and noise emissions related to all on-site indoor and outdoor equipment, including DSNY collection vehicles inside the building and queuing on the ramps to the processing building, and tugs and cranes servicing barges at the facility. These on-site air quality, noise and odor analyses found no unmitigable significant potentially adverse impacts. This result eliminated the need for further more refined analyses of on-site impacts at lower waste throughputs.

2. The Emergency Condition Limit would be defined as a rare, public emergency event affecting the entire or a large part of the waste management system. An emergency event would allow DSNY, acting on the basis of protecting the public health, to use of the maximum design capacity at all facilities to remove accumulated refuse from the streets as quickly as possible. The classic example of this Emergency Condition is refuse collections after an extended snow emergency, when refuse has accumulated on the streets. The maximum design capacity at the four Converted MTSs is 5,280 tpd as documented in the Basis of Design discussion in the permit application, assuming the facility is staffed for an emergency to operate with three full shifts and no break time, i.e., 24 hours a day.

Because neither of these conditions is typical of how the Converted MTSs would normally operate, CEQR does not require impact analyses that evaluate an abnormal event scenario.

2. **Comment:** The design of the MTS seems lacking in durability and reliability in terms of the containerization process and its operation will have serious impacts on the surrounding community. It appears that the containers can be easily damaged, the lidding operation is dangerous to the work crew, and the wheeled transfer platforms are susceptible to malfunction. During icy, rainy, or snowy conditions, it appears that there may be service interruptions or a high risk of injury to operating staff.

**Response:** The design features of the facility that insure reliability in operations and minimize the potential for impacts on neighboring communities include the following:

- The Converted MTS is designed 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 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 and are 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 to assure 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 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 that is made from a plant compound.

Additionally, the facility will have the following state-of-the-art environmental controls:

- An advanced odor control system; and
- A ventilation system exceeding building code standards that maintains negative pressure to prevent the escape of odors to the outside under all conditions.

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

The containers are specifically designed to handle municipal solid waste (MSW). Their strength is much greater than standard traditional cargo containers found at most marine terminals. These high strength environmental containers meet the American Railroad Association (ARA) and the American Bureau of Shipping (ABS) 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 will be 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 operations staff located in safe controlled environments.

The shuttle cars designed for this process are simple, rugged and reliable. Their design is based on similar cars used in the paper and steel mill industries to automatically move large heavy materials. They are battery powered remotely and automatically-controlled vehicles designed to handle the rigors of constant heavy use in all weathers and environments. Use of the shuttle cars for container movement is a safety improvement for the operating staff.

The MTSs are designed with considerable flexibility and redundancy to allow for mechanical failure, proper maintenance operations, and other process-related interruptions that may occur, such as inclement weather. Each equipment system has been carefully designed for the harsh marine environment it will be exposed to. Components have been specified to be of extreme duty construction, supplied by manufacturers who have experience building this specific equipment.

**3. Comment:** Why are none of the new MTSs planned to have compacting capability?

**Response:** Compaction of waste is part of the process operation at all of the new MTSs. Waste material will be compacted by tamper/excavators as each container is loaded to its capacity. In addition, the loading floor and the operation of the wheel loaders have been designed for pre-crushing and compaction of the waste before it is pushed into the containers.

**4. Comment:** The safety and well-being of any neighborhood includes that of the workers at the MTSs and private transfer station sites, who deserve prevailing wages, uncompromised safety protocols and other basic rights.

**Response:** DSNY is highly committed to worker safety. The safety and well being of the DSNY and private employees who would staff the Converted MTSs and container loading piers, respectively, are protected by applicable law and by collective bargaining

and employee agreements. The safety of the employees of private transfer stations is protected by employee agreements and by applicable law.

5. **Comment:** All methods used for long-range transport must have hard/fixed type covers to control odors and spillage. In terms of rail transport, full rail cars must not be permitted to sit at any location longer than 6 hours.

**Response:** All containers used at the Converted MTSs will be sealed and leakproof as required under 6 NYCRR Part 360, Subpart 360-11 and conform to ARA and ABS standards. All waste will be loaded into these containers within 24 hours of its receipt. Containerized waste will be removed from the Converted MTSs by barge as soon as the barge is full. In the case of truck-to-rail facilities, the containers will be removed from the site when the rail cars are full, or within seven (7) days, whichever comes first, in accordance with Subpart 360-11. There are no provisions in the current regulations governing solid waste facilities that require rail cars to be moved from a location after 6 hours.

6. **Comment:** The MTS facilities should allow flexibility for the City to use them for the movement of recyclables and compostables.

**Response:** The Draft New SWMP describes the facilities and services that exist or are elements of the Proposed Action for Recycling and also provides extensive information on DSNY's composting activities. The intended purpose of the Converted MTSs is not to process these materials. DSNY has other dedicated other facilities for this purpose.

#### *40.3.1.2 Alternatives Analysis*

7. **Comment:** A number of comments stated that the DEIS is inadequate in assessing alternatives to the Proposed Action. Many indicated that the only sites evaluated were the existing MTS sites, and the only alternative examined for handling the City's waste was long-term export.

**Response:** Chapter 1, Section 1.3 of the FEIS incorporates revisions that clarify the Alternatives considered in formulating the Proposed Action for Long Term Export. The following is a summary explanation.

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 Marine Transfer Stations (MTSs). The Long Term Export Program was an element of the City Council and State approved 2000 SWMP Modification supported by an October 2000 FEIS that analyzed long term export options at some 20 different sites with 25 different facility options across the City. (The 2000 SWMP Modification and supporting FEIS are available from DSNY on request.) The Mayor's decision to pursue containerization at the MTSs was made after a determination that insurmountable problems prevented the implementation of the Linden EBUF project. The Linden project, a key component of the 2000 SWMP Modification, would have received waste from five existing MTSs, three in Manhattan, Hamilton Avenue 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 NYCEDC, the Law Department and other City agencies to implement the Mayor's policy directive.

In the course of this work, DSNY has considered Alternatives. DSNY has proposed to implement four Converted MTS projects, not eight. Other Long Term Export options have been identified to serve the West 135<sup>th</sup> and West 59<sup>th</sup> Street wastesheds in Manhattan, and the wastesheds formerly served by the South Bronx and Greenpoint MTSs. These options are now part of the Proposed Action, because DSNY believes they

can be implemented more quickly, are more cost effective than developing Alternative Converted MTSs for those wastesheds and also avoid adding new in-City waste transfer capacity, particularly in the Bronx and Brooklyn where there is a relative concentration of private waste transfer stations.

Additionally, DSNY included an investigation of alternative rail or barge export sites in Manhattan in the Scope of the CWMS. Three of the four sites investigated, West 140<sup>th</sup> Street (between the North River Water Pollution Control Plant on the Hudson River and the Henry Hudson Parkway), West 30<sup>th</sup> Street and Pier 42 on the East River were found to be infeasible. The reasons for that finding are reported in the CWMS, Volume V, Manhattan Siting Study that is included as Appendix I in this FEIS. Finally, during the re-procurement of Interim Export contracts for DSNY-managed Waste from Manhattan awarded in November 2004, DSNY established that the LIPCo/Covanta waste-to-energy facility in Rahway, New Jersey, had insufficient capacity to serve as a primary disposal facility. This facility was awarded an Interim Export contract for backup capacity in the amount of 125 tpd, substantially less than is generated in any of Manhattan's three wastesheds.

#### *40.3.1.3 Waste Reduction and Recycling*

- 8. Comment:** The City's Solid Waste Management Plan has failed to address alternatives to export for disposal. This is in violation of the State's Solid Waste Management Act. In 2000, DSNY's SWMP focused on long term export due to critical time constraints, but they promised that the next plan would be more comprehensive. The Plan needs to more adequately address the alternatives to long-term export, focusing on waste reduction, re-use, recycling and composting. It will be more difficult to institute these types of programs once the long-term export facilities are built. The contracts should be written in a way to encourage and reward recycling. By way of contrast, the 1992 Comprehensive Waste Management plan offered 86 ambitious waste prevention and recycling initiatives. The 1995 update had 47 milestones, some of these goals were accomplished and most were delayed or forgotten. The New SWMP lists 22 reduction milestones, of which only

4 are new concepts (electronics recycling, paper-bagged yard waste, an annual electronic newsletter, and revisions to LL19), and only one of which reduces tonnage. This is not progress.

**Response:** Waste reduction, reuse and recycling are important components of the proposed New SWMP. The number of recycling and waste reduction alternatives to disposal in successive SWMPs has not decreased because of the city's diminished commitment to such alternatives. The number of alternatives has been reduced because over the period of time discussed many have been adopted as programs and many others have proven themselves to be incapable of practical implementation. The change reflected in the City's various SWMPs over time and is informed by the results of the conduct of numerous SWMP-related pilots, initiatives and studies that have focused on the feasibility of alternatives.

9. **Comment:** A number of speakers supported the 70% recycling goal to be met by the year 2015; but thought that the SWMP should include the supporting details as to how to achieve this goal. Costs should be provided, along with plans for improvement of the existing system. There is a lack of information on how the City intends to establish the infrastructure necessary for greater reuse, composting and recycling. Assuming that construction and demolition waste and fill material constitute a large share of the 70%, the SWMP must address these types of transfer facilities and recycling of the commercial waste stream.

**Response:** The statement is correct that recycling of construction and demolition waste and clean fill material is essential to achieving the 70% city-wide recycling target proposed. The Draft New SWMPs' 70% overall recycling can be achieved over time through Existing Programs and New Initiatives. The citywide recycling average, based upon NYSDEC's own accounting system for recycling is currently in excess of 62%. Therefore, DSNY believes the gain of eight additional percentage points over the time period discussed in the Draft New SWMP is a reasonable goal.

10. **Comment:** The City should consider the merits of investing dollars within New York City to create industries that use our waste materials to manufacture new products instead



of sending dollars out of the City to export waste. Specifically, borough-based eco-industrial parks could be developed. An analysis of the benefits and costs of choosing an economic development path are completely absent from the SWMP.

**Response:** The private sector is already an active participant in the recycling industry, where the economics are justified. The City actively seeks opportunities to foster economic development that would utilize waste materials as a resource. A notable success has been the Visy/Pratt Industries paper manufacturing plant on Staten Island, which was financed with City assistance and which currently recycles waste paper under contracts with DSNY. Additionally, the City will soon be entering into a 20-year contract with Hugo Neu to recycle the City's metal, glass and plastic and a portion of the City's paper stream. A recent publication issued by DSNY, *Processing and Marketing Recyclables in New York City*, available on the DSNY's website at: <http://www.nyc.gov/html/dos/html/recywprpts.html#1> provides useful information on the economics of recycling in NYC.

- 11. Comment:** How long will the City talk about studying composting at Hunts Point without developing any new facilities? The Riker's Island Project was supposed to be the test facility with commercial scale facilities to follow. Greater attention is needed in the SWMP on composting of food waste.

**Response:** With the recent increase in the regulated commercial carting fees for wet waste, including food market waste, economic incentives exist for the Hunts Point Market Cooperative to consider composting as a less expensive disposal alternative. Rikers Island was the test facility for a particular type of compost technology (in-vessel composting), but is not one of the technologies proposed for use at Hunts Point.

- 12. Comment:** The City should adopt the Zero Waste initiatives and the SWMP should examine better ways to recycle and prevent waste, since waste prevention, was key to reducing costs. The City should be more aggressive in its programs: target food and yard waste for composting, recycle textiles and more types of plastics, and support of State-level efforts like expanding the "bottle bill". Commercial and institutional recycling should be improved through the establishment of recycling programs at major

transportation hubs and parks and stadiums, increasing the number of collection and distribution sites for special recyclable collections such as hazardous material or new compost, and an analysis of programs which currently recycle waste, but were not discussed. The DEIS needs to study the impacts of increased recycling and how it would reduce truck traffic and the need for disposal sites. There needs to be an organized system for diverting loads from the MTS that contain large quantities of recyclables.

**Response:** Waste reduction, reuse, and recycling will continue to be central to waste management under the New SWMP, which contains several initiatives to expand what is already by far the largest mandatory recycling program in the nation. As the cost of waste disposal increases, the economics of recycling and waste reuse improves, in addition to the environmental benefits of resource conservation. DSNY actively follows recycling markets to determine whether designation of additional items for recycling makes sense.

With the recommencement this year of weekly collection for Curbside Recyclables in all boroughs, the City has made a significant financial commitment to building a Recycling Program that is and will remain an important element of its waste management strategy. That commitment is reinforced by related commitments in the Draft New SWMP to several important actions and initiatives. As discussed in the Draft New SWMP, the following commitments are major steps toward attaining substantially higher waste diversion rates. The commitments to significantly higher waste diversion goals are ambitious goals that reflect a comprehensive, experienced and realistic assessment of what the City can attempt to achieve.

#### Significantly Increased, Percentage Based Waste Diversion Goals

The Draft New SWMP sets a 70% diversion goal for the combined Commercial and DSNY-managed Waste streams to be achieved by 2015. In the near term, the City should meet a 25% diversion goal for the curbside and containerized waste generated by residents and institutions, and a 35% diversion goal for the total DSNY-managed Waste stream by 2007.

### South Brooklyn Marine Terminal Materials Processing Facility

As noted in the Draft New SWMP, DSNY with NYCEDC proposes to develop a Materials Processing Facility at the South Brooklyn Marine Terminal in Brooklyn through a public-private partnership involving a 20-year service agreement with a private recyclables processor, Hugo Nue Corp (HNC). This is an important element of the foundation for increased diversion rates for curbside and containerized waste through DSNY's Curbside Recycling Program. The long-term commitment to a Materials Processing Facility will facilitate the development of state-of-the-art processing infrastructure in the City, which in turn will generate the consistent streams of materials necessary to foster reliable secondary materials markets and enable the diversion of Curbside materials that are now discarded.

As noted in the Draft New SWMP, the major advantages of this commitment to develop a Materials Processing Facility are:

- Commits the City to maintain its Curbside MGP Program over the next 20-years.
- Creates a relationship in which the processor has economic incentives to expand product markets and thereby increase the net recovery rate for MGP. Historically, DSNY has had considerable difficulty in establishing stable and cost-effective relationships with the contractors that have processed its Curbside MGP, in part due to the practice of contracting for a five-year term with a short-notice cancellation clause. This created economic uncertainty for the contractor and discouraged investments in facility upgrades to improve recovery rates. The 20-year term of the service agreement removes these disincentives and will create a relationship in which the processor has economic incentives to expand product markets and thereby increase the net recovery rate for MGP processed.
- Enhances the opportunity to produce and market new products by recovering materials that are now marginal. The City's Curbside MGP collections have high proportions by weight of glass, particularly mixed-color, broken glass, a material which does not have economic markets. Better technology to be used in the proposed materials processing facility, in addition to aggressive research and development – both afforded by a long-term contract – is expected to improve the sorting of glass and help address this situation.

- Secures competitive price terms for the City and stabilizes costs over the long term.

The long-term contract is expected to lower the City's cost for processing MGP recycling to approximately \$48 per ton, compared to \$51 per ton under current contracts, and \$59 less per ton than the \$107 that the City was facing before the program was suspended two years ago. Note: This does not include the City's proposed contribution to site improvements for this project.

### Waste Composition Study

DSNY is currently performing a four-season Citywide Waste Composition Sort (WCS),<sup>1</sup> involving the sorting of both residential refuse and recyclable streams. This study, an update of the WCS first undertaken in 1989-1990, will provide essential data to solid waste planners, especially in the recycling field. The 2004 Spring Sorts found that 21% of the MGP stream consisted of non-designated materials. Much of that figure consisted of materials that potentially could be designated for recycling some time in the future, depending upon markets and advances in sorting technology. Nevertheless, one of the major goals of the Recycling Program over this 20-year SWMP planning period must be to reduce this rate as much as possible. This can be accomplished through the sustained public education and enforcement efforts described later in this section.

The WCS data will inform the City's ambitious diversion goals, as well as the choice of programs necessary to reach these goals over the course of this new SWMP planning period. For example, 12.2% of the non-designated material category consists of refuse thrown into the recycling bin, the next largest category (6.5%) consists of plastic containers that are not currently designated for recycling collection. DSNY currently asks residents to separate #1 and #2 plastics in the form of narrow-neck bottles; previous vendors relied largely on manual sorting of plastics and it was easier for sorters to recognize a shape than read a number on the bottom of a container. However, HNC has expressed interest in testing more sophisticated sorting technologies that may facilitate

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<sup>1</sup> Among the requirements of a SWMP are to "characterize the solid waste stream to be managed in the planning period." (New York State Environmental Conservation Law, Section 27-0107, Subsection 1.b.i.).

the addition of other plastic types (#3 to #7) in the future. This move would increase diversion and reduce the non-designated material rates.

Regarding yard waste, the Spring Sorts took place in May and June 2004 and therefore will likely reflect a higher percentage of yard waste, including leaves, grass and prunings, than will probably be found in the other three seasonal sorts that followed. What is noteworthy, however, is that the percentage of yard waste in the total spring waste stream (7.7%) is substantially higher than in the Spring Sort, conducted as part of the 1989-1990 Study (4.1%).

The organic fraction of the waste stream will play an important role in meeting the diversion goals of this SWMP. To keep yard waste out of the waste stream, DSNY is restoring funding to its backyard composting and “Leave in on the Lawn” education programs and its subsidized compost bin promotional programs. In addition, DSNY will continue to promote its compost facility to residential landscapers.

Appliances and electronics, a category not assessed in 1990, comprised a very small fraction of the overall waste stream in the 2004 Spring Sorts – 0.92%. Nevertheless, electronics are a growing and potentially toxic fraction of the City’s waste stream. To deal with this issue, DSNY is undertaking the electronics-recycling initiative described in Section 2.4.5 of the Draft New SWMP.

Finally the Draft New SWMP outlines a series of ongoing waste prevention, market research and public education initiatives that are necessary elements of a strategy to increase waste diversion rates.

- 13. Comment:** The DEIS and SWMP fail to address proven methods for diverting food waste, such as the use of garbage grinders. The SWMP should examine effective programs in other cities, for handling food waste.

**Response:** Residential garbage grinders became lawful in New York City recently and are just beginning to reduce curbside organic waste from households. However, such grinders neither prevent waste nor pollution, and just change its form and require

handling by the City's wastewater treatment plants rather than its solid waste management system. NYCDEP studied the long-range effects on the City's wastewater system of the use of garbage grinders in households and agreed to absorb the potential diversion of household food waste through the permissible installation of garbage grinders in City households. NYCDEP did not approve the use of garbage grinders for commercial users and has not agreed to absorb the increased demands on the City's wastewater system from the installation of garbage grinders for commercial establishments. DSNY is proposing a pilot program to compost commercial food waste from the Hunts Point Market in the Bronx.

- 14. Comment:** The draft SWMP did not discuss the waste prevention coordinators program. We recommend that the program be reestablished and expanded so that there is one waste prevention coordinator in every community district, whose responsibility will be to increase waste prevention in the residential sector.

**Response:** The Waste Prevention Coordinators Program results are described in public reports (see DSNY web page). Reports highlighting their various program efforts over the one year of funding made available by the Council have been widely circulated within the waste prevention community. As each ton of waste prevented cost an average cost per ton of \$750, this program proved to be prohibitively expensive and is not proposed to be replicated in a city-wide publicly-funded program

- 15. Comment:** Chapter two of the SWMP should be entitled "Waste prevention, reuse and recycling". The omission of the term "reuse" conveys a lack of understanding about the waste management hierarchy. The development of a community reuse complex should be included in this section.

**Response:** Duly noted, refer to content of programming. No community reuse complex is proposed at this time, but could be considered in the future.

- 16. Comment:** The SWMP fails to discuss the need for the conduct of a waste characterization study every five years.

**Response:** The current study is expected to cost as much as \$5 million, and the results, which build on a similar study conducted in 1989 – 1990, will be useful as a basis for making programming decisions and data comparisons for as many as twenty years. Unless circumstances change rapidly, DSNY sees no need to conduct a waste characterization study every five years.

- 17. Comment:** More marketing research on achieving greater public education is needed. The general public needs to be better educated about waste prevention, recycling and reuse. Reuse should be particularly stressed in children’s educational programs.

**Response:** The New SWMP would continue DSNY’s outreach and education efforts about waste prevention, reuse and recycling. These include outreach to schools. DSNY is in the process of conducting further market research as noted in the Draft New SWMP. Market research, conducted in the past (see report on DSNY web page) indicated that most New Yorkers, a diverse, dynamic and extremely mobile population, are in fact very aware of the requirements of recycling in NYC. The reasons why many New Yorkers do not fully recycle has a great deal more to do with lack of convenience and personal motivation; much more difficult challenges to overcome than mere lack of knowledge.

- 18. Comment:** It is good that DSNY is instituting an annual household hazardous waste collection day, but it is recommended that additional items be added for collection. Electronic waste should be included in pick-ups.

**Response:** Electronic waste represents a very small (less than 1%), but potentially toxic fraction of the waste stream. DSNY is exploring the possibility of including these items in its collection programs, as well. See Draft New SWMP section 2.4.5.

- 19. Comment:** The City should enact legislation which would pressure companies to reduce packaging and waste. Businesses should be encouraged to generate less waste, and should be responsible for the waste they create.

**Response:** The suggested approach is unfortunately not feasible at the municipal level. The City cannot act in isolation from the federal and state government on this type of legislation without creating an incentive for City manufacturers to relocate.

**20. Comment:** The City should develop additional recycling capacity in each borough through borough-based recycling industrial parks.

**Response:** To evaluate this goal and for a basic understanding of the economics of recycling in NYC the author of this comment is referred to DSNY's recent publication, *Processing and Marketing Recyclables in New York City*, available on the DSNY's website at: <http://www.nyc.gov/html/dos/html/recywprpts.html#1>. The report also provides a discussion of the current economic constraints that govern the processing and marketing of recyclables. See also response to Comment #15, above.

**21. Comment:** The Plan states that the City supports Federal legislation to establish producer responsibility for electronic waste. The City should be pursuing local EPR legislation. In addition there should be means of picking up electronic waste on a regular basis.

**Response:** Department of Sanitation continues to pay close attention to the emerging issue of electronic waste, which is less than 1% of the household waste stream. The Draft New SWMP clearly expresses the City's preference that manufacturers deal with electronic waste themselves. The City is willing to work with the manufacturers and distributors of electronics in the absence of regulation to assist in the proper disposal of electronics, but not to bear the full financial burden of operating separate electronic waste collection and disposal programs, which would be prohibitively expensive. Collection costs are the greatest share of recycling program, primarily due to the fact that less than 50% of what was formerly waste is targeted at each household in a recycling program. The collection costs associated with targeting less than 1% of household waste, for separate collection is not practicable. See also response to Comment #12, above.

**22. Comment:** Future improvements to the City's recycling rate are put into question by the City's plan to modify Local Law 19. This is a major undertaking. Local Law 19 should only be amended if it will improve the City's recycling program.

**Response:** The proposal to modify LL 19 is separate from the success of the City's recycling program and the proposal to achieve even higher diversion rates in the future. As explained in the draft New SWMP, Local Law 19's tonnage mandate is based upon an inaccurate refuse tonnage assumption. Unachievable mandates can have the effect of undermining support for the recycling program. Rather than mandates, the Draft New



SWMP proposes achievable goals that can be strived for over a reasonable period of time. The goals suggested in the Draft New SWMP are both ambitious and within the City's reach.

- 23. Comment:** The Draft New SWMP should include a discussion on the greatest cost component of recycling, i.e., collection. Means of reducing costs should be examined, such as the use of dual bin trucks, or other alternatives.

**Response:** DSNY has tested out a number of alternative vehicles over the last 15 years and currently uses the suggested dual bin vehicle in over 21 of the city's 59 community districts to collect recyclables.

- 24. Comment:** There are no details provided on the Hugo Neu contract, specifically if the contract is flexible enough to adapt to the changing technologies and characteristics of the City's waste generation. Will there be adequate incentives for Hugo Neu to maintain and upgrade its facilities, if the City's economic circumstances change?

**Response:** Details of the contract are still subject to negotiation. However, the types of incentives suggested will be included in the structure of the 20 year agreement. For more information, see the Response to Comment #12.

- 25. Comment:** Each of the components of the waste stream (residential and commercial) should be examined for (1) the amount generated, and its rate of change over time; (2) the frequency of collection; (3) its destination; (4) its salability and time/value changes; (5) effect of volume changes on buildings, and equipment requirements, and (6) impacts of commercial waste. Then the most optimal recycling system can be determined.

**Response:** The City's public and private recycling efforts are robust, as evidenced by the 62% diversion rate for the City reported by the Department of Environmental Conservation. The Draft New SWMP Proposed Action for recycling reflects the results of considerable analysis and practical experience in implementing and operating a recycling program in the City for 15 years. DSNY's recent publication, Processing and Marketing Recyclables in New York City is available on the DSNY website at: <http://www.nyc.gov/html/dos/html/recywprpts.html#1>.

**26. Comment:** There needs to be more emphasis in providing recycling information in foreign languages. Fliers in languages other than English or Spanish aren't always available. There seems to be a lack of information in Chinese, Korean, and Arabic. Television spots on foreign language channels should also be implemented.

**Response:** The comment is duly noted. The Department of Sanitation makes publications available in multiple languages to target foreign language audiences as appropriate. For more information, please refer to a series of DSNY publications posted on the Department's website, that provide some missing background on the Department's public education efforts to date and market research about what New Yorkers know and don't know about recycling: <http://www.nyc.gov/html/dos/html/recywprpts.html>

**27. Comment:** The SWMP does not adequately address waste prevention and diversion in the commercial and construction sectors, given the huge volume of redevelopment and new construction anticipated. This increased quantity of waste will impose an unacceptable burden on the City's EJ communities, absent a more comprehensive plan for commercial waste diversion. The Plan's proposal to increase transfer station fees should be linked to the expansion of commercial waste prevention and recycling, dedicating the revenue stream from those fees to the development of those programs.

**Response:** Because economics drive waste prevention in the commercial sector, unlike the government sector, as disposal costs rise in the New York metropolitan area more and more waste prevention and recycling will necessarily occur, without direct government intervention in the form of regulation and its enforcement. Construction and Demolition processing facilities currently recycle approximately 50% of the waste they receive with some such facilities in the metropolitan area recycling over 80%. Clean fill transfer stations typically recycle nearly all of the waste they receive.

**28. Comment:** The DEIS does not evaluate the change in paper flow, from 10 current locations, to four facilities (Gansevoort and the three Hugo Neu facilities) used in the future, even though paper is the second largest component of municipal waste. This reallocation of recyclables needs to be examined in the same manner as the other facilities are examined. The environmental review of the Visy plant was based on

material arriving by barge from Manhattan and by truck from Staten Island. But DSNY amended the Visy agreement in 2003 to re-designate paper from seven western Brooklyn districts to be trucked to Staten Island.

**Response:** See response to Comment #32 below.

- 29. Comment:** The discussion of the existing system notes that about 27% of putrescible waste is recycled. However, there is no discussion of the huge amount of separately collected paper that is recycled.

**Response:** As the Draft New SWMP incorporates by reference the 1992 SWMP and subsequent modifications and updates, much information that describes the evolutions of the City's paper recycling program has not been repeated. It is true that the City's revenue producing paper recycling program is particularly successful, in part due to the fact that a degree of cost and processing stability has been achieved through long-term contracting.

- 30. Comment:** The City rejected composting claiming that it was studied extensively in an earlier report, but in that previous report only one method was studied – static pile composting. Composting by other means needs to be evaluated.

**Response:** More than one method of composting has been studied by the City. Please see the reports published by DSNY that contain extensive discussions and analysis of a number of alternative composting technologies at: <http://www.nyc.gov/html/dos/html/recywprpts.html>

- 31. Comment:** What will be done with the large amounts of fill material that are currently recycled at Fresh Kills as landfill cover and road building material?

**Response:** Some of the generators of this material are already reducing the amount produced by changing their operating procedures, in anticipation of the eventual discontinuation of these programs. For the time being alternatives methods for recycling and/or disposal of this material are being explored.

**32. Comment:** The DEIS states that the potential traffic, off-site air and off-site noise impacts associated with the changes in delivery of Curbside Recyclables by DSNY collection vehicles from current destinations to new facilities are evaluated in this DEIS. However, these impacts are not evaluated. The Agreement between the City and Visy directs DSNY to deliver 34,000 tpy of waste paper to Visy from 7 Brooklyn districts. DSNY delivers those Districts to Visy. However, DSNY does not yet deliver the entire 66,000 tpy over and above that amount which is also mentioned in the Amendment. Not only is there no analysis of the 66,000 tpy, but there was never an analysis of the traffic, air and noise impacts of diverting the initial 34,000 tpy of Brooklyn mixed paper that is being trucked by DSNY over the Verrazano Bridge to Visy. DSNY must evaluate the impacts of the 100,000 tons per year of Brooklyn-based mixed paper while keeping in mind the stated goal of reducing truck traffic and congestion. One may want to compare delivery costs and revenues generated for DSNY taking this material to Visy as opposed to the Brooklyn facilities.

**Response:** The DEIS and this FEIS evaluates sending only MGP from the Brooklyn Community Districts that would deliver by truck to Hugo Neu at the SBMT. Any delivery of paper to the proposed processing facility at SBMT that may make occur in the future would be subject to environmental review when and if that decision is made. The current delivery of 34,000 tpy of Brooklyn mixed paper to Visy is an Existing Condition and, as such is not subject to environmental review in the New SWMP DEIS/FEIS.

**33. Comment:** DSNY should use its transportation model to determine if it would be more efficient for the recyclables in certain districts of Manhattan to be driven directly to the Hugo Neu facility located in the Bronx. The EIS should evaluate potential additional marine and rail sites in Manhattan, and should consider the creation of a number of smaller facilities for Manhattan recyclables.

**Response:** DSNY has already used the transportation model for this effort and the results are reflected in the SWMP. The DEIS evaluates the Proposed Action and reasonable alternatives. The proposed development of the Gansevoort Recyclables Acceptance facility will be subject to supplemental environmental review, including any required consideration of reasonable alternative.

**34. Comment:** The SWMP failed to disclose that the Spring Creek composting facility may never be permitted, due to the ruling in August 2004 that found that the project would likely constitute an illegal alienation of parkland. The SWMP and DEIS should accurately describe how composting will be managed should the site not be available for the above-noted reasons.

**Response:** DSNY expects that the Spring Creek leaf and yard waste composting facility will be permitted eventually to accept leaves from Brooklyn and Queens, as proposed. In FY'05, leaves from these Boroughs were delivered mainly to DSNY's composting facility at Fresh Kills on Staten Island. The comment refers to a ruling in a permit proceeding that the joint DSNY-Parks Department effort to use a portion of unconstructed parkland on former landfill for leaf composting to generate compost for park improvements must be adjudicated to determine whether it is a lawful park use. The proceeding is still pending and no final ruling has been issued. If it is not permitted, the city will need to re-evaluate the feasibility of continuing to seek to expand its program to collect leaf and yard waste for composting at appropriate locations in the City to generate a useful soil amendment.

**35. Comment:** DSNY trucks typically make 10 trips down most neighborhood streets each week: six to pick up refuse on different sides of the streets, two to pick up MGP, and two to pick up paper. By using more efficient single-stream or co-collection approaches, such as used in San Francisco and Chicago, truck traffic and emissions could be dramatically reduced. It could also reduce collection costs by tens of millions of dollars and help make recycling cost-effective. A good chance to consider either single-stream or co-collection might be in conjunction with the planning now being done for the waterfront facility in Brooklyn.

**Response:** The comment correctly assumes that collecting solid waste and recyclables together would reduce truck traffic, air emissions and collection costs. However, co-collection would require the siting and construction of special materials recovery facilities known as "dirty MRFs" to separate recyclables from regular household refuse, as Chicago has done. Such facilities do not exist in the City and would constitute a change to the SWMP that is well beyond the current Proposed Action. In addition, such

an approach can lead to reduced value of the recyclables due to contamination by refuse and correspondingly diminished revenues, and this must be taken into consideration in evaluating cost and emissions savings with such an approach.

Many areas of the City (particularly outside Manhattan) receive refuse collection only twice per week and have their recyclables collected with a single dual bin collection vehicle once per week (21 out of the City's 59 community districts); for a maximum of six collection vehicle trips down the block in that neighborhood per week.

There is currently no processing facility in the City set up to handle a mixed stream of MGP and paper. There have been conversations with Hugo Neu about designing their new MRF to have the flexibility to handle a single collection stream, should the City choose to do so. Municipalities are moving away, not toward single stream collection (with the notable exception of San Francisco) due to the loss of value to the mixed paper stream, an important source of revenue for NYC's recycling program.

#### *40.3.1.4 Enhanced Public Participation*

- 36. Comment:** Environmental justice issues apply to the East 91<sup>st</sup> Street community because the parks are used by low-income groups as well.

**Response:** DSNY considers fairness and equity to be essential aspects to the Proposed Plan, including the proposal for East 91<sup>st</sup> Street. The East 91<sup>st</sup> Street site was approved for a marine transfer station over 60 years ago and this was reaffirmed by the City Council in 2000. The DEIS shows that use of the proposed Converted MTS will not result in any significant adverse impacts with the mitigation proposed. The Environmental Justice and Permitting Policy (EJ Policy) promulgated by NYSDEC (see NYSDEC's website <http://www.dec.state.ny.us/website/ej/ejpolicy.html>) applies in an environmental review process where NYSDEC is the lead agency. DSNY is the lead agency for this FEIS and, although technically not subject to the EJ Policy, DSNY determined that an enhanced public outreach program in the Draft New SWMP DEIS Scoping and Public Hearing processes would be beneficial. DSNY has followed this program in all the communities affected by the Proposed Action for Long Term Export,

including the East 91<sup>st</sup> Street community. Accordingly, DSNY conducted ten DEIS Scoping Meetings and eight DEIS Public Hearings. These meetings were preceded by extensive public notices, mailed invitations to thousands of stakeholders and placement of the DEIS and draft permit applications in accessible public repositories in each project area. During the meetings DSNY provided extensive public information materials and multilingual translation services. Section 40.3.3.1, item #18 of this Chapter provides a more extensive description of DSNY's enhanced public outreach program. In addition to the DEIS Scoping and Public Hearing process, DSNY supported enhanced outreach for the four Community Board Hearings during January 2005 on the ULURP applications for the Converted MTS Program.

It should be noted that NYSDEC's EJ Policy establishes specific demographic criteria related to the percentage of low income and minority persons residing in the community to determine whether an area qualifies as a Potential Environmental Justice Area. Based on these criteria, the East 91<sup>st</sup> Street community did not technically qualify, but was deemed an EJ community for this purpose nonetheless.

- 37. Comment:** The SWMP claims to be fair by having each borough handle its own waste, but all of the facilities are located in low-income communities of color. Additionally, the communities that will be receiving the waste are also poor, non-white and depressed communities.

**Response:** The criteria used in selecting the sites that are subject of the Proposed Action for Long Term Export included: historical and recent use as an MTS site; and for those sites that DSNY would contract with private companies for export, access to barge or rail transport, appropriate manufacturing use zoning and the potential to avoid significant adverse impacts. The demographic and socioeconomic characteristics of the surrounding area for each of the long term export facilities is provided in the DEIS and this FEIS. All are not in low-income communities of color.

**38. Comment:** One comment stated that contacting the community district managers is not the only way to identify stakeholders and other interested parties and is not “fair” across all community districts. The involvement of district managers varies. Some districts are quite large and have sub populations, and not every district manager is going to be interested in the well-being of district residents who live on the edge of the district or who don’t fit the profile of the majority of residents. Moreover, there can be a language barrier. Since stakeholders include those who have attended the meetings, a significant proportion of flyers are sent to those who are already aware of some of the issues. Additionally, the drawing on the flyer for East 91<sup>st</sup> Street appears to be reversed compared to the one shown at the Scoping hearing, and it is difficult to assess what has changed. It is inconsistent with EJ Policy to send deceptive fliers.

**Response:** See Section 40.3.3.1, item #18 of this Chapter for a more extensive description of DSNY’s enhanced public outreach program.

**39. Comment:** DSNY needs to clarify what aspects of its SWMP will comply with DEC Commissioner Policy 29: Environmental Justice and Permitting Policy”. Permit applicants are required to submit a formal public participation strategy, and DEC has not approved an EJ participation plan for any of DSNY’s actions. Therefore the SWMP and DEIS comment period must remain open until DSNY complies with CP-29. DSNY must explain in the SWMP how it plans to comply with the requirements of CP-29, and which actions are subject to the policy.

**Response:** See the Response to Comment #36 and Section 40.3.6 of this Chapter.

**40. Comment:** DSNY has handled the public testimony from the Scoping Hearings poorly. The testimonies were put onto a CD but were not distributed to the public with the Final Scoping Document. Most of the comments in the Comments and Responses section were rejected or were completely misunderstood.

**Response:** CEQR does not require that the lead agency publish a response to each comment received during the Scoping process, only that it consider comments received in publishing a final Scope. However, in the Final Scoping Document, DSNY did summarize comments received and provide a response to those summarized comments in



the Final Scoping Document. The comment and response section along with the rest of the Final Scoping Document were placed in two conveniently located public repositories in each project area. Copies were available on request and the Final Scoping Document also appeared on the DSNY Web site.

- 41. Comment:** DSNY seems to believe that as a government agency it is somehow exempt from full and proper compliance with CEQR. The analyses contained in the document did not represent the real situation.

**Response:** The DEIS and this FEIS analyzed potential impacts based upon information available for each facility in accordance with methodologies reviewed by City agencies (NYCDEP, NYCDOT) that followed the 2001 CEQR Technical Manual.

- 42. Comment:** Several people requested an extension of the comment period beyond January 24, 2005, claiming that they learned about the project too late to comment due to unpublicized notices and hearings.

**Response:** The comment period on the DEIS opened when the DEIS was published on October 22, 2004 and closed on January 24, 2005, a period of 94 days. This period exceeds the 30 days required under CEQR for Public Comment. During this period, DSNY also held eight public hearings in the affected communities and conducted an extensive public outreach program. Those requesting an extension were advised that additional public processes would be conducted by the State NYSDE as part of its permit review and public hearing processes to be conducted in connection with each of the permit applications for the four Converted MTSs.

- 43. Comment:** Several people complained that the information contained in the public repositories was not complete. Key documents were missing, including the FEIS for the 2000 SWMP, as were other documents referenced in the DEIS and SWMP. Additionally, the repositories only held the permit application for the nearest MTS and not for all of them, but having all of them was critical to analyzing the plan in its entirety. Why would DSNY want to limit access to critical information regarding this plan? The DEIS failed to meet the requirements of 6 NYCRR Part 617, which states that referenced documents must be made available for inspection by the public at the same places where the agency

makes available copies of the EIS. Once these documents are made available, DSNY must issue a new public comment period.

**Response:** DSNY's extensive public outreach and multiple public repositories evidence no attempt to limit public access to New SWMP information and Converted MTS permit applications. As required, the draft permit applications for the Converted MTSs were located in accessible public repositories for the affected communities where the respective facilities are proposed to be located, along with copies of the New Draft SWMP and DEIS. After documents were placed in repositories, DSNY checked on the status of documents in the public repositories and confirmed that they were available. To assist the affected communities, a toll free hotline was also established and featured in mailings to stakeholders. Through the hotline, DSNY sought to provide a forum to respond to questions regarding, among other things, the availability of public documents. Since their issuance, the 2000 SWMP Modification and FEIS have been and continue to be available to anyone upon request. Further, the DEIS and this FEIS refers to the 2000 SWMP Modification FEIS to explain the history of its planning efforts in analyzing reasonable alternatives; to support the continuation of existing DSNY programs and to provide context for the Proposed Action. A review of the multi-volume 2000 FEIS is not necessary to understand the analysis of potential impacts of the Proposed Action.

#### *40.3.1.5 Borough Self-sufficiency*

- 44. Comment:** The SWMP for Manhattan proposes the construction of only one marine transfer station, and that is the smallest of any of the converted MTSs. The largest amount of residential and institutional waste will continue to be trucked on congested streets to the incinerator in New Jersey. Manhattan needs more adequate waste infrastructure, and needs to handle its own waste, like the other boroughs.

**Response:** The Proposed Action in Manhattan also includes the potential redevelopment of the West 59<sup>th</sup> Street MTS site as a facility that would export Commercial Waste from Manhattan and the development of a Recyclables Acceptance Facility at the Gansevoort peninsula for receiving Curbside Recyclables collected in Manhattan and transferring them by barge to the proposed Materials Processing Facility at the SBMT in Brooklyn.

**45. Comment:** The idea of borough-based self-sufficiency is critical in the New SWMP, and a positive step. Each borough must handle its own waste in order to comply with the City Charter's Fair Share provision. A number of speakers stated that would support the SWMP as long as all of the MTSs and the private marine and rail-based alternatives open, for both residential and commercial waste, to ease the burdens to other areas.

**Response:** Comment noted; the concept applies to DSNY-managed waste and to commercial waste accepted at any Converted MTS.

**46. Comment:** While we are glad that the Mayor has taken on the task of devising a solid waste management plan for the entire City, in striving for fairness by having an MTS in each borough, he is being unfair to the Manhattan community where the MTS is sited, which is located in a residential area.

**Response:** The East 91<sup>st</sup> Street Converted MTS in Manhattan is located in an (M 1-4) zone adjacent to the FDR Drive. Approximately 140,000 cars drive by this site every day. The site has been used as a solid waste facility for over 50 years and while DSNY is currently not operating the facility, it continues to hold a permit to operate a transfer station at this site. The existing permit issued by NYSDEC allows it to process 4,800 tons per day. The past problem with DSNY collection vehicles queuing on York Avenue will be eliminated through a combination of the facility's design features and the limitations that DSNY proposes for the facility's permitted capacity at this facility. Accident records were researched for the intersection of York Avenue and 91<sup>st</sup> Street at the MTS entrance. When the MTS operated previously, this intersection was not a high accident location. The annual average number of reportable accidents was just over 4 per year for the years 1997, 1998 and 1999 and none involved DSNY vehicles. During that period only one accident involved a pedestrian. In the year immediately after closure (2000), there were 8 reportable accidents, 2 of which involved pedestrians. In the future, DSNY enforcement personnel will manage truck and pedestrian traffic at the entrance on York Avenue at 91<sup>st</sup> Street to ensure that it continues to operate safely. See Section 40.3.1.1 for a description on the design features of the Converted MTS that represent significant improvements over the existing facility.

**47. Comment:** The SWMP indicates that waste and recyclables will move from Manhattan to Brooklyn, but none will go from Brooklyn to Manhattan. This is not fair. Each borough should be responsible for handling its own recyclables.

**Response:** The statement that Manhattan recyclables will be delivered by truck to Brooklyn is in error and has been corrected in this FEIS. The proposed Materials Processing Facility at the South Brooklyn Marine Terminal would receive delivery of Recyclables by barge from other boroughs, thereby eliminating the potential for any local traffic impacts. It would be economically infeasible to provide each borough with a processing facility for its own Recyclables.

**48. Comment:** A barge-to-rail facility at the Harlem River Yards would undermine the fair share principle, since the Bronx would be handling waste from other boroughs.

**Response:** DSNY does not contemplate using this facility and it is not part of the Proposed Action.

#### *40.3.1.6 Public Health and Safety*

**49. Comment:** A number of speakers in various neighborhoods throughout the City were concerned with the increased diesel emissions from truck traffic and its resultant increased risk of asthma, lung cancer and heart disease in the neighborhood, especially as it would affect children, the elderly, pregnant women and their unborn children. What would the long-range health effects be from operation of an MTS in the neighborhood?

**Response:** As detailed in Chapter 33 (Public Health Evaluation) of the FEIS, reactivating the prior MTS use at the four MTS sites (which will use the more environmentally protective converted MTS design and modern clean diesel technology) is not expected to harm the public health. Although New York City air quality is currently out of compliance with the National Ambient Air Quality Standards for PM<sub>2.5</sub>, the relatively small amounts of particulate air emissions from the proposed MTSs can fairly be called insignificant, which is what the air quality analysis for the MTSs reasonably concluded. The City's air quality is expected to improve as new federal requirements for ultra low sulfur diesel fuel and diesel engines phase starting in 2006. The primary pollutants

associated with the MTSs are those emitted by diesel engines, and the results of scientific studies of diesel engine exhaust in sensitive laboratory animals are summarized in Section 33.2.2.4.2 of the FEIS. Diesel emissions contribute to ambient concentrations of criteria pollutants, such as NO<sub>x</sub> and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and hazardous air pollutants (such as benzo(a)pyrene and formaldehyde), and health-based benchmarks are used in this FEIS to assess these constituents. Ambient standards for criteria pollutants (NAAQS) take into account research on potentially sensitive groups, such as children. The analyses of potential project emissions suggest that changes to air quality will be quite small, and, as such, are not anticipated to harm public health.

Regarding fine particulate matter more generally, concentrations of PM<sub>2.5</sub> in ambient air in NYC are currently small (both in absolute terms and relative to comparable cities in Europe and elsewhere), and are some 30% lower than estimates from the 1970's and 1980's (see, for example, <http://www.epa.gov/airtrends/pm.html>). National regulations will soon further reduce airborne concentrations of diesel particulate matter (DPM), due to reductions in the sulfur content of diesel fuel, engine redesigns, and pollution control devices, such as catalytic converters. Levels of DPM in New York are smaller than DPM levels in comparable European cities, given the heavy reliance on diesel-powered cars in Europe. Moreover, although PM concentrations have *decreased* over the past three or four decades in New York and throughout the U.S., asthma rates have *increased* during this same time period. Thus, although working to further decrease particulate pollution can be a worthwhile effort, there is neither evidence nor reason to suggest that so doing will decrease asthma incidence *per se*.

Asthma was addressed in detail in the DEIS and in this FEIS. Overall, it is noted that while asthma among children is a major public and personal health problem, its causes are complex and only incompletely understood or controllable. As noted in a recent review (Kaiser, 2004)<sup>2</sup>, for example:

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<sup>2</sup> Kaiser HB. Risk factors in allergy/asthma. *Allergy Asthma Proc.* 2004 Jan-Feb; 25(1):7-10.

Family history is the strongest risk factor for the development of allergies/asthma. . . . Environmental issues and lifestyle changes are becoming increasingly more important as significant risk factors but the evidence can be confusing, controversial, and even contradictory. There is overwhelming evidence that sensitization to indoor allergens is a major risk factor for the development of clinical atopic disease in genetically susceptible individuals.

Researchers with the Inner City Asthma Study (Gruchalla *et al.*, 2005)<sup>3</sup> have investigated the relationships among indoor allergens and asthma among almost 1,000 children aged 5 to 11 years old with moderate to severe asthma. These researchers found:

. . . cockroach sensitivity to be highest in the Bronx, New York, and Dallas (81.2%, 78.7%, and 78.5%, respectively), while dust mite sensitivity was highest in Dallas and Seattle (83.7% and 78.0%, respectively). A majority of homes in Chicago, New York, and the Bronx had cockroach allergen levels greater than 2 U/g: cockroach allergen levels were highest in high-rise apartments, whereas dust mite allergen levels were highest in detached homes. Children who were both sensitive and exposed to cockroach allergen had significantly more asthma symptom days, more caretaker interrupted sleep, and more school days missed than children who were not sensitive or exposed. . . . Cockroach allergen appears to have a greater effect on asthma morbidity than dust mite or pet allergen in these children.

With regard to outdoor air, summertime increases in ozone can also exacerbate asthma, at least for a subset of patients. Ozone formation in NYC air will not be measurably affected by the proposed facilities or the trucks and other equipment associated therewith.

The very small increases in particulate matter (PM) from diesel engine exhaust from trucks and other equipment associated with the proposed facilities are not expected to exacerbate asthma. Experimental evidence from human volunteers indicates that people with asthma show little or no response during voluntary exposure to *much* higher levels of airborne particulate matter (PM) than are characteristic of the outdoor environment in New York or elsewhere in the U.S. Studies in a number of laboratories (Avol, *et al.*,

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<sup>3</sup> Gruchalla RS, Pongracic J, Plaut M, Evans R, Visness CM, Walter M, Crain EF, Kattan M, Morgan WJ, Steinbach S, Stout J, Malindzak G, Smartt E, Mitchell H. Inner City Asthma Study: Relationships among sensitivity, allergen exposure, and asthma morbidity. *J Allergy Clin Immunol.* 2005 Mar; 115(3):478-85.

1990; Hanley *et al.*, 1992; and Koenig *et al.*, 1989)<sup>4</sup> have compared the pulmonary response of asthmatics to that of non-asthmatic subjects in chamber studies, where volunteers are exposed to measured, controlled concentrations of various airborne substances. Although asthmatics were more sensitive to high concentrations of *highly acidic* aerosols (such as aerosols of sulfuric acid) than non-asthmatic subjects, neither asthmatics nor non-asthmatic subjects exhibited decrements in pulmonary function after exposure to mildly acidic airborne particulate matter (the vast majority of ambient particles are either neutral or only mildly acidic). The concentrations used in these experiments ranged from 100 to 1,000  $\mu\text{g}/\text{m}^3$  — *much* higher concentrations than those present in outdoor air in New York City.

With regard to lung cancer or heart disease, the weight of reliable scientific evidence indicates that emissions from the proposed facilities, including from trucks and other equipment, will not exacerbate these important problems. Lung cancer is, of course, overwhelming caused by cigarette smoking, and smoking is an important cause of heart disease as well. Fortunately, rates of smoking among adults and adolescents have fallen in recent years, and New York City's Smoke-Free Air Act will hopefully accelerate this health-protective trend.

Data from some observational (as opposed to controlled, randomized, or experimental) epidemiologic studies suggest that tiny increases in particulate matter, or any other “criteria pollutant,” in ambient air correlate with increases in rates of death or serious disease. It is therefore *statistically* possible to “predict” that any increase in ambient concentrations of any air pollutant will increase rates of death or disease, or, by the same logic and with the same data, that any decrease in any air pollutant will decrease rates of death or disease (see, for example, <http://www.epa.gov/air/clearskies/benefits.html>). But, for

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<sup>4</sup> Avol, E.L., Linn, W.S., Shamoo, D.A., Anderson, K.R., Peng, R.C., and Hackney, J.D. (1990). Respiratory responses of young asthmatic volunteers in controlled exposures to sulfuric acid aerosol. *Am Rev Respir Dis* 142:343-348. Hanley, Q.S., Koenig, J.Q., Larson, T.V., Anderson, T.L., Van Belle, G., Rebolledo, V., Covert, D.S., and Pierson, W.E. (1992). Response of young asthmatic patients to inhaled sulfuric acid. *Am Rev Respir Dis* 145:326-331. Koenig, J.Q., Covert, D.S., and Pierson, W.E. (1989). Effects on inhalation of acidic compounds on pulmonary function in allergic adolescent subjects. *Environ Health Perspect* 79:173-178.

several reasons, such predictions rest on very uncertain grounds, and may yield unreliable results. As noted above, these predictions are clearly incorrect for asthma, the incidence of which has been increasing in the U.S. and throughout the “developed world” for the past three or four decades, at the same time that concentrations of air pollutants have been decreasing. With regard to other diseases and causes of death in the U.S., the above-noted observed correlations (i) are very weak, (ii) are *not* found in all relevant and highly sophisticated studies (see, for example, Sullivan *et al.*, 2005)<sup>5</sup>, (iii) suffer from residual confounding by genuine causes of disease and death (see, for example, Moolgavkar, in press, 2005)<sup>6</sup>, (iv) imply, illogically, that ambient air gases and particles are somehow vastly more toxic than the same gases and particles present in cigarette smoke (see, for example, Gamble and Nicolich, 2000)<sup>7</sup>, and (v) are not supported by abundant clinical and toxicologic evidence and experience indicating a lack of harm to health due to vanishingly small concentrations of ordinary air pollutants (Green and Armstrong, 2003)<sup>8</sup>.

**50. Comment:** The DEIS does not assess the impacts of vectors in the vicinities of the MTSs, and the transfer stations are likely to create and exacerbate vermin problems in surrounding areas. The insecticides used to control the vermin will also create a hazard. The MTS will also increase the mosquito population, and hence exposure to the West Nile Virus. These issues must be addressed.

**Response:** Although poorly managed putrescible waste can attract rats and insects, proper design and maintenance of modern solid waste transfer stations help ensure that vermin do not become a significant problem. We know of no evidence that modern transfer stations increase infestation rates in neighboring residences. Certain pests, such as mosquitoes that do or may carry West Nile virus, are typically present in New York City (and elsewhere) during the summer and early autumn, regardless of the presence or

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<sup>5</sup> Sullivan J, Sheppard L, Schreuder A, Ishikawa N, Siscovick D, Kaufman J. Relation between short-term fine-particulate matter exposure and onset of myocardial infarction. *Epidemiology*. 2005 Jan; 16(1):41-8.

<sup>6</sup> Moolgavkar SH. 2005 (in press). A Review and Critique of the EPA's Rationale for a Fine Particle Standard. *Reg. Tox. Pharm.*

<sup>7</sup> Gamble JF, Nicolich MJ. Comparison of ambient PM risk with risks estimated from PM components of smoking and occupational exposures. *J Air Waste Manag Assoc*. 2000 Aug; 50(8):1514-31.

<sup>8</sup> Green LC, Armstrong SR. 2003. Particulate matter in ambient air and mortality: toxicologic perspectives. *Reg Toxicol Pharmacol* 38:326-35.



absence of transfer facilities: the public health effects of this problem — and of the treatment of this problem by spraying of residential neighborhoods in New York City (NYC) with pyrethroid pesticides — have been studied by scientists from the New York City Department of Health and Mental Hygiene and elsewhere (Karpati *et al.*, 2004)<sup>9</sup>. In particular, Karpati and colleagues investigated whether the widespread use of pyrethroid pesticides NYC (during the summer of 2000) was associated with increased rates of hospital emergency department visits for asthma or for chronic obstructive pulmonary disease. They found that it was not.

**51. Comment:** Diesel exhaust will be increased, and will affect pulmonary diseases including asthma and emphysema as well as the potential for miscarriage. These emissions are of particular concern because this particulate matter can lodge deep in the lungs, and may stay there for a long period of time. Children are particularly vulnerable to the effects of these pollutants. The Department of Public Health at Columbia University has published extensively on the impact of diesel emissions. Within diesel exhaust are particles that make the immune system more susceptible to inhale allergens like pollen and mold. The impact of allergens from vermin has been demonstrated in studies at Johns Hopkins Medical Center. These studies must be taken into account in the EIS. The conclusion in the DEIS states that “for the purposes of public health assessment, application of typical safety factors to these data from laboratory rodents suggest that current ambient concentrations of diesel engine exhaust in New York State are not harmful.” This does not, however address the exhaust levels within New York City.

**Response:** The approach to evaluating the health impacts of diesel emissions is reviewed above. The possibility that diesel exhaust exacerbates the effect of allergens and triggers asthma was mentioned in section 33.6.3 of the Public Health Evaluation, as was the evidence linking *indoor* vermin allergens to asthma. It is true that very high concentrations of some chemicals within diesel exhaust can trigger immune system

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<sup>9</sup> Karpati AM, Perrin MC, Matte T, Leighton J, Schwartz J, Barr RG. Pesticide spraying for West Nile virus control and emergency department asthma visits in New York City, 2000. *Environ Health Perspect.* 2004 Aug;112(11):1183-7.

responses, but there is not evidence that current levels of these chemicals in ambient air in NYC exacerbate the disease or other pulmonary conditions. There is not reliable evidence that ambient concentrations of diesel engine exhaust cause miscarriage. Current ambient concentrations of diesel engine exhaust in New York City were included in our analysis of such concentrations within the State as a whole.

**52. Comment:** One speaker wanted to review the Worker's Compensation claims of DSNY workers, as it relates to increased levels of emphysema, asthma and other lung diseases.

**Response:** An epidemiologic study of this nature is not within the scope of the CEQR process or this EIS. It would be a large, complex, expensive, multi-year effort requiring the invasion of privacy of DSNY workers, and would not necessarily shed light on risks to the public.

**53. Comment:** Several speakers were particularly concerned with the health of the children who live and visit the area near the MTS. The physiology of infants and children is different than adults. They are shorter, and the concentration of toxicants emitted from trucks is greater closer to the ground. The DEIS used a height of 1.8 meters for receptors, but this doesn't take into account people in strollers or little ones walking around. In addition, children breathe faster, and entrain greater quantities of pollutants per body surface area than adults. They also spend more time outdoors, so their exposure to these pollutants is higher. As children they are still growing lungs; between birth and ten years of age, they are adding air sacks, so any damage that is created to developing lungs has a permanent effect on lung function. The DEIS does not discuss the physiology of children, and their exposure to these pollutants. A recent article from the *New England Journal of Medicine* relates to this issue, where an 8 year prospective study of over 1,700 school-aged children was undertaken. These children had measurements of their lung function conducted and correlated with ambient exposures to ozone, acid vapor nitrogen dioxide and particulate matter. The authors concluded that the levels of air pollution had chronic, adverse effects on lung development in children from 10 to 18 years of age. The concentrations of PM<sub>10</sub> for the 91<sup>st</sup> Street site were well within this range of concentrations studied in the article.

**Response:** NAAQS are set by the USEPA to protect sensitive persons, whether they are children or adults. For some pollutants, such as NO<sub>2</sub> and SO<sub>2</sub>, the NAAQS are based on adverse pulmonary responses of children since they appear to be particularly sensitive to these pollutants. Evaluations of air impacts in light of NAAQS, then, do indeed incorporate children's responses. Furthermore, the NAAQS established for different averaging times (for example, 1 hour and 8 hours for CO) assume that the sensitive individuals may be outside for the full period. With regard to the receptor height, truck emissions were modeled as coming from *greater* than a 1.8m height, so receptors below 1.8m would encounter smaller pollutant concentrations than receptors at 1.8m. The Gauderman work is discussed below in Comment #54.

- 54. Comment:** The reliance of thresholds is an inadequate method for capturing the effect of air quality deterioration on the public health. The Gauderman study indicates a linear rather than a threshold effect of exposure to air pollution. The effects from the MTSs will place thousands of children for years to come at increased risk of permanent lung damage, and none of these effects are addressed in the current DEIS.

**Response:** The threshold approach to assessing the health impacts of virtually all non-carcinogenic chemicals is well established in regulatory policy and health risk assessment. The Gauderman *et al.* (2004)<sup>10</sup> study is an observational study of air pollution in Southern California, which has a very different mixture of pollutants than those prevalent in NYC. Half of the air pollutants measured by Gauderman *et al.* were not measured or analyzed in the DEIS or this FEIS. The others, NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, were evaluated by comparing predicted project-related increments and background concentrations (except for PM<sub>2.5</sub>) to the concentrations allowed by U.S. EPA and defined by NAAQS or to incremental concentrations allowed or proposed by New York City or New York State agencies. As described above, current NAAQS for some pollutants of concern are based on effects in children. The NAAQS, which are regularly reviewed,

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<sup>10</sup> Gauderman WJ, Avol E, Gilliland F, Vora H, Thomas D, Berhane K, McConnell R, Kuenzli N, Lurmann F, Rappaport E, Margolis H, Bates D, Peters J. The effect of air pollution on lung development from 10 to 18 years of age. *N Engl J Med.* 2004 Sep 9; 351(11):1057-67.

consider data like that in Gauderman *et al.* and, conceivably, may be altered in the future if the weight of the evidence suggests that children or other human populations are insufficiently protected by current standards or that effect thresholds are not apparent. In the meantime, it was felt that a review of literature on traffic's potential effects on health, in addition to analyses of specific air pollutants (which are addressed by existing regulations), is relevant to neighborhood concerns.

**55. Comment:** The Public Health chapter acknowledges that the EPA says that diesel exhaust has the potential to pose a lung cancer hazard at anticipated levels of exposure, but the authors of this chapter have disregarded this in the conclusion that the impacts are not of public health significance. At least one of the authors of the chapter has published elsewhere that there is a statistically significant association between mortality and acute exposure to an increase in concentration of PM<sub>10.5</sub> (sic) in New York City. While an association does not mean cause and effect it is often used as the basis for further investigation, and for justifying issuing protective guidelines, air quality standards and warnings. The CEQR Technical Manual guidelines on Public Health state "Other actions, which might not exceed the preceding thresholds, but might nonetheless result in significant public health concerns, including projects such as...the NYC Comprehensive Solid Waste Management Plan. For some of these actions, there might be published, peer-reviewed scientific literature suggesting an association between an exposure potentially caused by the action and potential health impacts". This indicates that "association" of exposure and health impact is sufficient.

**Response:** The Public Health chapter indeed acknowledges USEPA's statement that "diesel exhaust has the potential to pose a lung cancer hazard to humans at anticipated levels of environmental exposure." Since neither USEPA nor New York State has published a cancer slope factor for diesel exhaust, however, the potential increase in cancer risk posed by the proposed project's releases of exhaust cannot be evaluated with any confidence. Thus, the cancer hazard of diesel exhaust is not dismissed, but cannot be assessed in a meaningful way for public health impact. (Some components of diesel exhaust, such as benzo(a)pyrene, were included in the HAPs cancer risk assessments.

The potential increases in cancer risk were within commonly accepted limits.) The ultimate conclusions of the Public Health Evaluation are based on the qualitative and quantitative evaluation of health risks.

The potential health impacts of acute or chronic exposure to PM<sub>2.5</sub> and PM<sub>10</sub> are considered by USEPA when establishing the NAAQS. Thus, comparison of predicted project-related impacts to the NAAQS, SILs, or STVs (as applicable) is appropriately health protective. It is not within the scope of this FEIS to modify NAAQS based on a review of the literature, particularly since the literature on PM health effects is extremely large and complex; even USEPA's recent evaluation of the recent PM literature took years to complete.

- 56. Comment:** (A9) Some of the chapters on the various facility sites acknowledge "some of the pollutants included in the group of non-carcinogenic pollutants, such as anthracene, benzo(a)anthracene and chrysene, may also have carcinogenic effects. As these pollutants do not have established unit risk factors, they were evaluated using the hazard index approach for non-carcinogens" Just because the EPA has not set an acceptably safe level for a pollutant is not justification for ignoring any and all negative effects from that pollutant.

**Response:** The goal of the public health evaluation is not simply to list or acknowledge the various health hazards that may be posed by the proposed project (such as release of potential carcinogens), but to gauge whether a hazard will be present at levels sufficient to significantly affect public health. That assessment relies heavily on numerical expressions of the hazard's potency. Since accepted cancer slope factors for anthracene and related chemicals do not exist, the potential impact of these chemicals on cancer risk was not quantitatively evaluated. The non-carcinogenic effects of anthracene and the other chemicals mentioned were quantitatively evaluated, however, so it is not accurate to state that any and all negative effects were ignored.

#### 40.3.1.7 Odor

**57. Comment:** The purported sophisticated odor control system will not mitigate serious health consequences from pollution, filth and vermin associated with transfer station operations. What are the contingency plans when negative air pressure exhaust fans break down?

**Response:** The facilities and equipment are carefully designed and strict procedures will be implemented to minimize problems that may arise as a result of managing solid waste. The environmental controls are considerably more advanced than is the case with the existing MTS design. The primary source of MTS-related air pollution will be the operation of fuel-fired equipment inside the MTS building and trucks queuing on the on-site ramp. New stationary equipment and non-road vehicle engines will be purchased new for the facilities and, therefore, these emissions sources will meet the latest EPA emissions standards applicable to new engines. Adequate truck unloading space inside the building will be provided, thus minimizing on-site queuing time on the ramp and vehicle emissions. Emission of odors and dust will be strictly controlled using a ventilation system that will maintain the MTS at "negative pressure" such that odors, dust and litter will not tend to migrate out of open doors. Odors will be neutralized before the facility air is exhausted from the roof vents. The facility will also be equipped with a dust suppression misting system which will cause dust to settle to the floor to be processed with the waste, washed and/or swept away. Routine cleaning of the entire facility will be performed and daily cleaning of the MTS process area floor will be required as a condition of the MTS's operating permit. For vermin control, licensed exterminators will routinely service the MTS as part of a preventative maintenance cycle, which will include applying spray and placing traps. Any emergency complaints would prompt additional attention as appropriate. NYSDEC and City regulators will periodically inspect the facilities for compliance with applicable rules and permits, as appropriate.

The ventilation system was designed so that the waste tipping and loading areas will have three separate supply and exhaust systems, each sized for up to 12 air changes per hour, the design criterion for the MTSs. These systems provide redundancy for ventilation

equipment failure and maintenance. In the event of a power failure, each of the MTSs will be equipped with an emergency generator to supply power, including to the ventilation and negative air pressure exhaust system.

#### *40.3.1.8 Air Quality*

- 58. Comment:** The DEIS should contain an analysis of the impacts on a regional basis for particulate matter. It omits any analysis of the impacts of the Proposed Action's nitrogen oxides and VOC emission contributions to ozone pollution in the region, yet claims it is not significant. The region is a non-attainment area for the one-hour and eight-hour ozone standard. As such, it should include a cumulative analysis of air quality effects.

**Response:** On a regional basis, emissions and impacts of particulate matter, NO<sub>x</sub>, and VOC will not change significantly due to the Proposed Action. A credible regional emissions analysis to compare waste export alternatives is not feasible at this time. The equipment and routes to be used to transport and dispose of NYC solid waste once it leaves the city are undefined. DSNY cannot predict the associated emissions outside the City. More importantly, the pollutants of primary regional concern, particularly PM<sub>2.5</sub> and ozone, are strongly affected by precursor pollutant emissions far upwind (outside to the City and State), making it difficult to establish a "domain" over which to conduct such an analysis. 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 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 for more detail on this estimate.) The noise, emissions, and congestion caused by this mode

of waste export would be eliminated by the Proposed Action to move this 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 Proposed Action is 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. The EPA 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 Action, 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 Action.

**59. Comment:** With the objective of minimizing truck traffic and emissions, the EIS should evaluate truck emissions in all parts of the City from the "no action" alternative, the Proposed Alternative, and an additional scheme whereby truck queuing and idling is minimized and truck route mileage is minimized via changes in operations and optimized locations of garages and waste transfer points. Additionally, dioxin TEQ should be added to the criteria pollutants evaluated since governmental agencies such as the USEPA have determined in past studies that automotive sources produce this carcinogenic substance.

**Response:** The Proposed Action would certainly minimize truck traffic and associated emissions by essentially eliminating the current export of city waste via transfer trailer. The Proposed Action would minimize truck idling at transfer stations by constructing transfer stations that are designed to have sufficient internal dumping and handling capacity to minimize queues. The transfer stations are designed to contain truck queues within the facility properties.



Dioxin TEQ (total equivalents of 2,3,7,8 tetra chloro dibenzo-p-dioxin, or TCDD) was not analyzed in this study. As stated by EPA, reliable emissions data applicable to US automotive fleets and fuels are not available (see publication EPA-454/R-97-003, “Locating and Estimating Air Emissions from Sources of Dioxins and Furans”, Office of Air Quality Planning and Standards, Office of Air and Radiation, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, May 1997). However, the Proposed Action would eliminate much automotive (transfer trailer truck) travel within and outside the city, thus minimizing any dioxin that may be emitted by diesel trucks transporting solid waste.

- 60. Comment:** The New SWMP should develop an overall strategy for monitoring and tracking emissions from the vehicles which are integral to the solid waste program. While the long-term export program reduces the number of miles traveled by DSNY vehicles, and potentially reduces the journeys of some commercial vehicles, there will still be substantial vehicle miles traveled overall. Many currently operating transfer stations experience queuing trucks, with attendant idling emissions, odors, and noise. The proposed program will therefore continue to have truck operations producing significant emissions, including emissions outside the City. Emissions both inside and outside of the City should be quantified as a baseline emissions inventory within the FEIS. At a minimum, it should contain a list of DSNY vehicles with make, model and certification level for regulated pollutants of each vehicle. This can be updated annually, and would allow interested parties to compare the fleet’s emissions with emissions from the cleanest refuse trucks available. Estimated costs for CNG and diesel vehicles can also be presented.

**Response:** DSNY replaces its waste collection vehicles on a seven-year cycle, meaning the average age of DSNY waste collection vehicles at any time is approximately 3.5 years old. Consequently, DSNY operates one of the cleanest large fleets of refuse trucks in the nation/state/region. EPA emissions standards applicable to the diesel engines powering DSNY vehicles are already accessible to the public, as they are published in the Code of Federal Regulations at 40 CFR 86. Therefore, for any given future year, comparisons can be made between the emissions standards applicable for

model years represented in DSNY's fleet to the latest model year EPA emissions standards published at 40 CFR 86. Under these circumstances, the suggested tracking program is an expensive and unnecessary bookkeeping exercise.

As noted in Volume VI of the Commercial Waste Management Study, Waste Vehicle Technology Assessment, included as an Appendix to this FEIS, DSNY has developed and implemented one of the most innovative programs in the country to test new clean fuel technologies for use in its fleet.

- 61. Comment:** We are pleased that the SWMP recommendations are consistent with DSNY's commitment to using CNG as a vehicle fuel, which is cleaner and reduces the nation's reliance on foreign oil. However, there needs to be commitment for additional purchases, since CNG trucks only account for one percent of the fleet. In May, 2002, DSNY released a report on particulate matter reductions being achieved with various diesel retrofit technologies. The data at the time showed little NO<sub>x</sub> reduction and some fuel economy penalty. No newer data has been released, even though DSNY has expanded its testing program. We believe that DSNY should provide ongoing public reporting on the findings of vehicle testing, but should continue to purchase natural gas vehicles since they are the cleanest and generally quieter commercially-available refuse trucks. Areas with the greatest sensitivity to truck noise should be given priority in utilizing quieter CNG vehicles. DSNY should fully take advantage of the capacity of the new CNG fueling station in Woodside, Greenpoint and Canarsie. These facilities could accommodate up to 200 CNG refuse trucks with no additional infrastructure costs. Government incentives should make expanding the CNG fleet affordable. A discussion of these incentives such as Congestion Mitigation and Air Quality funds should be presented in the FEIS.

**Response:** Volume VI of the Commercial Waste Management Study, Waste Vehicle Technology Assessment, published in March 2004, reports on the results of numerous test programs that DSNY has and continues to conduct to evaluate the applicability of Clean Fuel technology to its Fleet Operations. As reflected in a prior Response to comment #60, DSNY's fleet of waste collection vehicles is replaced on a 7-year cycle.

Shortly after implementation of the proposed SWMP projects, EPA's new 2007 emissions standards would come into effect for new diesel vehicle engines. The 2007 emissions standards would reduce NOx emissions by more than an order of magnitude below the currently applicable 2004 standards, and 20 times below the 1998 NOx standards. The PM emission standard in 2007 will be an order of magnitude below the standard applicable to DSNY's current fleet. Because a sizeable portion of the DSNY's fleet will be replaced each year, emissions from the entire fleet will drop dramatically each year until the entire fleet is turned over in only 7 years. While experimentation with alternative fuels (e.g., CNG) and technologies is advantageous from an energy dependence standpoint, any air emissions concerns will be greatly minimized as a result of new EPA emissions standards already in place that will become effective in the near future. Moreover, with clean diesel technology and other treatment devices such as filters, truck emissions can be comparable to CNG truck emissions, whereas CNG trucks cost \$200,000 compared to \$130,000 for a DSNY clean diesel collection truck.

#### *40.3.1.9 Traffic*

**62. Comment:** The traffic analyses are shown for each facility independently, and are based on a half-mile radius around each facility. The DEIS does not show the overlay of trips from all facilities and their interactive effects (as was done in the 1991 SWMP/DEIS). This small study area also excludes consideration of traffic being generated by major development just outside a half-mile area.

**Response:** This statement is incorrect. Traffic study areas were not based upon a half-mile radius around each facility. Rather, intersections were selected for analysis based on convergence points of DSNY collection vehicles traveling to and from the facility, field surveys of intersection operating conditions, input from the New York City Department of Transportation (NYCDOT) on selected intersections, and any potential additional intersections of concern near a facility site. If multiple intersections were projected to be traversed along a congested corridor, several intersections were selected along that corridor for analysis – typically those that have lower (poorer) operating Levels of Service (LOS), based on the average delay at an intersection. The Future No-Build

estimates were obtained from available environmental review documents/traffic studies, and included additional traffic from any planned developments along access/egress routes that would: (i) be implemented by the 2006 Build Year; and (ii) travel through the selected intersections during the same periods analyzed (based on consultation with the New York City Department of City Planning). The traffic analysis properly shows the difference between the No-Build condition, under which DSNY collection vehicles would continue to utilize certain intersections on the way to transfer facilities in and outside the City as at present, and the Build Condition, which would return DSNY vehicles to the four proposed MTS sites, in addition to utilizing four or five private transfer stations in the City.

- 63. Comment:** The traffic analysis method that examines each intersection in isolation does not accurately disclose real world operations of a traffic network in which a significant delay from added traffic on a major congested road can cause miles of spillback delay. Many impacts remain unmitigated, with the token efforts to reduce their severity (increasing green time) worsening conditions on adjacent roads.

**Response:** The 2001 CEQR Technical Manual notes that the key to evaluating urban area traffic conditions is the analysis of its intersections, since the capacity of an urban street is typically controlled by the capacity of its intersections with other streets. As part of the intersection analysis, field studies and traffic counts were obtained to identify current operating conditions. Potential traffic impacts at intersections analyzed in the DEIS and this FEIS were mitigated through signal timing changes, which are among the preferred low-cost, readily implementable mitigation measures identified in the CEQR Technical Manual. The goal of signal timing changes is to shift additional green time from approaches that do not have adequate capacity to approaches or intersections that have clearly sufficient capacity. In addition, NYCDOT reviews all applications submitted for signal timing and/or phasing modifications with consideration given to traffic conditions at nearby intersections prior to implementing changes.

**64. Comment:** There needs to be an analysis of the turnaround time of deliveries at each facility and the queuing potential at the entrances. Additionally, there is no evaluation of the principal initiative to reduce the adverse impacts of commercial transfer stations by utilizing the Converted MTSs for commercial waste. This change would add hundreds of trucks, with enough trucks in the 8 to 9 a.m. peak hour to push the facility peaks from 9-10 a.m. back to 8-9 a.m.

**Response:** The suggested analyses have already been done. For the DEIS and this FEIS, a facility spreadsheet model was developed using conservative assumptions to estimate the travel time of arriving DSNY collection vehicles through the Converted MTSs based on: (1) historical delivery patterns; and (2) operating assumptions such as the amount of time to weigh in, travel up the ramp into the processing building, unload in the processing building, weigh out, and exit the facility. This model was used for the DEIS and this FEIS to predict the number of collection vehicles that might queue on the facility entrance ramp at a given hour. In addition, the facility peak hour is not 8:00 a.m. to 9:00 a.m. It begins after 9:30 - 10:00 a.m. at various facilities. Commercial waste deliveries have no effect on the peak hour, since these arrive during the 8:00 p.m. to 8:00 a.m. period, when DSNY deliveries are at their lowest levels.

In addition, a CEQR-level analysis of potentially significant adverse impacts related to processing Commercial Waste at the Converted MTSs in the Commercial Waste Management Study (CWMS)– Volume III is included as Appendix I to this FEIS. Each Chapter in this FEIS that reviews a Converted MTS has a section summarizing that more detailed CEQR level analysis in the CWMS – Volume III. On-site operations were analyzed assuming 24-hour operation. For example, for the noise analysis, it is assumed that the facility is operating all of its equipment during the quietest background hour, which, given the amount of commercial waste that actually might be processed during this period, is conservative. Off-site traffic, air quality and noise analysis locations were analyzed for potential impacts from DSNY collection vehicles plus commercial waste hauling vehicles. Restrictions will be imposed on some DSNY collection vehicle relays and commercial waste deliveries to certain Converted MTSs during specified hours to mitigate the potential for significant adverse on-site impacts at boundary points or nearby

sensitive receptors, and/or off-site noise impacts at certain sensitive receptors along access/egress routes to the facility. In addition, deliveries of commercial waste to the Converted MTSs will be restricted to the hours of 8:00 p.m. and 8:00 a.m., which does not coincide with the facility peak hour analyzed for the Converted MTSs.

- 65. Comment:** The traffic studies were not accurately conducted. While true that the CEQR Technical Manual classifies waste collection vehicles as 1.5 PCEs, this is not appropriate for traffic studies relating to an on-going flow of traffic to and from a site. The CEQR technical manual is merely a set of guidelines. A truck weighing approximately 23 tons cannot be considered a “light truck.” The 1.5 factor may perhaps be applied when there is an occasional garbage truck within a stream of cars, or perhaps when empty. According to the USDOT Federal Highway Administration guidelines, a heavy vehicle is equated to 2 Passenger Car Equivalent (PCE). This would change many of the impacts in the analyses.

**Response:** The traffic analyses were properly prepared in accordance with the 2001 CEQR Technical Manual that specifically designates a PCE ratio of 1.5 for waste collection vehicles, while a PCE of 2.0 is appropriately designated for the longer, larger waste transfer trailer vehicles with an allowable gross vehicle weight of 80,000 pounds (40 tons).

- 66. Comment:** While the Federal Highway Capacity Manual was used to evaluate truck traffic, several consultants were used for the traffic studies, and their analyses were not consistent across all the sites evaluated in the DEIS. For example, the evaluation at West. 135<sup>th</sup> Street treats a DSNY truck as a heavy vehicle. However, for East 91<sup>st</sup> Street, (and other sites) a DSNY vehicle is not considered to be a heavy vehicle. Additionally trucks owned by commercial waste haulers are heavier and have a greater capacity than DSNY vehicles. Trucks owned by Waste Management indicate that their tonnage is 15 tons empty, and 30 tons full. Therefore traffic studies (and noise and air) need to be adjusted for when the analysis is for DSNY-managed waste versus commercial waste.

**Response:** There are two ways of evaluating future conditions that are used in the FEIS. Both methods were reviewed and approved by the NYCDOT. In the first method, new

truck trips generated by a facility are entered into the model as Passenger Car Equivalent (PCEs). In the analysis, the percentage of trucks is left unchanged from the No-Build to Build conditions since the change in percent heavy vehicles due to the addition of DSNY collection vehicles is represented as an increase in PCEs (by adding DSNY collection vehicles as a PCE of 1.5, which is the value specified in the 2001 CEQR Technical Manual for waste collection vehicles). Method 1 conservatively estimates the number of new trips generated by a facility because the heavy vehicle percentage between Future No-Build and Future Build Condition decreases because the software program does not recognize that the new truck trips are counted as PCEs.

In the second method, new truck trips generated by a facility are added to Future No-Build volumes on a one for one basis (no PCE factors are used for trucks). The truck percentage is then adjusted (increased) assuming that all new truck trips are heavy vehicles. Under this method, the Highway Capacity Software (HCS) automatically assigns a default PCE value of 2.0 for heavy vehicle trips. By conservatively estimating the number of new trips generated by trucks, Method 2 also conservatively estimates the number of new trips generated by a facility. Although the methods for including new trips differ, both methods conservatively estimate the number of new trips generated by trucks for each facility and NYCDOT approved both methods of analysis. The off-site noise analyses were based on use of PCE noise conversion factors from the 2001 CEQR Technical Manual for heavy trucks (47 PCEs).

- 67. Comment:** The DEIS states that a new traffic study would not need to be conducted if one of the sites evaluated is used instead for recyclables. While the number of trucks may be fewer, we don't know that since we don't have information on the number of trucks or their size.

**Response:** The comment refers to use of the existing West 59<sup>th</sup> Street MTS for receiving Recyclables. This facility currently receives paper, which is accounted for as an Existing Condition. The use of this facility to receive more or different Recyclables, e.g., MGP, is not an element of the Proposed Action. The Proposed Action designates two sites for recycling, Gansevoort and SBMT, that are completely unrelated to the Proposed Converted MTSs. The DEIS and this FEIS evaluated collection vehicle deliveries to both

Gansevoort and SBMT. As discussed in the response to Comment #99 in Section 40.3.1.10, there are no overlapping effects in traffic patterns to the proposed Converted MTSs and either of the proposed Recycling facilities (Gansevoort and SBMT).

- 68. Comment:** The DEIS should present a detailed description of the methodology used to collect the actual truck counts at the commercial waste transfer stations, including when they took place. Additionally, the DEIS should present the total volume of waste traffic for each intersection evaluated in the traffic analyses, and indicate the truck type (DSNY, private collection or waste export). The CWMS reports traffic volumes based upon the number of vehicles, rather than PCE ratios, which are used to assess impacts in the DEIS. What are the PCE totals for the intersections evaluated, and what percentage of that can be attributed to waste management trucks? The DEIS should be updated to provide basic information regarding the collection of traffic impact information and provide the data and methodologies used to arrive at its conclusions as an Appendix. Additionally, information should be included on the volume of waste managed and delivered to various sites by Community District.

**Response:** See Response to Comment #64 pertaining to the level of analysis presented in the Commercial Waste Management Study for acceptance of commercial waste at the Converted MTSs. The DEIS and this FEIS includes several figures for each facility analyzed, one of which presents the net additional number of DSNY collection vehicles analyzed during the am, facility and pm peak hours. Since any commercial waste deliveries to a Converted MTS would be restricted to between 8:00 p.m. and 8:00 a.m. when background traffic volumes are lower and intersection LOS is higher (better), no additional traffic analyses were conducted for commercial waste deliveries to the Converted MTSs.

The traffic analyses of commercial waste transfer stations located in geographical proximity were not CEQR-level analyses and the methodology and analyses are presented in the Commercial Waste Management Study (CWMS)–Volume I in Appendix I to this FEIS. In addition the Technical Backup for the DEIS and this FEIS, available request, includes supporting detail from which the relative proportions of waste collection vehicles and heavy trucks can be calculated.



**69. Comment:** The DEIS needs to include the hourly distribution and type of truck accessing the facility. There needs to be an explanation as to how DSNY determined the temporal distribution of the commercial waste trucks that would access DSNY's facilities.

**Response:** Figures that present the hourly deliveries of DSNY-managed waste throughout the day are included in the DEIS and this FEIS and are based on historical delivery patterns. The methodology used to determine the potential temporal distribution of the commercial waste deliveries to the Converted MTSs is included in the Commercial Waste Management Study (CWMS) – Volume III in Appendix I in this FEIS.

*40.3.1.10*

*SWMP Process and Objectives*

**70. Comment:** Neither the SWMP or the DEIS provide information as to what will happen to the containerized waste once it leaves the MTS. Failure to address that element is a classic example of segmentation which is prohibited under CEQRA/SEQRA.

**Response:** DSNY is in the process of negotiating contracts for transport and disposal services to support the Long Term Export Program and has not made final decisions on the intermodal and disposal facilities that will be used. Federal law establishes the Surface Transportation Board as the authority with regulatory oversight over railroads in the United States. The role of the Surface Transportation Board preempts state and local environmental review and permitting of railroad-owned facilities. Other types of out-of-state facilities, such as intermodal facilities and disposal facilities that may be used for the Long Term Export Program are subject to environmental review and permitting under the laws of their respective host jurisdictions. Facilities in New York State that are lawfully permitted and will be used for their intended purpose without modification as part of a Proposed Action are not subject to environmental review. The DEIS and this FEIS reviews several in-City intermodal facilities and one, Steel Style, in New York State as facilities that may potentially be used by the Long Term Export program, although none have been designated as an element of the Proposed Action. The DEIS, and this FEIS notes that, in case where the environmental review of these facilities is incomplete, a supplemental environmental review will be prepared, if that facility is selected as a part of the Long Term Export Program.

Section 40.3.5 of this chapter contains a Transfer, Transport and Disposal Plan that describes the intermodal transfer and transport facilities and services that may be employed to support the Converted MTSs.

- 71. Comment:** The SWMP is vague and lacking in detail, especially on new programs, like Zero Waste, as well as the means to achieve Zero Waste. Sound alternatives to export should be discussed, as should the long term export costs.

**Response:** Section 40.3.1.3, Comment #12 addresses DSNY's commitment to waste reduction and reuse, including a discussion of the concept of "zero waste".

- 72. Comment:** A number of individuals and groups supported the use of a marine and/or rail system to transport waste, which would take trucks and cars off the streets, and were in support of the key components of the SWMP. Transport of waste by barge can cut the truck traffic to half of the nearly eight million truck miles of traffic per year for solid waste transport on City streets, and can improve the quality of life in all five boroughs.

**Response:** Comment noted.

- 73. Comment:** The SWMP should clearly state that the Fresh Kills Landfill is not a part of this new SWMP, and will not reopen.

**Response:** The information provided in Attachment X of the SWMP on the Fresh Kills Closure Construction and End Use clearly indicates that it is permanently closed to the acceptance of waste, undergoing closure construction and the subject of a planning effort that will define the phased reuse of the site through the development of a Master Plan.

- 74. Comment:** The SWMP proposed facilities were chosen long before the DEIS was undertaken. The DEIS was tailored to justify a preconceived conclusion, and would not be accepted as being complete if submitted by a private developer. The SWMP pitted one neighborhood against another. A "real master plan" for the City should be developed as a collaborative effort with local community groups and leaders.

**Response:** The Draft New SWMP proposes an equitable distribution of Long Term Export and Recycling facilities among the City's five boroughs. It seeks to minimize the transport of DSNY-managed Waste generated in one borough to another for transfer. It avoids adding transfer capacity in communities, the South Bronx and Brooklyn CD #1 that have the highest relative concentrations of private transfer stations in the City. The SWMP was developed through consultation with affected communities and, as evidenced by the affirmative votes on the Converted MTS ULURP applications of three of the four affected community boards, has broad community support.

The DEIS and this FEIS were prepared to support a City-wide plan for a twenty year planning period. It is not comparable to an EIS prepared by a developer to support the construction of a single project. In July of 2002, Mayor Michael Bloomberg completed a review of the Long Term Export Program. That program, authorized under the 2000 SWMP Modification, had been unanimously adopted by the City Council in November of 2000. It was supported by an FEIS issued in October of 2000 that provide an environmental review of long term export options at some 20 different sites with 25 different facility options across the City. (The October 2004 DEIS and this FEIS, in analytical content and format, parallels the 2000 FEIS.) The Mayor's decision to pursue containerization at the MTSs was based on problems encountered in implementing the Linden EBUF project, which unfortunately could not be overcome, as well as recognition that the Alternatives evaluated in the 2000 SWMP FEIS were not acceptable substitutes for Long Term Export from the Manhattan MTS and North Shore MTS wastesheds, which comprised four of the five MTSs wastesheds that the Linden Project would have served.

The Mayor announced that the City would move in a new direction by redeveloping all eight of MTSs as facilities capable of containerizing waste for intermodal transport by barge or rail to out-of-City disposal facilities. Since that announcement, DSNY has worked diligently with NYCEDC and other City agencies to implement the Mayor's policy directive.

In the course of this work, other Alternatives were considered. DSNY is proposing to implement four Converted MTS projects, not eight. As alternatives to developing Converted MTSs to serving the West 135<sup>th</sup> and West 59<sup>th</sup> Street wastesheds in Manhattan and the wastesheds formerly served by the South Bronx and Greenpoint MTSs, other Long Term Export options were found. These options are now part of the Proposed Action, because they can be implemented more quickly, and are more cost effective than developing Alternative Converted MTSs for those wastesheds. Additionally they avoid adding new in-City waste transfer capacity, particularly in the Bronx and Brooklyn. DSNY also investigated alternative rail or barge export sites in Manhattan in the Scope of the Commercial Waste Management Study (CWMS). Three of the four sites investigated, West 140<sup>th</sup> Street (between the North River Water Pollution Control Plant on the Hudson River and the Henry Hudson Parkway), West 30<sup>th</sup> Street and Pier 42 on the East River were found to be infeasible. The fourth site, the Gansevoort peninsula is proposed as the site of an Acceptance Facility for Manhattan Recyclables. Section 1.3 of the FEIS provides additional discussion of the history of Alternatives considered to the Proposed Action.

**75. Comment:** One speaker thought that the Converted transfer stations will be inferior to the way garbage is transferred today. It is better to have hundreds of independent facilities.

**Response:** The development process and expense, the siting issues, lack of economies of scale and the additional truck traffic all argue against this approach.

**76. Comment:** The SWMP fails to address the need for the City to acquire long term landfill or other disposal capacity, which without, the City will be forever dependent on the private landfill market, and its constant escalation in price. Some landfill capacity will always be needed, so the City must control its cost. It would be prudent to develop or acquire capacity within New York; there should be greater consideration to self-sufficiency on a State-wide, if not a City-wide basis.

**Response:** DSNY has previously investigated the possibility of acquiring out-of-City New York State disposal capacity by issuing an RFEI on February 17, 2004 to solicit

expressions of interest from private and public entities, willing to sell such disposal capacity to the City. That initiative did not produce any promising results. In principal, DSNY remains interested in this idea. As a practical matter, it is unlikely that a party with permitted disposal capacity capable of accepting significant volumes of DSNY Waste would be interested in selling that asset to the City. It is more likely that DSNY would be offered a potential site that requires substantive permit approvals. That scenario would expose the City to significant risks that are beyond its control and is not particularly attractive.

The Long Term Export Program will in effect acquire out-of-City disposal capacity through the vehicle of a 20-year Contract with waste management companies and the Port Authority. DSNY has progressed far enough in its Long Term Export procurements to be confident that it can secure disposal capacity guarantees from private companies for 20 years. The Long Term Contracts will allow DSNY to “lock-in” large volumes of capacity at a time when the remote disposal capacity market is highly competitive. It will fund the contract for this capacity from its expense budget rather than making large up front investments with capital funds to acquire disposal capacity assets.

- 77. Comment:** A few speakers though that landfilling of the waste would be the most expensive disposal option, and also the most damaging to the environment and to public health. Waste-to-energy should be considered because it reduces greenhouse gases, and a facility could be developed within the City. The only discussion on waste-to-energy is the Essex County Incinerator; however, this facility is inconsistent with the State’s policy that recovered energy be available to the planning unit (NYC) or to the state.

**Response:** Past efforts to develop waste-to-energy facilities have demonstrated the extreme difficulties of siting such a facility in the City, and DSNY has no plans to do so.

- 78. Comment:** Best Available Control Technologies should be used for all of the MTSs to make them accepted within the neighborhoods. GPS systems should be used on trucks to avoid queuing, or deliveries can be staggered. The Converted MTS should utilize an odor capture and control system, not an odor neutralizing system, and a vector and

vermin control system. There must be no standing water which would attract vermin. There should be a hazardous materials detection, segregation and disposal system. Every site must maintain a record keeping system. There should be on-site decontamination at the point of exit from the facility to remove all residues from vehicles leaving the facility. Truck deliveries should be staggered to minimize air quality impacts.

**Response:** The odor neutralizing systems is an odor control system that achieves better than 90% odor removal efficiencies. The MTSs are also equipped with dust suppression systems to keep dust out of the exhaust air and ventilation systems with sufficient capacity to maintain the building under negative pressure to prevent the escape of odors and litter to the outside environment. “Best Available Control Technology” as used in the context of air pollution regulation is equipment used to control release of criteria pollutants from “major sources” such as power plants. The Converted MTSs are classified as “minor sources”. The emission control systems designed for the MTSs are the appropriate level of control for these facilities and are protective of public health.

The draft Part 360 Permit application, undergoing review by NYSDEC, extensively documents the measures and equipment that will be employed at the MTSs to detect and segregate hazardous materials, control vermin through the periodic application of pest control measures, and clean the facility on a daily basis. The tipping floor, from which collection vehicles dump their loads, is elevated 10 feet above the processing floor. Consequently, there is a very little accumulation of waste on the tipping floor and it is periodically swept with mechanical equipment. The additional ramp and truck queuing capacity at the Converted MTSs will eliminate the problem of on-street truck queuing and is more than sufficient to handle the peak anticipated truck rate at each facility. See the response to Comment #2 in section 40.3.1.1 for additional information about design features of the Converted MTSs.

- 79. Comment:** The SWMP needs to include the planned closure of truck-based facilities in conjunction with the reopening of the Converted MTSs. This is not currently addressed in the document. The DEIS needs to examine the impacts of private land-based facilities

as thoroughly as the impacts of the Converted MTSs, and include the impacts of the transfer station siting regulations and operational regulations.

**Response:** DSNY is committed to reducing permitted putrescible capacity in the communities with the greatest number of transfer stations once the Converted MTSs open. DSNY will work with the industry, the Council and community groups to achieve this reduction in capacity. If DSNY is unable to obtain the cooperation of the industry, DSNY will work with the Council on legislation that will clarify DSNY's authority to reduce permitted capacity at transfer stations.

- 80. Comment:** Communities need to be compensated for accepting more than their fair share of waste. Community mitigation programs need to be included, as well as amenities which would benefit the local community where a facility is sited. These might include tree plantings and open space improvements. The City should include this as a requirement for all transfer stations with which it enters into a contract.

**Response:** The reactivation of the four proposed MTS sites will not generate significant adverse impacts to the community. The three to five private transfer stations under consideration for long-term contracts already exist, and are located in suitable M-3 areas. DSNY does not believe that the DEIS or FEIS analysis supports a need for community mitigation programs for the Proposed Action.

- 81. Comment:** DSNY should evaluate the feasibility and environmental impacts of a number of small sites for barging recyclables and waste rather than asking communities to accept truck traffic from several districts many miles away. Truck miles and emissions would be minimized, and smaller facilities would be easier to site.

**Response:** There is no evidence that smaller facilities are easier to site than larger facilities. The Proposed Action for Recycling includes development of a Materials Processing Facility at the SBMT in Brooklyn and a Recyclables Acceptance Facility at the Gansevoort peninsula for Manhattan. These new facilities would be integrated with existing Recyclable Acceptance facilities in the South Bronx and Long Island City, Queens, and the Visy Paper plant on Staten Island. These facilities in aggregate create a

system in which post-collection shipment of Recyclable materials between boroughs would be by barge.

**82. Comment:** As new DSNY trucks are purchased, alternatively fueled trucks, such as those that utilize biodiesel or natural gas should be considered to reduce pollution from truck emissions. Diesel trucks should be phased out. Non-road equipment within the transfer facilities should also be retrofitted to reduce diesel emissions.

**Response:** The Waste Vehicle Technology Assessment, Volume VI of the CWMS, published in March of 2004 and included as Appendix I in this FEIS extensively discusses DSNY's noteworthy efforts in reducing emissions from its collection fleet, including: use of low sulfur fuel in all its collection vehicles; fleet replacement on a seven year cycle that results on engine performance upgrades; testing of clean diesel technology; and the planned use of diesel particulate filters.

**83. Comment:** The City needs to vigorously enforce siting and operational regulations at existing facilities, with escalating fines for each violation. The City's new marine facilities also need to follow these stringent standards, and any transfer station that continually disobeys operational health and safety regulations must be fined or closed. This should also apply to other violations as well, such as violation of truck routes.

**Response:** The Enforcement Effectiveness Study in Appendix K of Volume I of the Commercial Waste Management Study included in Appendix I to this FEIS reports on activity of the Permit and Inspection Unit (PIU), DSNY's enforcement arm that conducts regular inspections of transfer stations for compliance with regulations.

**84. Comment:** Exporting waste will impose environmental burdens in communities where the landfills are located. These communities are most likely poor and minority communities. This is also true for the community in New Jersey where Manhattan waste will be incinerated. Exporting waste is not good for the environment; it is only beneficial to the waste industry, especially to Waste Management.



**Response:** The City sees no practicable alternative but to export its non-recycled waste. Waste exported by DSNY is disposed of at permitted facilities operating in compliance with local, state and federal law.

**85. Comment:** A few people thought that no waste should be incinerated. Incineration produces some of the most dangerous chemicals on earth, and causes cancer. New York City should not send its waste to an incinerator.

**Response:** All waste-to-energy facilities in the United States are stringently regulated, use Best Available Control Technology for emission control; and meet air emissions standards that are established as protective of public health.

**86. Comment:** The City needs to commit to a plan that includes establishment of a community advisory group, and a timeline of milestones to develop and implement the redistribution of waste capacity throughout the City. It should plan a phase-in for new technologies, and other environmentally-beneficial initiatives.

**Response:** DSNY is willing to work with Community Advisory Groups on addressing issues of concern related to Converted MTS construction and operation. See Response to Comment #79 on the issue of reducing private transfer stations in the City.

**87. Comment:** A number of people were critical of the alternatives included in the SWMP. The Solid Waste Management Act (SWMA) places high priority on reducing and reusing waste prior before disposal. The City needs to be more creative with how waste is handled in New York City. The MTS system is said to be a “key component” of the SWMP, but in fact, it is the only program discussed in detail. The City needs a world-class state-of-the-art processing and recycling system that will serve as a model for the world, instead of putting off dealing with the waste by sending it elsewhere. The SWMP should have an overall vision of where the solid waste system should be, and should encompass economic and environmental sustainability as well as social responsibility and equity. The cost increase for interim export of 91% is clearly unsustainable, and solid waste infrastructure must be maintained in municipal hands. Alternatives other than versions of incineration must be explored, and capital resources

should be used to explore and implement technologies such as anaerobic digestion, gasification, and newer means of handling recyclables.

**Response:** Please refer in the Draft New SWMP to the following sections: Chapter 2, Waste Prevention and Recycling; Attachment III, Waste Characterization Activities; Attachment VI, Recycling; and Appendices A, B, C, and D, all of which describe various aspects of the City's Waste Prevention and Recycling activities and Appendix F (Report on New and Emerging Solid Waste Management Technologies). Also refer to the Section 40.3.1.3 in this Chapter for responses to related comments on recycling.

**88. Comment:** The SWMP states that the transfer station fees will be increased. These revenues should be dedicated to commercial waste prevention and recycling programs.

**Response:** The transfer station permit fees collected by DSNY are applied in DSNY's budget to support the operations of the Permit and Inspection Unit (PIU). The PIU's principle function is to the regular inspection of private transfer stations for compliance with DSNY rules. The existing transfer station fees are not sufficient to cover the cost of PIU operations, particularly in light of PIU's new responsibilities to inspect for compliance with DSNY's new operational rules. The increase in fees is to help cover the cost of PIU operations.

**89. Comment:** A number of speakers were critical of how the SWMP handled the issue of commercial waste. State law requires that all waste, both residential and commercial, within a planning unit be managed in the SWMP. The New SWMP recognizes the problems associated with the current system for managing solid waste, but includes very few commitments for improving commercial waste management. The SWMP does not provide adequate alternatives for the management of the commercial waste stream, fails to create enough alternative capacity, and fails to provide milestones for its goals, or to prepare for the phasing out of unnecessary private transfer stations.

**Response:** See the Response to Comment #79.

**90. Comment:** The DEIS fails to analyze the cumulative impacts of the City's entire solid waste management system, including residential and commercial waste. SEQRA requires

that the EIS consider the impacts of the proposed actions in conjunction with the impacts of the current system for handling commercial waste. This should include those future actions that the SWMP envisions, such as moving commercial waste through the West 59<sup>th</sup> Street MTS and moving recyclables through the facility at Gansevoort. The cumulative analysis should include air pollution impacts from diesel truck and barge exhaust so that alternatives can be developed to reduce increases in air emissions. The DEIS should also analyze the cumulative emissions in all parts of New York from the no action alternative, which is continuing the interim plan on a permanent basis, and compare it to an alternative where truck queuing and idling is minimized at the MTSs. Any environmental review of existing programs related to the 1992 SWMP is too old to be “incorporated by reference” into the SWMP.

**Response:** The DEIS and this FEIS properly analyzes the impacts associated with the adoption of the New SWMP, which would modify certain aspects of the City’s waste management system, and compares such impacts to existing conditions that the New SWMP in part is intended to address. Moreover, an analysis of the combined effects of the existing private transfer stations located in relative proximity in four study areas in the City that is reported in the 2004 Commercial Waste Management Study, included as Appendix I to this FEIS. CEQR requires cumulative impacts to be analyzed when two or more individual effects on the environment, when taken together, are significant or compound or increase other environmental effects. Elements of the Proposed Action for Long Term Export and Recycling include siting of four Converted MTSs (two in Brooklyn, one in Manhattan and one in Queens) and two recycling facilities (one in Brooklyn and one in Manhattan). Each of these facilities serves a discrete watershed. The waste flows to these facilities would have no overlapping effects with other facilities that are elements of the Proposed Action.

The Proposed Action for the Bronx watershed would involve contacting with either or both of two existing facilities that are permitted and operate at substantially greater capacity than the total of DSNY-managed waste in the Bronx. The DEIS and this FEIS evaluate the off-site impacts (traffic, air quality, and noise) of DSNY waste deliveries to East 132<sup>nd</sup> Street, assuming that facility received all of DSNY-managed Waste in the

Bronx, and found no potentially significant unmitigatable impacts. A 2003 EAS for expansion of the Harlem River Yard Truck to Rail Transfer Station analyzes an increment of additional collection vehicles that is greater than the increment of sending all DSNY-managed Waste in the Bronx to that site, and also found no potentially significant unmitigatable impacts. If DSNY contracted with each facility to receive a portion of the Bronx waste, the waste flows to these facilities would not converge at points that would cause combined effects at a level of significance. A similar situation, involving two facilities, exists in Brooklyn and supports the same conclusion.

Existing businesses that may contribute to air quality, odor, noise and traffic within a given Study Area are included in the analyses for each facility, as applicable, as described in Chapter 3.0 of the DEIS and this FEIS. In essence, existing conditions are identified through collection of current traffic data, ambient noise levels, and air monitoring stations located throughout the City for use in the analyses. Future No-Build conditions are estimated conservatively using NYSDOT-approved growth factors and traffic projections for planned developments for the traffic and off-site air and noise analyses. The interim export actions have been the subject of separate environmental reviews, and are included in the DEIS and this FEIS as Existing Conditions and is accounted for in the Future No-Build Conditions analyses.

As noted in Section 1.2, Purpose and Need, DSNY intends to continue an array of Existing Programs (programs authorized under the existing SWMP), including New Initiatives to improve their effectiveness. These Existing Programs do not require environmental review.

- 91. Comment:** One person had suggested the creation of a truck-to-rail facility within the Amtrak right of way, which DSNY had said was “inconsistent” with development plans in the area between West 30<sup>th</sup> Street and West 38<sup>th</sup> Street, on the basis that other facilities proposed are also inconsistent with existing plans. It was suggested that innovative architecture could be used by building a facility in part of the area now proposed as underground automobile garage under the proposed raised pedestrian way to be built on a

platform over the Amtrak rails between 10<sup>th</sup> and 11<sup>th</sup> Avenues, between 34<sup>th</sup> and 41<sup>st</sup> Street.

**Response:** A transfer station is not compatible with other development plans for this area.

- 92. Comment:** A number of people were critical of the environmental review for the SWMP facilities. For all of the MTS sites, the DEIS fails to provide an adequate analysis of the impacts of the MTS site use on the surrounding areas and community facilities, which service vulnerable populations. It is not sufficient to say that the site will be reactivated for a previous use, and therefore will not present any significant adverse impacts. The DEIS must look at what issues previously existed when the MTS was operational, and determine whether these problems are likely to re-emerge with the reactivation of the site. Where are the assumptions and data backing up the determination that no significant, unmitigatable adverse traffic, air quality, odor or noise impacts were found?

**Response:** Chapter 3, Methodology, in the DEIS and this FEIS describes the methods and assumptions used to conduct all required CEQR analyses, including, but not limited to, reviews of potentially significant impacts in the areas of: Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities and Services, Open Space; Cultural Resources and Neighborhood Character. As indicated in Chapter 3, additional technical backup documentation is available upon request. All of the required CEQR evaluations were performed for all of the Converted MTS sites, and the results are reported in the site-specific chapters.

Problems related to the operations of the existing MTSs are addressed in the proposed design and plan of operation for the Converted MTSs. Please refer to the response to Comment #2 in Section 40.3.1.1 for a review of the design features of these proposed facilities that represent improvements over the existing facilities and which avoid causing potentially significant adverse impacts.

- 93. Comment:** The SWMP and DEIS is lacking basic information, such as the quantification of waste and recyclables generated by individuals, household, type of business or even by borough, and there is no explanation of the relationship to demographic characteristics.

The SWMP is not based on the latest NYMTC forecasts, which are much higher than reported in the document. Additionally, borough residential waste quantities are not provided, and with differing population growth rates, the reader cannot understand the effectiveness and equity of the facility locations.

**Response:** These subjects are addressed in the Draft New SWMP, Attachment 1, DSNY-managed Waste Quantification and Projections for the Plan Period and Attachment III, Waste Characterization Activities and in Volume II, Commercial Waste Generation and Projections. The latest NYMTC data that was available at the time was used in the employment-based waste forecast of Commercial Waste Generation.

**94. Comment:** A number of people commented on the overall lack of infrastructure to handle waste within the Borough of Manhattan. The Plan's intent is to maximize the use of barge and rail for export of solid waste and recyclables. The current Manhattan system moves all of the Borough's materials out by truck, creating unacceptable air pollution and traffic congestion, and must be phased out. The SWMP does not improve the handling of DSNY-managed solid waste from two-thirds of Manhattan. However, there should be additional capacity south of 59<sup>th</sup> Street. Additional transfer sites should be developed with the objective of decentralizing waste handling, enabling communities to take more responsibility for their waste. For example a rail site at 30<sup>th</sup> Street was evaluated and rejected because it did not conform to zoning. This should not bar it from the siting of a station.

**Response:** As reported in the Manhattan Siting Study, Volume V of the CWMS, included as Appendix I in this FEIS, Manhattan has a very limited potential for siting transfer stations. The Proposed Action included development of a Converted MTS at the East 91<sup>st</sup> Street MTS site, development of the West 59<sup>th</sup> Street MTS site for export of commercial waste and development of a Recyclables Acceptance facility at the Gansevoort peninsula. The West 30<sup>th</sup> Street site was found infeasible as a transfer station site based on technical and engineering considerations as documented in the above referenced report.

**95. Comment:** One commenter urged the creation of an independent planning task force to plan and implement a new SWMP.

**Response:** See the Response to Comment #74.

**96. Comment:** The SWMP and DEIS do not consider other ways to dispose of garbage other than those described in the SWMP. The goals of the SWMP, to more equitably distribute the burden of solid waste disposal and to make less of an environmental impact are admirable, but the public should have a voice in policy decision. Were rail transport, waste-to-energy in NYC, and other alternatives considered? If so, why were they dismissed?

**Response:** Please see the response to NYSDEC Comment #18 in Section 40.3.3.1 for an extensive description of DSNY's enhanced public participation program. See comment #77 above on consideration of waste-to-energy technology. Rail and or barge transport is a fundamental premise of the Proposed Action.

**97. Comment:** The SWMP and DEIS must discuss the capacity of the existing intermodal waste export infrastructure required to implement the SWMP, and identify alternative export capacity should there be a lack of rail and/or barge service. The DEIS, SWMP and permit applications must fully document the adequacy of intermodal capacity.

**Response:** Section 40.3.5 of this Chapter provides a Transfer, Transport and Disposal Plan (TTDP) describing the intermodal facilities and the rail transport facilities that is available to support the operation of the Converted MTS program. The TTDP will also be included as an Appendix in each of the Converted MTS Part 360 permit Applications.

**98. Comment:** Selected findings and recommendations of the CWMS were used as the basis for a number of conclusions in the DEIS. Other important aspects such as the evaluation of regional disposal capacity or the burdens generated by the concentration of private sector waste facilities are not addressed within the DEIS. The relationship between the recommendations and findings of the CWMS and the DEIS need to be clarified, since the CWMS was not subject to SEQRA review, and its findings challenged.

**Response:** The DEIS and this FEIS addresses the Proposed Actions in the Draft New SWMP. The CWMS is included as Appendix I to this FEIS. The Volume IV report in the CWMS on Landfill Disposal Capacity Potentially Available to the City was developed as information that confirms the direction of the Long Term Export Program. The Volume I report on Private Transfer Station Evaluations has resulted in DSNY regulatory initiatives that are being implemented independently of the Proposed Action in the Draft New SWMP. See the response to Comment #79 on the question of transfer station concentrations in certain communities.

- 99. Comment:** There will likely be an overlap between interim and long-term waste export contracts during the implementation of the SWMP that may result in traffic impacts not previously assessed. The initial interim waste export contracts did not look at cumulative impacts that might arise from the recycling facilities proposed in the SWMP, conversion of the 59<sup>th</sup> Street MTS, or the decision to rely on truck-based export for the vast majority of commercial waste.

**Response:** Long term contracts will not overlap with interim export contracts in the same watershed. Once service commences under a Long Term Export contract, DSNY will terminate the Interim Export contract in that watershed. Truck deliveries of Curbside Recyclables to Recyclables Acceptance Facilities in the Bronx and Long Island City are accounted for as an Existing Condition. Truck deliveries of Curbside Recyclables to the Gansevoort Recyclables Acceptance Facility do not overlap to any significant degree with the routes taken by DSNY collection vehicles delivering DSNY-managed Waste from Manhattan to Long Term Export destinations. As noted in the response to Comment #160 in Section 40.3.2.2.2. Hamilton Avenue, truck deliveries of Curbside Recyclables from Brooklyn Community Districts 9, 14, and 15 to the SBMT Materials Processing Facility would cause no overlapping impacts with deliveries of DSNY-managed Waste to the Hamilton Avenue Converted MTS. Under the Proposed Action, each of the three to five private transfer stations that are proposed to receive DSNY waste would also be required to export waste from their commercial customers by barge or rail, thus reducing outbound commercial transfer trailer traffic.



**100. Comment:** The environmental assessment for interim export of waste from Manhattan was modeled using the hypothetical quantity and temporal distribution of trucks leaving Manhattan for New Jersey. The DEIS should evaluate the impacts based on DSNY's actual operations, proposed actions and current traffic conditions. The traffic patterns around the bridges and tunnels have changed considerably since the environmental review for interim export. For example, no eastbound commercial traffic has been allowed to enter the Holland Tunnel since August 2004.

**Response:** The Interim Export EAS used actual data on existing operations as the baseline conditions. Future conditions were projected using DSNY data and were based on real numbers. The quantity of waste and trucks analyzed was not hypothetical, but typical peak weekday DSNY volumes. The temporal distribution was based on current DSNY truck patterns, modified for changes in disposal destinations and operations. When commercial traffic restrictions were enacted, it could have had the potential to lighten traffic around the Holland Tunnel while increasing it at other river crossings. DSNY vehicles, however, continued to use the Holland Tunnel. To the extent that these patterns affected traffic at the DEIS/FEIS study locations, they would have been captured in the updated counts. To the extent they do not impact DEIS/FEIS study locations, they are not relevant.

The DEIS and this FEIS looked at past temporal distributions of trips at the 91<sup>st</sup> Street MTS as a predictor of future trip patterns. Interim Export assessments did not factor in the projections of DSNY truck traffic to the East 91<sup>st</sup> Street facility. Projected future DSNY truck numbers, by route, were compared to existing DSNY truck numbers, by route, to determine increases or decreases by specific roadway segment. As use of the MTS represents an end to truck export, there were projected decreases in DSNY trucks on links near river crossing portals. Therefore no analysis was needed or performed at intersections most likely to be affected by changes in rules governing use of bridges or tunnels. The greatest net increase in DSNY trucks would be on links near the MTSs which were proposed to be opened. The links with the greatest projected increases were the focus of the analysis.

**101. Comment:** The DEIS should include a technical appendix containing the data and methodologies used to determine the impacts of the proposed action.

**Response:** As noted in Chapter 3 of the DEIS and this FEIS, a copy of the technical backup for the analyses in the DEIS and this FEIS is available upon request in \*.pdf format on compact disk.

*40.3.1.11 Project Cost*

**102. Comment:** If disposal costs have risen 91 percent since the City started exporting its waste, why does the City intend to give almost 10,000 tpd of waste to these same companies that have increased their fees? This is an unsustainable situation.

**Response:** Interim Export costs have not increased 91%. Over the period of Interim Export contract awards, 1997-2004, the average annual rate of increase has been in the range of 3.5% to 4%. The City requires out-of-City disposal facilities to dispose of its waste. DSNY is negotiating with companies that have responded to five RFPs for Long Term Export services. No decisions have been made on contract awards. A significant contributor to cost increases for Interim Export is the increase in truck travel distance to the disposal facilities as disposal sites nearer to the City are used up. In shifting to barge/rail export from a truck based export system, DSNY expects those costs to stabilize.

**103. Comment:** In 2000, the City prepared a generic analysis of costs; we are asking for this same analysis now, as well as clarification concerning the long term contracts for disposal. Will they be “put or pay” contracts that will require the delivery of a certain amount of waste and prevent the City from expanding composting and recycling?

**Response:** The contracts that DSNY is negotiating will not have “put or pay” provisions. DSNY is in the midst of several competitive procurements with multiple companies that will determine the costs of Long Term Export when final contracts are negotiated. The City’s procurement rules preclude revealing information that could compromise this competitive process. However, during the City Council’s hearing on this matter, DSNY presented information clearly demonstrating the Proposed Action to be a fiscally prudent

alternative for the City's solid waste management needs.

- 104. Comment:** The SWMP fails to adequately provide a comparative economic analysis of the present plan, the Proposed Action, and other alternative waste management approaches. The DEIS lacks a comprehensive cost/benefit analysis; there are no projections for the whole project, no construction costs, operating costs, or discussion on who will work at these facilities. Without concrete information about the method of transporting and disposal of the containers, the costs associated with the plan cannot be known, and it can't be determined if it is preferable to, and more cost effective than, the current plan. The overall estimated costs of only two variations are provided (revamping four MTSs and the conversion of all 8 MTSs), and the analysis does not describe the underlying calculations or assumptions. The cost analysis needs to look at the possible inclusion of commercial waste and recycling as well.

**Response:** See the response to Comment #103, above.

- 105. Comment:** The Plan also needs to consider the economic impacts of the MTS for commercial waste at 59<sup>th</sup> Street, the barge staging area and any incentives used to encourage private carters' usage of the site, in addition to the surplus capacity at the other MTSs.

**Response:** The use of the existing West 59<sup>th</sup> Street MTS site for commercial waste will be the subject of a procurement to be initiated by DSNY. Please review the responses to comments in Section 40.3.2.3.2 of this chapter for further information on this issue.

- 106. Comment:** The SWMP states that the cost of the proposed action will be about \$100 per ton, but doesn't address whether these costs will decrease over the 20-year planning period. It is not clear if the numbers account for potential increases in exporting costs, etc.

**Response:** See response to Comment #102 and #103, above.

**107. Comment:** The SWMP/DEIS contains none of the analysis that was in the 1992 report of the hidden social costs of transport (traffic delay, accidents, energy usage, air and noise impacts)

**Response:** See response to Comment #103, above.

**108. Comment:** There should be an analysis of the alternative uses and economic development potential of the proposed MTS sites.

**Response:** These sites have marine transfer stations that have active permits to process 4,800 tpd of waste. When the New SWMP is approved by the City Council, Long Term Export contracts have been executed, and the permits required to implement the Long Term Export Program have been approved, DSNY will work with interested parties on alternative uses for those MTS sites that are not included in the Plan.

**109. Comment:** There should be a consideration of the cost-effectiveness of promoting increased use of garbage disposals to redirect some of the largest component of the waste stream to sewage.

**Response:** In 1997, residential garbage grinders became lawful in the City. This issue is within the purview of NYCDEP and is not the subject of the New SWMP. See the response to Comment #13 in Section 40.3.1.3 for more on this issue.

#### 40.3.2 Comments and Responses

##### *40.3.2.1 Bronx*

**110. Comment:** The SWMP is a step in the right direction in that it recognizes that the Bronx MTS should not be reopened.

**Response:** Comment noted.

**111. Comment:** A number of comments stated that the Harlem River Yard and the East 132<sup>nd</sup> Street sites are preferred locations for handling Bronx waste, but that the DEIS inadequately analyzes these properties. The full environmental impact of these sites is

not provided because they received negative declarations in previous reviews. A facility handling thousands of tons of waste cannot result in no impacts. References are made to previous studies, but there is no analysis of existing impacts on the community, in particular, off-site impacts.

**Response:** Both the East 132<sup>nd</sup> Street Transfer Station and the Harlem River Yard Transfer Station currently accept DSNY-managed Waste under Interim Export contracts, and those actions were subject to environmental review for acceptance of up to 1,500 tpd and 1,800 tpd of DSNY-managed Waste respectively. In addition, as discussed in the DEIS and this FEIS, both facilities have permits to process 2999 tpd and 4000 tpd of waste, respectively. These permits were issued based on prior environmental reviews.

At the East 132<sup>nd</sup> Street Transfer Station, the acceptance of DSNY-managed Waste for export by rail would require the addition of an outdoor lidding operation that would require a minor permit modification from NYSDEC. Accordingly, the potential for on-site impacts related to operating at or below the facility's currently permitted capacity does not require environmental review in this FEIS.

The Proposed Action for the East 132<sup>nd</sup> Street Transfer Station may involve a change in the quantity of Bronx DSNY-managed Waste from the current average of 1,033 tpd under Interim Export to up to 2,337 tpd, an increment of 1,304 tpd. A contingency factor of 20% was added to this amount for a total of 1,565 tpd to provide a margin of conservatism in the analysis. The DEIS and this FEIS evaluates potential off-site impacts associated with the DSNY collection vehicles that would deliver the increment (1,565 tpd) of DSNY-managed Waste to the facility. The results of this evaluation are reported in Section 12.14 of the DEIS and this FEIS. Additionally, the DEIS and this FEIS assumes that the facility would export all waste received via rail by draying containers between the facility and the Oak Point Yard. This element of the Proposed Action would involve a permit modification and is evaluated in the DEIS and this FEIS. The potential off-site analyses impacts associated with this draying activity are presented in the Oak Point Railyard Section 12.14.3 of the DEIS and this FEIS.

The Harlem River Yard facility is an existing fully permitted 4,000 tpd truck to rail transfer station where no proposed modifications are required. Therefore, no further review of potential on-site impacts associated with processing a lesser quantity of DSNY-managed Waste is required.

The Proposed Action for the Harlem River Yard Transfer Station may involve a change in the quantity of Bronx DSNY-Managed Waste from the current average peak day of 1,381 tpd under Interim Export to up to 2,337 tpd, an increment of 956 tpd. A contingency factor of 20% was added to this increment for a total of 1,147 tpd to provide a margin of conservatism in the analysis. The August 2003 EAS prepared to support the expansion of Harlem River Yard from 3,000 to 4,000 tpd analyzed an additional 117 one-way truck trips (equivalent to 1,170 tpd of waste) per day of potential traffic to the site. The intersections analyzed for traffic (Bruckner Boulevard and Lincoln Avenue, St. Ann's Avenue and Willis Avenue) and for mobile air quality (Lincoln Avenue and Bruckner Boulevard), and noise sensitive receptors along routes (Crack is Wack Playground, Randall's Island and Pulaski Park) are those that would be evaluated for DSNY collection vehicles traveling to and from the Harlem River Yard Transfer Station. Therefore the DEIS and this FEIS does not re-evaluate the potential off-site impacts associated with the increment of DSNY collection vehicles that would deliver DSNY-managed Waste to the facility since the August 2003 EAS provided that analysis and the permit capacity increase was approved by NYSDEC.

**112. Comment:** A number of comments requested a comparative assessment so that the two sites could be compared and a decision could be made on that basis. The DEIS doesn't provide any new information on the HRY site, and the proposed Oak Point intermodal site is also not subject to review. The new truck traffic on Bruckner and down Barry Street is not analyzed. Changing one traffic signal will not mitigate the environmental impact of receiving the entire borough's waste.

**Response:** See response to Comment #111 for the Harlem River Yard site. The Oak Point Railyard is analyzed for off-site impacts in the DEIS and this FEIS. The site description for the Oak Point Railyard is in Section 2.2.9.3, and results of the off-site

traffic, air quality and noise analyses are presented in Sections 12.14, 12.15 and 12.17, respectively, of the DEIS and this FEIS. The volume of dray trips between the East 132<sup>nd</sup> Street Transfer Station and the Oak Point Rail Yard is expected to average 8 one-way trips per hour (16 trip ends, or 32 passenger car equivalents [PCEs]), which falls below the traffic analysis screening threshold of 50 PCEs. In addition, the off-site noise analysis showed no potential for doubling of PCEs from these additional trips at the sensitive receptor along the dray route at East 138<sup>th</sup> Street between Bruckner Boulevard and Walnut Street. Therefore, no traffic or off-site noise analyses were required. Two links that meet the 2001 CEQR Technical Manual screening thresholds were analyzed for off-site air quality impacts (Bruckner Boulevard and East 138<sup>th</sup> Street, and Locust Avenue and East 138<sup>th</sup> Street) were analyzed, and there were no unmitigable adverse air quality impacts identified.

- 113. Comment:** A number of speakers addressed analyses that they thought were missing from the DEIS. A PM<sub>2.5</sub> analysis was not undertaken at 132<sup>nd</sup> Street. Given the high level of asthma in the South Bronx, the highest monitoring standards should be applied. It is just not the case that there are no impacts.

**Response:** See Response to Comment #111. On-site analyses of the East 132<sup>nd</sup> Street Transfer Station is not required because it is a fully permitted facility. The addition of the outdoor lidding operation does not add emissions-generating equipment to the facility. Off-site analyses were evaluated for the increment of additional DSNY-managed Waste that could potentially be received at this facility under long term export. See Response to Comment #112. An off-site PM<sub>2.5</sub> analysis conducted at Bruckner Boulevard and East 138<sup>th</sup> Street, and Locust Avenue and East 138<sup>th</sup> Street resulted in no unmitigable significant adverse impacts. The off-site air quality analysis included the additional DSNY-managed Waste collection vehicles plus dray trips associated with transporting containers between the East 132<sup>nd</sup> Street Transfer Station and the Oak Point Railyard.

- 114. Comment:** A number of people agreed with the fair share objectives of the SWMP, but thought that bringing containers of waste from other boroughs to HRY would contradict these objectives. This facility has not been subject to environmental review. There is no

back-up information provided, no discussion of visual impacts to Randalls Island or the odor impacts from containers moving through the site. What is the contingency plan for this site?

**Response:** A barge to rail intermodal facility at the Harlem River Yard site was evaluated in the DEIS and this FEIS as an Alternative. The 2000 SWMP Modification FEIS had evaluated a much larger Enclosed Barge Unloading Facility (EBUF) at the same location. The 2000 FEIS evaluated odors from the potential processing of an average of 5,000 tpd and a peak of 7,500 tpd of waste in an enclosed processing building and resulted in no significant adverse environmental impacts on Randall's Island. Because the 2000 FEIS did not analyze on-site PM<sub>2.5</sub> impacts, the DEIS and this FEIS presents the results of this analysis. Because it is a barge to rail facility, no off-site environmental review is warranted. Note that development of Harlem River Yard barge to rail intermodal facility is not an element of the Proposed Action.

- 115. Comment:** The DEIS fails to analyze the impact on the proposed mixed use residential and industrial districts adjacent to the Harlem River Yard. It inaccurately states that development related to rezoning in Port Morris is projected to occur by 2014 at the earliest, while this is the year for full build-out. Vigilant regulation of waste operations in HRY is essential, but the DEIS denies impacts beyond the property borders.

**Response:** NYCDCP's Port Morris Rezoning EAS considers 2014 the build year for that project. The DEIS and this FEIS reflects this fact.

- 116. Comment:** Randall's Island is undergoing a major overhaul to become a public recreational area. Impacts to Randall's Island must be addressed.

**Response:** Under existing conditions, DSNY delivers its Bronx waste to the Harlem River Yard as well as Waste Services at East 132<sup>nd</sup> Street. Randall's Island was analyzed as a noise-sensitive receptor for the Harlem River Yard Barge to Rail Intermodal Facility and for the minor modification of adding an outdoor lidding station to the East 132<sup>nd</sup> Street Transfer Station (see Sections 9.17 and 12.17 of the DEIS and this FEIS), and no impacts were predicted. An on-site analysis of the Harlem River Yard Truck to Rail Transfer Station was not required since it is a fully permitted 4,000 tpd transfer station.



**117. Comment:** While the South Bronx MTS is not being proposed, the DEIS states that the South Bronx Converted MTS would be compatible with its industrial surroundings and not have a significant adverse impact on residents. This ignores the truck traffic, accompanying diesel fumes, and garbage odors. Since the old MTS closed, the rodent population in the area has decreased markedly, and the area has improved. The MTS would not be compatible with a major food center, so the facility should not remain as DSNY property. This contradicts the Hunts Point Vision Plan. These changes should be made to the FEIS.

**Response:** The possible waste transfer use of the South Bronx MTS is referenced in the Hunts Point Vision Plan, but this is not part of the Proposed Action. However, it was analyzed as a reasonable alternative. The disposition of this site, once a Final SWMP is adopted, will be considered by the City.

**118. Comment:** Several comments reflected concern over the vagueness of the SWMP. In addition to not stating where the waste will be disposed, there is no discussion on the rules for selecting a contractor. Will there be an RFP to determine which of the two sites will receive the waste? It seems that only one facility should receive the waste, not both of them.

**Response:** Please review the Transfer, Transport and Disposal Plan (TTDP) contained in Section 40.3.5 of this FEIS for a discussion of the intermodal transfer and transport facilities that may be used for the movement of containerized waste from the Converted MTSs to out-of-City disposal facilities. DSNY waste from these two facilities currently goes to landfills in Virginia and Ohio. In general, potential disposal locations include landfills in South Carolina, Ohio and Virginia, in addition to the Essex County Resource Recovery facility in Newark NJ. DSNY issued four RFPs in December of 2003 to procure the transfer, transport and disposal services, as appropriate, for long-term export from the wastesheds defined in the Draft New SWMP. These documents define the procedures for and requirements on the selection of contractors.

**119. Comment:** Specific details for developing an intermodal facility in the Bronx should be provided. Since the South Bronx already contains a disproportionate share of the City's

waste facilities, the DEIS should consider the impact of the proposed actions in conjunction with the facilities already in existence in the area. All available mitigative strategies for reducing impacts should be considered, including an analysis of the proposed operational and siting regulations, or other regulations which might serve to mitigate traffic or air impacts.

**Response:** The Proposed Action does not include development of a new intermodal facility in the Bronx. For Bronx facilities evaluated in the DEIS and this FEIS, Existing Conditions, Future No-Build Conditions and Future Build Conditions were analyzed, as applicable. Existing Conditions account for all current operations in the area and include background traffic, air quality and noise along routes to and from the facilities. These background volumes are escalated and added to any new planned developments in the Study Area that will be constructed by 2006 to represent the Future No-Build Conditions. The increment of DSNY-managed Waste that is analyzed is added to the Future No-Build Conditions and, therefore, takes into account the impact of the Proposed Action in conjunction with existing facilities utilized for interim export, in accordance with the CEQR Technical Manual. Also, see the response to Comment #114.

**120. Comment:** One comment stated that the DEIS misrepresented the facts concerning the Bronx facilities, stating that it is unfair to state that there is no permit expansion, when in fact, there just was a permit expansion within the past year.

**Response:** Statements in the DEIS regarding proposed capacity expansions at private transfer stations in the Bronx or the lack of need for same apply as of the time the DEIS was published. Section 2.2.8.2 of the DEIS correctly describes the capacity of the Harlem River Yard Truck to Rail Transfer Station as 4,000 tpd and notes that the August 2003 EAS prepared to support the 1,000 tpd expansion was approved.

**121. Comment:** Several comments indicated that Waste Management will have control over a significant portion of the waste in New York City, but there are problems with odors and insufficient rail capacity at the Harlem River Yards. This facility should have better environmental controls before receiving a contract for DSNY waste. Additionally, the

company has a history of abuse and discrimination within the Bronx, exposing workers to dangerous working conditions and paying lower salaries than in other communities.

**Response:** DSNY intends to have diversity among the contractors providing long term export services. The Harlem River Yard Transfer Station uses an odor control system that introduces a misting agent containing a deodorant around the exhaust fans of the processing building, and, at times, applies deodorant near the openings (i.e. doorways). DSNY is not aware of any current odor problems at the Harlem River Yard Transfer Station. If there are complaints, they should be brought to the attention of DSNY's Permit and Inspection Unit.

- 122. Comment:** There should be host community benefits for CD1 since all of the Bronx waste will be sent there. A local neighborhood advisory council should be established to monitor operation of the facilities.

**Response:** DSNY is willing to work with a local advisory council on matters related to its waste export activity and enforcement activities in the Bronx CD1. A community benefit fund was created by Waste Management in connection with receiving approvals for the Harlem River Yard facility currently used for interim export.

- 123. Comment:** The Waste Management and Allied properties take up much of the waterfront area. DSNY should pressure these companies to provide community access and resources to the waterfront in space that is not utilized for the facility. The area needs more waterfront access and parks.

**Response:** This matter is beyond the scope of DSNY's authority.

- 124. Comment:** The most important issues for the Bronx are borough self-sufficiency, closure of the land-based stations and the reduction of excess permitted waste capacity in Bronx CD1. There are a total of 15 transfer stations in the Hunts Point area, and these facilities have degraded the area. The total putrescible capacity must be reduced. New facilities should not open until there is a plan for closing the land-based transfer stations in the neighborhood.

**Response:** The Long Term Export Proposed Action for DSNY-managed Bronx Waste involves neither any expansion of waste transfer capacity in the Bronx above existing permitted levels, nor the transfer of DSNY-managed Waste generated in other boroughs through Bronx transfer stations. The Recycling Proposed Action—development of a Recyclables Acceptance Facility at the Gansevoort peninsula in Manhattan—would result in a reduction DSNY Recyclables now trucked into the Bronx. DSNY is committed to reducing permitted putrescible capacity in the communities with the greatest number of transfer stations once the Converted MTSs open. DSNY will work with the industry, the City Council and community groups to achieve this reduction in capacity. As part of this effort DSNY will work with the Council on legislation that will clarify DSNY’s authority to reduce permitted capacity at transfer stations.

- 125. Comment:** The South Bronx is willing to accept the waste that the borough creates if standards of operation are dramatically improved to ensure safety and well being of surrounding neighborhoods, including the workers at the facilities.

**Response:** The issue of enforcement of worker safety regulations is appropriately addressed through the state and federal agencies that have enforcement responsibility in this area, such as the federal Occupational Health and Safety Administration.

- 126. Comment:** Several speakers voiced support for the export of Manhattan’s commercial waste from the proposed West 59<sup>th</sup> Street Station to reduce the impact of commercial waste transfer in the Bronx.

**Response:** Comment noted.

- 127. Comment:** There should be a barge option in addition to a rail option for the Bronx. The exclusive reliance on rail for export will be problematic. Any industrial user will attest to the undependable nature of the rail system for moving goods, particularly along the East of Hudson lines.

**Response:** The existing rail infrastructure in the Bronx is more than adequate for export of Bronx Waste. A barge option is not required. Although presented in the DEIS as an Alternative, development of a Converted South Bronx MTS would entail a significant

capital expenditure of City funds and would add more waste transfer capacity in the Bronx, which many Bronx CD1 residents oppose.

- 128. Comment:** The depth of the analyses provided in the DEIS is insufficient. References are made to previous studies in 1994, 1997 and 2000, but there are no updated analyses of the impacts that the existing system has on the community. Significant local projects such as the South Bronx Greenway are not addressed. The analysis in the DEIS for the 132<sup>nd</sup> Street facility depends on an old analysis that is not included with the document. It does not address the infrastructure needs at Oak Point to support increasing export by rail, and does not discuss the impacts of the dray route traveling through residential areas. There also needs to be a contingency plan if there are problems with the rail line.

**Response:** See response to Comment #111 for an explanation of the level of environmental review that is required for both transfer stations.

Oak Point is an existing permitted facility owned by CSX. When Waste Management owned the East 132<sup>nd</sup> Street Transfer Station, containers were drayed to Oak Point for export by rail. Although some track improvements at Oak Point may be required, these are not subject to environmental review or permitting. The traffic, air quality, and impacts of draying containers from East 132<sup>nd</sup> Street to Oak Point were evaluated in the DEIS and this FEIS and no potentially unmitigable significant adverse impacts were found. The permit issued by NYSDEC for export by rail from East 132<sup>nd</sup> Street has a contingency plan to address interruptions in rail service. These are anticipated to be infrequent and can be addressed by exporting by transfer trailer over a few days until rail service would be restored.

The proposed Bronx River Greenway will be an 8-mile bicycle/pedestrian waterfront linear park beginning in the south near Lafayette Avenue in Hunts Point. At its southern terminus, it is approximately 1 3/4 miles from the evaluated East 132<sup>nd</sup> Street site and slightly further from the Harlem River Yard site; therefore, is far outside the study areas (1/2 mile radius) for both sites. It is approximately 1 mile northeast of the South Bronx

MTS site, and is described in the Open Space analysis: Section 19.5.2 (Future No-Build Conditions).

- 129. Comment:** Waste facilities not regulated by DSNY were not included in the DEIS for the South Bronx. For example, the sludge processing plant and the sludge dewatering facility are not included.

**Response:** The New York City Department of Environmental Protection (NYCDEP) owns and operates the water pollution control plants in the City – including the Hunts Point Water Pollution Control Plant. The New York Organic Fertilizer Company (NYOFCo) sludge pelletization facility located in Oak Point is privately owned and operated. DSNY does not regulate these types of facilities; they are subject to regulations by NYSDEC and others. These are not solid waste facilities. Biosolids management is discussed in Attachment V of the Draft New SWMP.

- 130. Comment:** The DEIS concludes that by changing the traffic signals at 138<sup>th</sup> Street and Bruckner Boulevard, the impact of transporting the waste from the entire borough of the Bronx will be mitigated. Many more controls are needed. There needs to be an analysis of the impacts of PM<sub>2.5</sub> and H<sub>2</sub>S. The facility must demonstrate impacts below 1 ppb for H<sub>2</sub>S, one-hour average maximum impact at sensitive thresholds, and 10 ppb/ hour ambient air. For PM<sub>2.5</sub>, the analysis must include all vehicular emissions, and have a maximum annual impact of 0.3 µg/m<sup>3</sup>, or a maximum 24-hour impact of 5 µg/m<sup>3</sup>. Alternative particulate/dust migration controls must be installed.

**Response:** As discussed in the DEIS and this FEIS, the East 132<sup>nd</sup> Street Transfer Station is an existing, permitted facility, capable of processing 2,999 tpd of putrescible waste, which is greater than the amount generated in the Bronx wasteshed. The facility will require a minor permit modification to add an outdoor container lidding operation a short distance away from the processing building where the containers will be loaded. This container lidding operation will not add emissions-generating equipment. In addition, CEQR generally refers to odor analyses and thresholds pertaining to hydrogen sulfide (H<sub>2</sub>S) which is applicable to City Water Pollution Control Plants, but not solid waste operations. The methodology for analyzing odors from the transfer stations, when

applicable, is described in Section 3.18 of the DEIS and this FEIS. No additional on-site air quality or odor analysis is required.

#### *40.3.2.2 Brooklyn*

##### *40.3.2.2.1 Greenpoint, Brooklyn*

**131. Comment:** A number of speakers stated that it would be unacceptable for both of the Greenpoint alternatives (Scott Avenue and Scott/Scholes) to remain open for processing waste, especially if a capacity expansion is required; the impact on the community would be too great. Some people were confused about the status of the Greenpoint MTS, and its relationship to the two alternatives. They were willing to handle their fair share of waste, but did not want additional capacity to be made available. They wanted any capacity expansion to be accompanied by an offset of throughput in the same community district. They were willing to accept one alternative, but not two.

**Response:** The Proposed Action to contract for export from more than one existing transfer station facility in Brooklyn CD 1 would have the benefits of: (i) transporting all DSNY waste from the former Greenpoint- Brooklyn wasteshed by rail or barge; and (ii) per the requirements of DSNY's RFP for export services, transporting all waste processed at either facility by barge or rail. Furthermore, DSNY may contract with more than one facility because this would: (i) maintain a competitive market for export of DSNY waste; (ii) provide the potential redundancy in the export facilities serving the former Greenpoint-Brooklyn CD1 wasteshed; and (iii) require the companies that enter into contracts with DSNY to export all waste received at their respective facilities by barge or rail, and thereby increase the quantity of waste exported by means of rail or barge and decrease transfer trailer truck trips from Brooklyn CD 1.

The Greenpoint Converted MTS is an Alternative that was evaluated, but is not an element of the Proposed Action. After the New SWMP has been approved and export contracts with one or more private transfer stations in Brooklyn have been implemented, including completion of any required supplemental environmental reviews and issuance of required permits, DSNY will consider reuse alternatives for the Greenpoint MTS site.

**132. Comment:** A number of speakers commented on the high volume of traffic in the neighborhood, which has created a major problem, especially on Metropolitan Avenue. There were complaints of the existing conditions of the roads, which have been worsened by heavy truck traffic. If either of the two proposed facilities are chosen, there would need to be clear mitigation measures, such as designated off ramps or truck routes, so that trucks could go straight to the sites without impacting on the residential streets. Suggestions were made for possibly widening the ramps or providing new exits or entrances to the East Williamsburg Industrial Park, to minimize impacts to the community. It was requested that an additional traffic survey be undertaken. Waste vehicle regulations should be strengthened, so that trucks are kept covered, and don't deviate from designated truck routes.

**Response:** As noted in the Draft New SWMP, DSNY is committed to reducing the impacts on those communities that are along truck routes leading to transfer stations by evaluating alternate routing options. DSNY will work with the New York City Department of Transportation (NYCDOT) and community advisory groups on the conduct of a traffic analysis to study the feasibility of redirecting truck routes leading to transfer stations with the objective of minimizing traffic-related impacts in residential areas to the extent possible.

**133. Comment:** Several speakers urged DSNY to create a Community Advisory Board so that they could work with the community board, elected officials, etc. on local concerns such as truck routes and closure of other existing transfer stations in the neighborhood. The SWMP includes an advisory group to study traffic on Metropolitan Avenue, and similarly they would like a group to effectively monitor implementation of the new SWMP. There requested continued community involvement, through the construction phase and into operations.

**Response:** Brooklyn Community Board #7 and #11 raised this issue in the ULURP application review process. DSNY has indicated in its written responses that it will work with community advisory groups. DSNY has agreed that DSNY representatives will attend periodic meetings and will address issues raised by the community.



**134. Comment:** Several speakers stated that they were opposed to the opening of any private marine or rail-based transfer station in Community District 1. They wanted a reduction of land-based facilities in CD#1, especially since CD#1 houses other burdens, like the Newtown Creek wastewater treatment plant. They wanted the new facilities to open in other areas of the City. The SWMP must address the concentration of waste transfer stations in Williamsburg, and Greenpoint as well as in the South Bronx. The concentration of these facilities has created negative environmental impacts.

**Response:** DSNY is committed to reducing permitted putrescible capacity in the communities with the greatest concentration of transfer stations including Brooklyn CD#1, once the New SWMP has been approved and the Converted MTSs are under construction. DSNY will work with the industry, the Council and community groups to achieve this reduction in capacity. As part of its efforts, DSNY will work with the Council on legislation that will clarify DSNY's authority to reduce permitted capacity at transfer stations.

**135. Comment:** Several speakers spoke about how Brooklyn has been shouldering the burden of the City's waste transfer stations for years, and the Greenpoint/Williamsburg area has been the most significantly impacted, handling over 40 percent of the City's waste. They wanted reassurance that Manhattan transfer stations (West 59<sup>th</sup> Street and East 91<sup>st</sup> Street) would open, and that Manhattan waste does not come to Brooklyn.

**Response:** DSNY has proposed developing a Converted MTS at the existing East 91<sup>st</sup> Street MTS Site. The next steps in implementing this Proposed Action are approval of DSNY's Uniform Land Use Review Applications for the four Converted MTSs and City Council adoption of the New SWMP. DSNY has met with waste companies and haulers to discuss their use of the West 59<sup>th</sup> Street MTS as a transfer point for Manhattan commercial waste. These discussions will continue later this month and DSNY expects to issue a procurement in the near future to solicit proposals from the waste industry.

**136. Comment:** Several speakers wanted the excess capacity at the MTSs in Brooklyn to be utilized for commercial waste, so that no new land-based facilities would be needed. They wanted the City to utilize various incentives to coax the private haulers to utilize

these facilities. They wanted the MTSs to be opened first, prior to the opening of any private alternatives, to reduce commercial waste processed in CD1.

**Response:** The Proposed Action provides for containerization and transfer of limited quantities of Commercial Waste from the Converted MTSs at Southwest Brooklyn and Hamilton Avenue. Converting the Greenpoint MTS to containerize Commercial Waste for export would involve a substantial capital investment and, all other things being equal would actually increase the total waste transfer capacity in Brooklyn CD 1. DSNY believes that its proposal to contract with existing already permitted private transfer stations in Brooklyn CD 1 for export of DSNY-managed Waste and requirement that all waste, including commercial waste received at these facilities be exported by barge or rail would better serve the community.

- 137. Comment:** There was concern that neighborhood projects were not accounted for in the DEIS analyses. For example, the rezoning of Greenpoint/ Williamsburg will result in population and traffic impacts. There will be additional impacts from the Kosciusko Bridge Project and the Cross Harbor Project, which proposes the construction of a new bridge over Newtown Creek, and indicates there will be major truck impacts in the community.

**Response:** The impact analysis considers other projects and proposals within the project study area (properties within 1/2 mile of the site) that would be completed or in effect by the DSNY build year of 2006. These future No- Action Projects are listed in Section 20.2.2 and shown on Figure 20.2-4. The Kosciusko Bridge is located outside the study area about 1 mile southeast of the site and the proposed rezoning of Greenpoint Williamsburg will affect the western side of the peninsula, away from the industrial Newtown Creek vicinity. At its closest, the proposed mixed use (industrial/residential area) west of McGinnis Boulevard, is about 2000 feet away from the Greenpoint MTS. The build years for the Cross-Harbor Project (as described in the Cross-Harbor Freight Movement DEIS, April 2004) identifies 2010 and 2025 as its analysis years, (beyond the DSNY build year of 2006); therefore, the Cross-Harbor Freight Movement EIS must take into consideration DSNY's plans, as appropriate.

**138. Comment:** Brooklyn CD1 handles about 45% of the City's waste, has 16 transfer stations, two DSNY garages, and this overburden on the community results in serious health concerns. How can the DEIS say that there are no negative health concerns from all of these facilities? The EIS needs to examine existing toxin levels, odors, asthma rates, and the number of trucks on neighborhood streets. The EIS also needs to look for ways to mitigate the impacts of the solid waste system including redistribution of transfer stations, as envisioned in the SWMP.

**Response:** The air quality, traffic and public health analyses in the EIS take into account the existing conditions, which are already affected by the garages and transfer stations mentioned by the commenter and their associated emissions and traffic. Background air quality monitoring data is obtained from those monitoring stations nearest to the study area, as required under CEQR and provided by the NYCDEP which are: (1) MTA at Flatbush Avenue between Tillary Street and Johnson Avenue for CO; (2) the College Point Post Office for NO<sub>2</sub>; and (3) Greenpoint (for PM<sub>10</sub> and SO<sub>2</sub>). Despite these multiple facilities, air quality is not markedly different in this area of Brooklyn than in other parts of New York City. The estimated emissions from the proposed facility are added to background for comparison to NAAQs. For the traffic analysis, traffic counts were obtained in the study area in February of 2003 that represent Existing Conditions for the analysis. Existing background traffic data was escalated for background growth using NYCDOT-approved escalation factors, and traffic from any known future developments in the Study Area, determined in consultation with NYCDCP, was added to determine future conditions without the project. DSNY collection vehicles were added to the Future No-Build Conditions to determine potential impacts considering the projected Future Build Conditions.

**139. Comment:** Several speakers had questions concerning the reduction of waste in this community. How would the City be able to bring about the closure of privately-owned businesses? What businesses would the transfer stations be replaced with? What is the timetable for facility closures?

**Response:** See response to Comment #134

**140. Comment:** A number of people spoke about how health issues are important, in this neighborhood where asthma rates are increasing. They wanted an analysis of the impacts of PM<sub>2.5</sub> and H<sub>2</sub>S separate from what NYS DEC requires in the air permits. The PM<sub>2.5</sub> analysis must include all vehicular emissions, on-site equipment and truck idling.

**Response:** The air quality analysis conducted for the DEIS and this FEIS already includes a complete analysis of PM<sub>2.5</sub> impacts, accounting for emissions from waste collection vehicles moving and idling on-site, on-site equipment, including truck and other engine emissions exhausted through building roof vents, and tugboats. Also, off-site PM<sub>2.5</sub> impacts were analyzed for waste collection vehicle emissions near affected intersections. With respect to H<sub>2</sub>S, the 2000 Solid Waste Management Plan Modification EIS included results from H<sub>2</sub>S monitoring performed near older MTS facilities. This monitoring showed that H<sub>2</sub>S concentrations were negligible in comparison to thresholds set to protect human health. Because the new MTS facilities would utilize state-of-art emissions controls and operating procedures, any H<sub>2</sub>S emissions would be even lower than for the older MTS facilities.

**141. Comment:** Speakers were concerned with the operation of private waste transfer stations, and wanted putrescible, C&D and clean fill transfer stations to be required to install particulate matter and dust control systems. They wanted the facilities to be enclosed, with particulate matter filtered through a baghouse or other device, and activated carbon filtration used to filter out odors. Odor neutralizing systems, unless they remove hazardous substances should not be used, since they may add to breathing problems. Community monitoring of particulate matter should be undertaken.

**Response:** DSNY is revising its Transfer Station rules to require changes to private putrescible, non-putrescible (C&D), and fill material transfer stations in the City. The goal of these design and operational changes is to improve conditions at and near the private transfer stations. Some of DSNY's requirements include odor neutralizing systems and negative air pressure to prevent the escape of untreated air from putrescible waste transfer stations, and use of dust suppression systems and air emission limits for C&D and fill material transfer stations.

**142. Comment:** Speakers were concerned with the queuing of trucks in the community and requested that DSNY stagger deliveries of waste to alleviate queuing. They also thought it would alleviate workplace accidents, help to keep the facility clean, and minimize air quality impacts. A staggered schedule would be the largest contribution to a smoothly operating facility.

**Response:** DSNY evaluation of proposals from private companies for Long Term Export services from Brooklyn CD 1 included an assessment of the adequacy of the proposer's plans to limit off-street queuing. DSNY will require that contracts with the selected companies include provisions to ensure compliance with this requirement.

**143. Comment:** Questions were raised about the dredging of Newtown Creek. Would Waste Management need to dredge for their barging operation, how long would that take, and how do the NYSDEC and USACE feel about dredging? Would there be health implications from airborne bacteria and VOCs from dredging? Where would this dredged material be stored? What are the impacts of dredging?

**Response:** Any required dredging to provide a bulkhead with sufficient water depth to moor barges at any proposed waste barging facility on Newtown Creek would be the subject of an Article 15/25 permit Application to NYSDEC and a Section 10/404 Permit application to the USACE. The permit applications would be required to include information on the results of sampling and testing of the materials to be dredged and on the proposed arrangements on disposition of these materials. NYSDEC and the USACE would review these applications in terms of compliance with applicable regulations.

**144. Comment:** If the BFI site (Scott/Scholes) is selected, and utilizes CSX Rail Transport, how would DSNY minimize congestion in the Harlem River Rail Yards?

**Response:** Rail service to the site would be provided by New York & Atlantic (NYA) Railroad, the shortline rail freight carrier that services the Bushwick line, passing by the site. NYA would turn over cars to CSX at the Fresh Pond Yard in Queens. CSX would move cars to the Oak Point in the Bronx, where the train would reverse direction to leave the Bronx on the Hudson North line. The train would be dispatched through the Harlem

River Yard using the Oak Point Connector but would not be delayed by train assembly in Harlem River Yard.

- 145. Comment:** What is the contingency transportation plan for each alternative? Where can waste be stored in case there is a train strike, or other problem with the movement of waste? A better contingency plan is needed.

**Response:** The contingency plan for the Converted MTSs is described in the Part 360 Permit. Additionally, Section 40.3.5 of this FEIS contains a Transfer, Transport and Disposal Plan that describes the intermodal and rail facilities in the New York harbor region that would support export operations from these facilities, as well as, barge export operations for those private transfer stations included in the Proposed Action that elect to use this option. Those private transfer stations included in the Proposed Action that use a rail export option would rely upon existing rail facilities in the Bronx Brooklyn and Queens that have the capacity to provide the required service. Short term disruptions in service can be managed by the redundancy in the overall system and short term storage of containerized waste until service recommences.

- 146. Comment:** There is concern that any waste transfer facility be well maintained. The floor should be washed, and there should be an automated on-site decontamination system to remove dust, residue and odors from trucks. A log must be kept confirming each truck goes through the system. The facility should operate its own street cleaner to clean up any debris within a 10-block radius of the plant, twice per day.

**Response:** All of these requirements, but for street sweeping, which is a DSNY activity, are addressed in the draft Part 360 Permit application submitted by DSNY to NYSDEC, which is available for review in the Public Repositories located in the Sunset Park Library, and the New Utrecht Public Library as well as the CB7 and CB11 offices.

- 147. Comment:** A number of people raised issues with the private waste transfer stations in the community, particularly with respect to odors. A resident on White Street complains that they can't even open their windows because of odors. Additional waste will only

exacerbate the problem. More effective odor controls should be utilized. Misters are not acceptable; carbon filtration would be more reliable.

**Response:** The private transfer stations in the Bronx, Brooklyn and Queens that are proposed to handle DSNY-managed waste will be required to have odor neutralizing systems and negative air pressure to prevent the escape of untreated air. This type of odor control system is included in the Staten Island Transfer Station that will be completed in 2005, and is in use at large transfer stations located in Puente Hills, California ( a 4000 tpd facility) and Brevard County, Florida (a 1500 tpd facility). Odors from waste hauling vehicles operating/idling on the access ramps and within the processing building are included in the DEIS and this FEIS analysis.

**148. Comment:** There was concern expressed about the current operation of the Scott/Scholes site. Speakers requested that the facility be improved, and DSNY must ensure that the facility is state-of-the-art.

**Response:** The proposal by Allied for export from this site proposes a major redesign of the existing separated facilities into a functionally integrated complex. The proposed facility is subject to both NYSDEC Part 360 regulations that govern a solid waste management facility and DSNY permitting rules and regulations.

**149. Comment:** Some speakers wanted assurances that the existing Greenpoint MTS not be put into operation or be expanded. It is near the largest sewage treatment facility in the City, and the surrounding community could not handle both facilities. DSNY should work with the community to address what will replace the existing facility.

**Response:** See Response to Comment #131.

**150. Comment:** The noise from all the traffic in the community affects the children in the schools near the truck routes. Some schools have children in trailers in the front of schoolyards, so they are even closer to the traffic than what was analyzed. These impacts should be examined in the FEIS.

**Response:** The school referred to is presumed to be PS 132, located at 320 Manhattan Avenue in Greenpoint. DSNY collection vehicles would not travel along Manhattan

Avenue to and from the Greenpoint MTS site, therefore, no off-site traffic, air quality or noise analyses were conducted.

- 151. Comment:** This area is an old industrial area, with much nonconforming zoning, specifically on Grattan Street, Thames Street, Seigal Street, and White Street, where impacts from the private facilities are terrible.

**Response:** Land Uses (including nonconforming uses) were considered in the environmental analyses conducted as part of the EIS. The streets listed (Thames, Grattan, Seigal, and White Streets) are at the edge of (or beyond) the 1/2 mile land use study areas evaluated for the Scott/Scholes and Meserole St. sites (which are currently active waste transfer facilities). (The Greenpoint MTS is approximately two miles to the northwest.) The various EIS studies determined that on-site operations of these potential transfer facilities and projected traffic conditions related to facility truck activity were found to have no significant adverse environmental impacts and would be compatible with the active industrial land uses that exist in the vicinity today.

- 152. Comment:** A number of speakers raised the issue of asthma, and the high level of diesel emissions. Asthma rates in this neighborhood are significantly higher than elsewhere in the City, with one out of four children in the neighborhood having asthma. It's the number one reason children go to the emergency room. Almost 25 percent of the asthma deaths in the United States occur in Brooklyn. The diesel particulate emissions are a very powerful trigger for asthmatics; this neighborhood should not have to put up with this level of emissions. Truck traffic needs to decrease.

**Response:** Asthma among children is indeed an urgent public health problem, in Greenpoint as well as other areas of the City, but the information cited by the commenter regarding the Greenpoint area is at odds with asthma data provided by the New York City Department of Health and Mental Hygiene and presented in the Public Health Evaluation. Those data indicate that asthma among children and adults in the Greenpoint neighborhood is somewhat less frequent than in the City as a whole. It is certainly not the case that "almost 25 percent of the asthma deaths in the United States occur in Brooklyn." The Public Health Evaluation examines the role of diesel engine exhaust as



one of many factors that may cause asthma attacks. The expected increases in particulate matter (PM) due to the project and traffic, do not exceed the acceptable levels set or proposed by the City or State of New York. New national regulations regarding diesel fuel and diesel engines will, it is expected, reduce particulate and gaseous emissions in the future.

- 153. Comment:** The SWMP states that waste from Scott Avenue will transfer garbage containers to ocean going barges at Red Hook. Ocean going barges require significantly more tonnage than would be supplied by this facility. How would this be feasible?

**Response:** Use of Red Hood to receive containerized waste is not contemplated as part of the Proposed Action.

*40.3.2.2.2 Hamilton Avenue Converted MTS*

- 154. Comment:** A number of people were concerned about what would happen if all of the facilities in the SWMP did not get implemented. Specifically, there was concern about where Manhattan's waste would go if the East 91<sup>st</sup> Street MTS were not implemented and questions about if it would be trucked to Brooklyn or go to New Jersey? A number of people were willing to support the Brooklyn facilities, but only if the Manhattan facilities opened and if there was a reduction in truck-based facilities.

**Response:** If a New SWMP were not adopted by the City Council and approved by NYSDEC, DSNY would remain dependent on Interim Export. Interim Export contracts are awarded for a three-year term with two 1-year renewal options and are rebid as required. It has been DSNY's practice under Interim Export to not send waste generated in one borough to another borough for transfer to disposal facilities. Five putrescible waste transfer stations in Brooklyn — Waste Management at 485 Scott Avenue, Waste Management at 123 Varick Street, IESI at 110 50<sup>th</sup> Street, IESI at 577 Court Street, and BFI Waste Services at 598-636 Scholes — receive Brooklyn Waste as the result of an Interim Export contract rebid in November of 2003, while DSNY delivers some Brooklyn waste directly to three other facilities in New Jersey. Manhattan's Interim Export contract was rebid in November 2004. Under it, Manhattan Waste is delivered in

DSNY collection vehicles to facilities in New Jersey. While DSNY does not have blanket legal authority to close existing permitted transfer stations unless substantial violations of DSNY Rules are committed, it is seeking to clarify its authority to limit permitted capacity in specific communities in which transfer stations are relatively concentrated.. The issue of how to mitigate the impacts of waste transfer operations in neighborhoods of the City where such facilities are relatively concentrated will be tackled by DSNY after the SWMP is approved and the Converted MTSs are under construction. DSNY will work with the industry, neighborhood advisory councils and the City Council in this effort.

- 155. Comment:** A number of speakers commented on the 65<sup>th</sup> Street Intermodal facility and requested more details concerning the use of the site. There were complaints that, at the present time, trains with waste protruding from the containers line up on 5<sup>th</sup> Avenue and 65<sup>th</sup> Street. Questions included: whose waste is it, where does it come from, and will this practice be continued under the plan? What types of waste will be in the containers at the site? How many trains and barges will be needed in a day? Is there any potential for the site to be a source of truck traffic? What happens if the trains are not moving due to bad weather conditions? How long will the trains be sitting under the apartment building that straddles the site? What assurances will be provided that all waste will be in sealed containers? How would the containers be moved off the barges given that there are no cranes at the site?

**Response:** At the Community Board #7 Hearing on the Hamilton Avenue Converted MTS ULURP application, DSNY made a commitment to not use the 65<sup>th</sup> Street railyard for intermodal transfer/transport operations to support the Long Term Export Program. See Section 40.3.3.2 of this Chapter for DSNY's formal response to Community Board #7 on this issue.

- 156. Comment:** Why is there no need to undertake an environmental study for the 65<sup>th</sup> Street Intermodal Yard or for the 52<sup>nd</sup> Street Barge staging area? Both of these facilities are support facilities, but it is not clear if they are part of the proposed action or alternative actions. The intermodal yard sits right near the waterway adjacent to residential housing

and could be a source of environmental impacts. What is the impact of all of the rail traffic on the structural stability of the Bay Ridge Coop building? How can the community be assured that there will not be odors or loud noises in the nighttime? There is concern with the transport of propane and other chemicals on these rail lines. Mitigation strategies should be identified in the final EIS.

**Response:** Regarding the 65<sup>th</sup> Street Intermodal Yard, see response to Comment #155). Regarding the 52<sup>nd</sup> Street Barge Staging Area, based on the Draft New SWMP and the procurement in progress for transport and disposal services to support the MTS Containerization Program, DSNY does not currently anticipate a need to use this facility. Should that change, Article 15/25 and Section 10/404 permits for a replacement-in-kind of the existing pier would be required and any additional environmental review required to support that permitting action would result in a supplemental environmental review.

**157. Comment:** Several speakers wanted to know the details about the 52<sup>nd</sup> Street barge staging area, and if it would generate any truck traffic. They wanted to know why the pier is 500 feet long and 60 feet wide, and asked if the reason was so that trucks could turn around.

**Response:** See response to Comment # 156. Use of the 52<sup>nd</sup> Street barge staging area is not contemplated.

**158. Comment:** Why does the Sunset Park area get all of the barges when, for instance, Arthur Kill could be handling some?

**Response:** See Response to Comment #155 and #156.

**159. Comment:** A number of people commented on the planned Hugo Neu facility, saying that this firm's other facilities in the City are not well maintained, so dirt and vermin will be issues. Specific questions included: What assurances can be made that the operation in Brooklyn will be clean? How will this maintenance be enforced? When will the facility be open? Comments made were that the facility should be fully enclosed and the barges covered, preferably the Waste should be containerized, and floatables needed to be controlled.

**Response:** The environmental review of the Hugo Neu facility is specifically limited because the details of its design are not complete. The processing of recyclables at this facility is subject to a Part 360 registration procedure by NYSDEC. This facility will also require Article 15/25 permits from NYSDEC and Section 10/404 permits from the USACE for in-water construction. The permitting actions will be subject to a supplemental environmental review.

- 160. Comment:** There were questions about the conflicting number of trucks going to the Hugo Neu facility and the impacts resulting from this traffic. Commenters were not sure if Manhattan recyclables will be trucked to Hugo Neu, or if only specific CDs in Brooklyn would truck their waste to the facility. Why is a truck weighing station required? It was suggested that two-thirds of Brooklyn recyclables be delivered by barge. Although the community was told that only 25 trucks would be coming to the facility, that number seems too low. The EIS should propose more extensive mitigation strategies for traffic at the Hugo Neu facility.

**Response:** Manhattan recyclables will not be trucked to the Hugo Neu facility. Only Brooklyn Community Districts 9, 14, and 15 will deliver recyclables to the facility via collection trucks. Manhattan Recyclables will continue to be delivered to the facilities that currently process them until a Manhattan Recyclables Acceptance facility is developed. It is estimated that 25 collection vehicles would deliver Recyclables to the proposed Hugo Neu facility at the SBMT from the districts in Brooklyn. Because the trip generation was sufficiently low during peak facility hours, no further traffic analysis was warranted. All recyclable materials received from collection facilities in Manhattan, Brooklyn and the Bronx will be via barge. Thus there would not be any additional collection vehicles from accepting materials from other areas of the City.

- 161. Comment:** What will happen with the 20 percent of materials going to Hugo Neu, that can't be recycled and would be considered residue?

**Response:** It is DSNY's expectation that the terms of the 20-year agreement with Hugo Neu for development of the Material Processing facility at SBMT will provide incentives to the company to significantly reduce the historic rates for process residuals that must be

disposed of. It is the company's responsibility to dispose of any materials that cannot be recovered.

**162. Comment:** There was concern about truck traffic along Hamilton Avenue, the elevated highway, and Third Avenue because even though the footprint for the Hamilton Avenue Converted MTS facility is small, the facility services a large watershed so numerous trucks are anticipated. Specific questions and comments included: What are the plans for trucks queuing on Hamilton Avenue? Queuing will result in air, noise and traffic problems. How can the community be reassured that trucks will not deviate from designated truck routes? Because truck traffic is such a concern, water-based transport must be used wherever possible.

**Response:** No collection vehicles will queue on Hamilton Avenue. The Hamilton Avenue Converted MTS is designed with the following features:

- Six tipping bays;
- On-floor waste storage capacity of 634 tons;
- An automated scale system that can complete a weigh-in/weigh-out transaction in 30 seconds; and
- Queuing space to accommodate 10 trucks on the ramp.

Taken together, these features provide the facility with the capability to process 36 collection vehicles per hour with an average truck turnaround time of 10 minutes per vehicle. The maximum peak hour truck arrival rate at the Hamilton Avenue Converted MTS is anticipated to be 29 vehicles per hour on the average peak day. Given the truck turnaround time and the on-ramp queuing space, there will be no on-street queuing of collection vehicles. Under normal operating conditions, no DSNY collection vehicles will use the elevated highway to access the MTS. DSNY will reduce the number of waste related vehicles on City streets by exporting waste via barge, thus eliminating the use of transfer trailers to move waste generated in this area out of the City.

**163. Comment:** A number of people were concerned with the size of the Hamilton Avenue Converted MTS compared to other planned MTSs, the fact that it will service 10 CDs in Brooklyn, and its hours of operation. How will DSNY be able to restrict the number of commercial waste trucks coming to the facility during a certain hour? The facility will

end up taking commercial waste trucks from every borough and all of the impacts must be assessed and mitigated.

**Response:** One of the basic policies underpinning the Draft New SWMP is to develop all four of the Converted MTSs to serve the same wastesheds as the facilities they replace. Each of the MTSs, assuming they containerize commercial waste, would operate 24 hours per day. The restriction limiting commercial carter access to the 8:00 p.m. to 8:00 a.m. period is consistent with the collection practices of commercial carters who pick up during nighttime hours. DSNY is proposing maximum hourly limits for commercial carter vehicles tipping at the Converted MTS. The arrangements for implementing this program will include means of enforcing this limitation.

**164. Comment:** There was concern that the four facilities proposed for Community District 7the Hamilton Avenue Converted MTS, Hugo Neu recycling facility, 65<sup>th</sup> Street Intermodal Yard, and 52<sup>nd</sup> Street Barge Staging area represented an overburden to the community. Specific questions and comments included: Has the DEIS addressed the cumulative impacts from all of these facilities located in one neighborhood? No other communities are getting four facilities and, in addition, we are housing DSNY's garage for CD7 and CD10l. Other areas of Brooklyn should be taking some of these facilities, such as the Navy Yard or Bushwick, where the areas aren't residential.

**Response:** See Responses to Comment #155 and #156.

**165. Comment:** A few people claimed that they could not review the documents because they did not receive the entire SWMP or the appendices. They complained that they did not receive a copy of the ULURP application.

**Response:** In addition to being available on request and on the DSNY web site, the entire SWMP and Appendices were made available for public review in hard copy form at two public repositories in each affected community, including in the Brooklyn Community Board #7 Office at 4201 4<sup>th</sup> Avenue, and the Sunset Park Library at 5108 4<sup>th</sup> Avenue at 51<sup>st</sup> Street. ULURP hearing notices were issued by the affected Community Boards; DSNY also sent out notices of the ULURP hearings at the

community board level to stakeholders and published display ads in local newspapers to advertise those hearings.

- 166. Comment:** The DEIS neglected to discuss a number of neighborhood projects, such as the Gowanus redecking project, cruise ship terminal in Red Hook and reconstruction of the drawbridge at Hamilton Avenue in 2008; and the decade of reconstruction of the Gowanus Expressway. How will the trucks get to the facility during the construction phase for the drawbridge? The EIS failed to develop a plan for the closure of land-based transfer stations, such as the ones on 50<sup>th</sup> Street and Court Street. There need to be guarantees with respect to tonnage offsets within the community.

**Response:** The DEIS and this FEIS accounts for developments within the study area that could potentially have overlapping effects upon the community. The Gowanus redecking will start in 2007, one year after the 2006 build year, so it is not considered as a background condition in the No-Build scenario. The Red Hook Cruise Ship Terminal is more than 1.5 miles away, which is outside of the project study area radius. The reconstruction of Hamilton Avenue drawbridge will begin in 2008, which is after the 2006 build year. Whatever long-term or even interim alternative is selected for reconstruction of the Gowanus Expressway, it will not be constructed by 2006. Regarding tonnage offsets for the Hamilton Avenue Converted MTS, it is replacing an existing facility with a permit to process 4,800 tpd that is still in effect. Regarding closure of other private transfer stations in Community Board #7, see the response to Comment # 154.

- 167. Comment:** The proposed community development project 197A to revitalize the Sunset Park waterfront does not envision garbage barges on the water. The MTS conflicts with the plan. While the waterfront park is being constructed there will be even more traffic in the area, and all of this traffic was not analyzed in the EIS.

**Response:** According to the DCP, no 197A plan for Sunset Park/CB7 has been adopted by the City planning Commission and the City Council; no draft of such a plan has been submitted to the DCP for review as of February 2005. DCP notes that Community Board 7 has been working for several years on a plan to guide development of the CB7

waterfront; DCP does not have information, however, about the Community Board's plans for park development on the waterfront. As stated in section 4.12 of the FEIS, the Sunset Park waterfront is designated as a Significant Maritime and Industrial Area.

**168. Comment:** Brooklyn will be the centerpiece for the City's waste system, with more facilities than any other borough. Residents need certainty that any facilities will operate with the highest degree of environmental controls. The community should receive host community benefits, especially for taking the burden of the recycling facility.

**Response:** The Proposed Action for Long Term Export in the Draft New SWMP would containerize all DSNY-managed Waste generated in Brooklyn at Long Term export facilities in Brooklyn. No DSNY-managed Waste generated outside of Brooklyn would be processed in Brooklyn for export. All Recyclables processed at Hugo Neu, except those from Brooklyn CDs 9, 14 and 15, would be delivered by barge, thereby eliminating any significant adverse local truck traffic impacts. The Hugo Neu facility will generate in-City employment, making local jobs available to City residents, a benefit which would otherwise be realized in New Jersey.

The Hamilton Avenue Converted MTS design includes the following state-of-the-art environmental controls:

- An advanced odor control system;
- A ventilation system exceeding building code standards that maintains negative pressure to prevent the escape of odors to the outside under all conditions; and
- A tipping floor capable of accommodating six trucks, an automated scale system and a ramp with increased structural support – all with the objective of eliminating on-street truck queuing.

Separate from the Proposed Action, the Draft New SWMP identifies several regulatory measures that DSNY is proposing to adopt in its Rules applicable to the operations of private transfer stations that would represent upgrades in the environmental design and operation of these facilities.



**169. Comment:** Water-based transport must be utilized wherever possible to reduce truck traffic for any of the planned facilities.

**Response:** The Draft New SWMP is premised on barge and/or rail export of DSNY-managed Waste. Furthermore, the RFP procurements to solicit proposals for Transfer Transport and Disposal Services for the Bronx, Queens and Brooklyn wastesheds formerly served by the Bronx and Greenpoint MTS require that those private facilities awarded Long Term Export contracts export waste by barge or rail, including all commercial waste processed.

**170. Comment:** Several people commented on the impacts on the waterways, both from dredging and from facility operation. A representative comment is: “Best practices must be utilized in dredging, such as clam shell buckets and silk curtains, and during containerization, to ensure there will be no fugitive debris at the facility.”

**Response:** Chapter 32 of the DEIS has been revised to include a more detailed discussion on dredging procedures that will be implemented at the proposed Converted MTS sites. Each proposed Converted MTS Natural Resources section analyze these potential impacts. In addition, the detailed management of demolition and construction activity at the Converted MTS sites is addressed in applications for Article 15/25 Joint Permits to be submitted to NYSDEC and the USACE. These permit applications are the subject of permit hearings to be conducted by NYSDEC. The impacts from facility operation are discussed in Chapter 4.11 of the DEIS and this FEIS. Refer to response to Comment #176 for additional details on dredging methods.

**171. Comment:** The USEPA or NYCDEP should get involved in monitoring idling vehicles. They should enforce the three-minute idling regulation.

**Response:** DSNY’s Permit and Inspection Unit (PIU) does enforce the three-minute idling restriction. As a practical matter it is a difficult restriction to enforce, however, because trucks queued at a facility move periodically as loads are processed and because drivers of queued trucks will shut off the engines when a PIU inspector appears.

**172. Comment:** The privately-owned facility on Thames Street between Porter and Knickerbocker Avenue is creating a health hazard. The facility is less than 25-feet from a residence where the windows must be kept closed in the summertime due to odors coming from the facility.

**Response:** DSNY has referred this matter to the DSNY Permitting and Inspection Unit, who will coordinate with NYCDEP and any other City agencies sharing enforcement responsibility for this matter.

40.3.2.2.3 Southwest Brooklyn Converted MTS

**173. Comment:** The DEIS severely underestimates the traffic that will be traveling to the facility. A new traffic analysis should be undertaken that includes a realistic worst-case scenario and explores creative mitigation options. Traffic patterns vary considerably throughout the year; a study on Bay Parkway and Shore Road undertaken in December would show different traffic patterns than if it was undertaken in February. We need to know how traffic will affect the neighborhood. The existing traffic on Bay Parkway near Caesar's Bay is intolerable.

**Response:** CEQR identifies specific times of the year and days during the week when typical conditions at study intersections can be observed and counted. Generally, holiday weeks and 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.

The goal of the environmental review is to evaluate whether or not the Proposed Action will cause unmitigable significant environmental impacts, not to change existing conditions that are viewed as a problem. The DEIS and this FEIS found that the addition of this facility would not cause significant adverse impacts in the study area. Also see responses to Comments #192 and #198 below.

**174. Comment:** Because the previous MTS only handled residential waste, adding commercial waste will represent a huge increase in the amount of waste handled, especially since there is only a small amount of commercial waste generated in the area. The DEIS claims that only 828 tpd of commercial waste will be delivered, but this is an unrealistic amount, and where will this commercial waste be coming from? How will the City coax the private carters to utilize the facility?

**Response:** The Proposed Action to process Commercial Waste at the Converted MTSs responds to the requirements for the Commercial Waste Management Study (CWMS) required to be completed by Local Law 74 of 2000. This issue was evaluated in Volume III of the CWMS published in March 2004, and in the New SWMP DEIS and FEIS. The CWMS is included as Appendix I in this FEIS. Based on revisions to the DEIS analyses, and reported in this FEIS, 718 tpd of Commercial Waste, the equivalent of approximately 66 truckloads (conservatively assuming 11 tons per truckload, which is less than what many commercial waste hauling vehicles actually transport), can be processed without causing potential significant adverse impacts at the Southwest Brooklyn Converted MTS by limiting waste deliveries by commercial carters to between the hours of 8:00 p.m. to 8:00 a.m. with specific limits on the number of commercial waste hauling vehicles in 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 Facility Capacity and Design, Comment #1.) Based on processing the Maximum Peak Day limit proposed by DSNY to NYSDEC, Commercial Waste would represent approximately 34% of the total waste processed, with the balance being DSNY-managed Waste from the three Community Districts that constitute the Southwest Brooklyn MTS watershed.

**175. Comment:** The community is very concerned with the environmental impact on the marine environment, especially on the marina adjacent to the MTS. It is critical that

neither the marina nor the marine habitat are negatively impacted by the project. What type of seawall is to be constructed? Will water be able to pass through it?

**Response:** The DEIS includes a Fish Habitat Study conducted over a 12-month period that evaluated marine life at the site of the Southwest Brooklyn MTS. The conclusions of that study were that this MTS supported one of the more biologically productive marine communities. This site is situated on the north shore of Gravesend Bay at the mouth of the estuary and is influenced by Atlantic Ocean water more than the other MTSs.

The Converted MTS will have the same footprint over water and remain in the same location. There will be, however, some minor construction around the existing facility and local dredging, resulting in minor impacts to the marine environment. The existing fender system at SW Brooklyn will be removed and replaced with a new fender system designed for the mooring loads of the deck barges. The existing fender system is a partially submerged timber structure approximately 330 feet long that is comprised of vertical timber piles, timber wales, and timber face sheeting. Construction impacts such as turbidity and siltation will be limited spatially to the immediate area of the transfer station and temporally to the duration of the construction program, approximately 30 months.

Benthic organisms, being immobile (at least in the adult stages), are subject to impacts of construction activities that have the potential to result in temporary disruption. Local dredging of approximately 4,280 cubic yards of material could smother and physically remove the local benthic population. However, benthic communities reestablish themselves quickly after a disturbance. The epibenthic community will experience a temporary negative impact with the removal of the existing fendering system, but will colonize the new fendering system after construction, thereby reversing the impact. Adult finfish impacts are not expected because motile organisms will avoid construction activities that produce less than optimal environmental conditions.

While the construction impacts are limited to the duration of the activities, the operational impacts will persist for the duration of the facility's life span, a time span measured in

decades. Since the existing MTS will remain and there is no new construction over water at this site, there is no difference in impacts between Existing Condition and Build Action. The benthic, epibenthic, and finfish communities are not expected to be significantly altered from their existing state as platform coverage over water will remain the same. In fact, the epibenthic community will colonize the new king pile wall.

The greatest impacts will be temporary destruction of benthic and epibenthic communities and short term avoidance by finfish due to suspended particles and food source reduction. While not amenable to avoidance or reduction, these impacts will be limited and will not last beyond one seasonal cycle for invertebrates. Construction impacts on finfish will not be quantifiable. These impacts, however, are not deemed significant because the benthic communities will reestablish themselves within 6 to 12 months after the construction is completed. Finfish are expected to return after construction is completed also, and once the benthic food sources have returned to the area of disturbance, finfish will begin to feed in the area and establish a more permanent residence.

Also, see responses to comments # 176, #177 and #178 below.

- 176. Comment:** How will dredging (both initial dredging and routine maintenance dredging) affect the water quality surrounding the MTS, and how will it affect the marine environment? To what extent will dredging be necessary? Many people consume the local fish and it may contain higher levels of mercury, arsenic, PCBs and other chemicals. The best available and most environmentally protective dredging method should be used (vacuum dredging). Due to the content of the silt as well as the currents, a closed clamshell dredge will not be sufficient to ensure safety. These waters are well known for both recreational and commercial fishing, and it is well established that toxins from silt can bioaccumulate in finfish, as well as in the people who consume them. In addition, there are harbor seals that frequent the area behind Toys-R-Us which are attracted to the herring present in the water, and Dreier Offerman Park is a major Atlantic flyway for bird migration. Many of these birds also consume these fish. Dispersal of

dredging contaminants to the waters around Dreier Offerman would be impossible to avoid, so protective dredging measures need to be implemented to minimize impacts.

**Response:** Resumed use of this MTS site would require some dredging to provide sufficient water depths for the use of flat-top barges and tugboats. The volume of dredged materials would be approximately 4,280 cubic yards. DSNY has submitted a draft application for Article 15/25 permits that is now undergoing review by NYSDEC. The application specifically addresses issues related to impacts on marine resources arising from facility construction, including dredging. As NYSDEC proceeds with review of the application, including a local public hearing, it will determine the appropriate mitigative measures to minimize impacts on marine life and the local community.

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, without incurring unnecessary expenses for dredging. The mechanical clamshell dredging method using an environmental bucket was selected for this site, and the 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 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:

- a. 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 ft/second.
    - The bucket will be lowered to the level of barge gunwales prior to release of load.
  - b. No barge overflow will be allowed
  - c. 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.
  - d. As appropriate, dredging operations may be restricted during spawning seasons that may be identified in the permits issued for the Proposed Action.
- C. 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 appropriate environmental safeguards, including protection against potential re-entrainment of sediments in the water column and its impact on the surrounding biota.

**177. Comment:** Where will the dredged material be disposed, given that it may be contaminated with hazardous substances? Additional study is needed.

**Response:** The Article 15/25 Joint Application referenced in the Response to Comment #176 above identifies several options for disposition of dredge spoils that comply with applicable law and regulations. Specific locations have not been identified at this time. Dredged materials will be analyzed in accordance with applicable regulations and requirements prior to their disposition. Based upon the results of these analyses and in conjunction with discussions with involved agencies, DSNY will manage the materials in accordance with applicable rules and regulations governing the disposal and/or beneficial reuse of dredged material. Initial analysis of sediment samples at the Southwest

Brooklyn site conducted by DSNY indicates that these materials are not a characteristic hazardous waste under federal and state guidelines and regulations. Additional information with regard to these alternatives will be provided within the Joint Application.

- 178. Comment:** There were numerous concerns about the impacts on the marina. There is concern that the wake from the barges and tugboats used at the MTS may affect the structure and integrity of the marina. It was requested than an analysis of the impacts to the marina during both the construction and operational phases of the MTS be undertaken. In addition, we would like the City to protect the marina's seawall from barge and tug traffic. If it cannot be protected, the marina will be adversely impacted.

**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 need to be provided. The rock apron will be installed 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.

- 179. Comment:** We would like an analysis of the impacts of the facility on the amusement park adjacent to the MTS, which gets heavy usage during the summer. Were impacts on the two schools across the street taken into account? We are concerned with the traffic impacts on neighborhood children.



**Response:** Under City Environmental Quality Review (CEQR) procedures, reasonable worst case peak hour traffic conditions must be evaluated in an EIS. The DEIS and this 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. Traffic counts are not typically obtained during summer months unless high seasonal traffic is anticipated in that area, since typical background traffic volumes are generally lower during the summer months when schools are closed. The Nelly Bly Amusement area is not expected to generate high seasonal traffic in the area of the MTS. Nelly Bly does not open until 11:00 AM daily, which is after DSNY's estimated peak hour arrival rate at the Southwest Brooklyn Converted MTS. A screening analysis performed to determine the study intersections took into account the volume and routing of the project generated traffic. Also, see Responses to Comments #173 above, and #192 below.

The intersection at 26th Avenue and Shore Road was modeled for the DEIS and this FEIS. All intersections within a 1,000 feet of this intersection (including the intersections at Bay 41st and 25th Avenue that straddle the amusement park) were lined with receptors. There were no unmitigable adverse significant impacts found at these intersections. In addition, the impacts of facility operations were added to the off-site impacts to determine whether there would be cumulative impacts. No significant unmitigable adverse impacts were found. Cropsey Avenue between 26th Avenue and Bay Parkway (which the schools fall within) was analyzed for off-site traffic and air impacts. No significant unmitigable adverse impacts were found.

**180. Comment:** What will happen when the incoming volume of waste exceeds the facility's capacity. This will create significant odor, noise and traffic problems.

**Response:** DSNY will not deliver waste in excess of the facility's processing capacity. As noted in the Response to Comment #174, the DEIS and this FEIS evaluate the potential for significant adverse air quality, traffic, odor and noise impacts. The maximum daily permitted capacity proposed by DSNY, except for rare public emergency

situations, is 2,143 tpd. Also see response to Comment 2 in Section 40.3.1.1 for a discussion of design features intended to minimize the potential for impacts.

- 181. Comment:** Since the Southwest Brooklyn facility is anticipated to receive less waste than other MTSs, there is concern that more and more waste will be transferred to the Southwest Brooklyn site to “equalize” the amounts of waste sent to each of the sites from other areas.

**Response:** See Response to Comments # 174 and #180.

- 182. Comment:** Commercial waste vehicles are not under the same type of regulation as the City-owned collection vehicles. There is concern in terms of noise and pollution. Will they be traveling down residential streets during the nighttime hours, and how can you assure the community that the quality of life will not be affected? Currently the noise from trucks rumbling down Cropsey Avenue at night is intolerable, and commercial vehicles may make this worse. What routes will these commercial vehicles be taking, and how will they be regulated?

**Response:** Both DSNY and Commercial vehicles are required to travel along New York City Department of Transportation designated trucks routes to and from their destination. These vehicles may leave designated truck routes only to access their destination (in this instance, the Converted MTS) in the most direct manor possible. DSNY’s Permit and Inspection Unit enforces these regulations. Also see Response to Comment # 174.

- 183. Comment:** The plans for the Southwest Brooklyn MTS, as submitted to the CB, showed encroachments onto Bay 41<sup>st</sup> Street and onto the marina property.

**Response:** The construction of the Southwest Brooklyn Converted MTS occurs entirely within the boundaries of City-owned property dedicated to DSNY use.

- 184. Comment:** The Bensonhurst area has poor air quality, many residents have asthma, and any new facilities will make matters worse. The DEIS must analyze the cumulative health effects that the air pollution from the idling vehicles and tug boats will have on a population already exposed to poor air quality.

**Response:** The DEIS and this FEIS did in fact analyze the effects of tug boat and idling vehicle emissions, as well as truck traffic and facility vents. The DEIS and this FEIS also analyzed the health effects of pollutants from the Converted MTSs. See the General Section 40.3.1.6, which details responses to public health comments.

- 185. Comment:** What types of “state-of-the art” equipment will be utilized to minimize odor emissions from the facility? How will odors attributed to the trucks be minimized, and what restrictions will be placed on air emissions coming from stationary equipment and non-road vehicles. How will the NYCDEP or NYSDEC ensure that regulations are being met under various weather conditions and that no odors will impact the neighborhood?

**Response:** The facilities will be designed with ventilation systems to maintain the facility at "negative pressure" such that odors will not migrate out of open doors. The 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 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 keeping the trucks as clean as practical, and by allowing adequate unloading space inside the building, thus minimizing on-site queuing time outside of the buildings. Stationary equipment and non-road vehicle engines will be purchased new for the facilities, and therefore, these emissions sources will meet the latest EPA emissions standards applicable to new engines. 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 odor impacts in the surrounding neighborhood are less than detection thresholds.

**186. Comment:** A number of comments addressed concerns about local waterways. The coastal ecosystem has been on the road to recovery. How will the runoff from the site, possible leakages, discharges, and accidental garbage spills be managed and treated before entering the waterway?

**Response:** DSNY has devoted a great deal of attention during the facility design process to ensuring that the facility's 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:

- 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 MTSs do 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.

**187. Comment:** Given that the MTS will be operating 24 hours per day and that there are residences nearby, how will the noise from movement of containers to the barges be mitigated?

**188. Response:** The on-site noise analysis assessed noise levels from the gantry crane including the movement of the containers on to the barges. The number of: (1) relayed DSNY collection vehicles delivering waste to the facility will be restricted during the 2:00 a.m. to 3:00 a.m. period to mitigate the potential for on-site noise impacts at two off-site noise sensitive receptors during this period; and (2) commercial waste vehicles delivering waste to the facility will be restricted during certain hours to mitigate estimated off-site noise impacts at receptors along the routes to these facilities between

8:00 p.m. and 8:00 a.m.

**189. Comment:** When the incinerator operated at the site, it operated without a permit, and there were plenty of negative impacts. How can the residents be assured that similar impacts won't arise with the MTS? The City should not be building a waste facility in a residential area or near a recreational area, such as Coney Island.

**Response:** Unlike an incinerator or other waste disposal facility, the MTS is designed to facilitate the movement of waste out of the neighborhood as reliably and quickly as possible. The existing MTS operated for over fifty years at this site. It was and continues to be permitted to operate. The DEIS and this FEIS is a comprehensive assessment of the potential for significant adverse unmitigatable impacts from construction and operation of the Converted MTS: none were found.

**190. Comment:** It appears that Brooklyn will be the centerpiece of the City's SWMP, so there need to be assurances that the facilities will operate with the highest levels of environmental controls and have the least impact on the affected communities. DSNY needs to work with the community to ensure that impacts to the community are minimized. There should not be any floatables or debris in the vicinity of the MTS, and truck emissions need to be minimized.

**Response:** See Responses to Comments #175, 180 and 186.

**191. Comment:** There is concern that trucks will idle along Shore Parkway, affecting air quality and noise. How will this be addressed?

**Response:** The DEIS and this FEIS evaluated the potential for significant adverse noise and air quality impacts on the truck routes and approach roads that waste hauling vehicles would take to and from the facility and found none. Collection vehicles bringing waste to the facility will not idle off site.

**192. Comment:** Gravesend Bay is already polluted with sewage; will it also be further degraded by the accidental dumping of garbage into the water?

**Response:** See Response to Comment #186.

**193. Comment:** Truck traffic was a major concern of the residents. There are numerous discrepancies in the DEIS in truck traffic along Cropsey Avenue and along Shore Parkway. Four different sets of figures (average trucks/hour, total tonnage, etc.) are used, and these numbers are different from what was presented during the DEIS presentation. There will be major disruptions to Bay Parkway, Cropsey Avenue and Shore Parkway. The traffic analysis must take into account existing problems and conditions. The DEIS failed to consider the impacts of the traffic on the large number of senior citizen homes, nursing homes and other facilities along Cropsey Avenue.

**Response:** 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 this 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 New SWMP 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 this 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 this 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 this FEIS is comparable to the holiday week peak tons and loads based on historical data for the Southwest Brooklyn MTS wasteshed. The

DEIS and this FEIS traffic analysis under these reasonably conservative conditions found that the development of the Converted MTS would not cause any potentially significant adverse traffic impacts.

- 194. Comment:** The DEIS failed to anticipate increases in rodent and mosquito populations and the effects of increased pesticide use on the neighborhood. What vector control measures will be used and what will their impact be?

**Response:** The barges serving the Converted MTSs will be flat-deck barges. This avoids the problems associated with vector control in the old hopper barges, which could have standing water and a layer of refuse in the bottom of empty barges that when full, attracted vermin. Additionally, the MTS facility will be serviced by licensed DSNY pest technicians on a periodic basis, approximately every 45 days or on a more frequent basis, as necessary. The technicians will implement and maintain a pest control program, involving the application of spray and the placement of traps. These design measures in the new facility and operational practices will prevent conditions that can support the growth of vectors.

- 195. Comment:** The DEIS failed to examine the increase in toxic burden in the area (from the bus depot, Belt Parkway, pesticide use, and from oil refineries in New Jersey). The cumulative effects from all of these projects will have a severe socioeconomic impact on the community as a whole, and the project will further degrade the area.

**Response:** Under the NYSDEC air toxics assessment policy, the health risk associated with any project is to be evaluated on an incremental, not a cumulative basis. For permitting of facilities, the acceptable limit from NYSDEC policy with respect to carcinogenic air emissions is either a 1/1,000,000 or 1/100,000 inhalation risk of cancer, with the latter value applying if a project facility has applied "Best Available Control Technology. To evaluate health risk (e.g., cancer risk) on a cumulative basis, one would need to assess the total impact of all causes of cancer. In that case, the total risk would be very large (because of the cumulative risk posed by factors such as diet, cigarette smoke, etc.,) in comparison to the relatively small risk of the project. The NYSDEC policy, similar to that used in many other states and derived from federal policy, assesses

potential health impacts of air toxics emissions from a project only on an incremental basis.

- 196. Comment:** The DEIS has not adequately explored other industrial sites where an MTS could be located without affecting a densely populated area, such as Bensonhurst/Bath Beach/ Gravesend Bay.

**Response:** See response in Section 40.3.1.2, Alternatives, Comment #7 and additional discussion of Alternatives in Section 1.3 of this FEIS.

- 197. Comment:** As to the recycling operation at the SBMT, very few details about the materials to be recycled were provided. What are the sources of the recyclable materials, and what will the impacts on traffic, noise, and air pollution be? What will be the hours of operation, and what health and safety protocols will be utilized?

**Response:** See responses in Section 40.3.2.2 (Hamilton Avenue) on Proposed Action for Recycling at the SBMT.

- 198. Comment:** The Notice of Completion maintains that the DEIS will comply with SEQRA, so both long and short-term impacts must be examined. For the “no-build” alternative, the Year 2006 would qualify for the short term analysis. However, the Future “No-Build” condition must analyze to a forecasted future year, associated with the life cycle of the facility. This time frame would be the estimated time of completion plus 20 years (ETC+20). The Demographic Characteristics and Economic Conditions and Potential Impact analysis should be undertaken for this time period. NYMTC has developed new Socio-economic data (SED) and forecasts to the year 2030 based upon updated information. The 2025 SED was not approved due to the uncertainties related to the 9-11 disaster and recovery. All future impacts under the “no-build” scenario must be undertaken at ETC+20. NYMTC’s demand modeling tools should be used to forecast traffic.

**Response:** CEQR requires an evaluation of impacts considering Existing Conditions and comparing No-Build Conditions for the specified Build year with Build Conditions for that year. It does not require an evaluation of impacts over a 20-year time horizon, which cannot be done with any degree of accuracy. The referenced ETC+20 is an analysis that



the New York State Department of Transportation (NYSDOT) requires for design under their Design Procedures Manual and that is typically analyzed for New York State transportation projects that follow the NYSDOT's Environmental Procedures Manual under SEQRA, but not for CEQR projects. In accordance with CEQR protocols, the analyses presented in the DEIS and this FEIS do account for the cumulative effect of additional projects in the area. For example, Existing Conditions reflect current (late 2003/2004) traffic volumes. The project Build Year is 2006. Build Year conditions are estimated by applying an NYCDOT-approved traffic annual growth factor of 1%. Additionally, through consultation with DCP and other agencies, it was determined that no new projects are in development in the study area that would be complete by the Build Year and add traffic to the future background volumes. This information was then used to re-evaluate traffic levels of service at intersections affected by the project in 2006 under a Future No-Build scenario. The Future No-Build scenario estimates what levels of service would be in 2006, accounting for anticipated growth without the Converted MTS. The effect of the Converted MTS is then evaluated by adding its traffic as an increment to the forecasted No-Build scenario, and assessing whether it has any significant adverse unmitigatable impacts. These results are reported in the DEIS and this FEIS and were found to have no unmitigatable significant adverse impacts.

- 199. Comment:** In the DEIS, under existing traffic operations, there is no mention if and when vehicle classification counts were conducted. Since the area has pronounced summer recreational activities, winter traffic may be significantly lower than traffic in other seasons. This must be taken into account before the analysis is conducted. In addition, this seasonality would affect pedestrian activity.

**Response:** In accordance with the 2001 CEQR Technical Manual, traffic counts are not typically obtained during summer months unless **high** seasonal traffic is anticipated in that area. Generally, traffic volumes are higher during months when school is in session as opposed to summer months when school-related traffic is not a factor. In addition, NYSDOT generally classifies roadways in the vicinity of the Southwest Brooklyn Converted MTS site as FC30 (low seasonal variation).

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. 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 take the signal phase into account. Also see Response to Comment #173 above.

- 200. Comment:** All figures showing traffic volumes depict ambiguous traffic approach diagrams. The traffic approach diagrams should be turned so that the traffic flow coincides with the street grid.

**Response:** Traffic figures were updated for the FEIS to clarify approach directions while maintaining readability.

- 201. Comment:** In Section 5.14.2.4, Sentence 2, “However, DSNY and other agency collection vehicles pass through the traffic study area on truck routes from Queens CDs 11 and 13 to the commercial vendor, IESI, located at 110 50<sup>th</sup> Street in Brooklyn”. We cannot relate the meaning of this sentence to the context of the DEIS, section 5.

**Response:** This statement indicates that there are existing DSNY generated trips that are currently traveling through study intersections in the study area. Because these trips are already within the study area under Existing Conditions, they are excluded from the net increase of traffic trips generated by the Southwest Brooklyn Converted MTS in the future. Further information on the calculation of net project generated trips can be found in Section 3.16, which describes the methodology used for traffic analysis.

- 202. Comment:** In Section 5.14.4.1, the statement beginning with “The need for Saturday analysis was considered...” is too vague, as there is no weekend traffic data shown. Weekend traffic has different characteristics than weekday traffic, as trips are made for different purposes. The shopping area at the southern end of Bay Parkway generates traffic trips; new establishments have located there. The amusement park and other seasonal activities within the primary and secondary study area generate many trips during summer weekends. Traffic must be adjusted for seasonal variations.

**Response:** Section 15.14.4.1 describes weekend traffic volumes in terms of both background volumes and project generated volumes. Table 5.14-3 illustrates the differences between weekday and weekend background and project generated volumes. Also see Response to Comment #173, above.

- 203. Comment:** The effects of constructing a 300-foot steel sheet pile and rock breakwater should be evaluated in conjunction with other rock structures planned for the area. Currently, there is severe shoaling within Gravesend Bay as a result of a groin constructed on the ocean side of the Coney Island peninsula. There are plans for the construction of five t-groins off the nearby community of Sea Gate as well as tentative plans in the Harbor Deepening Project (DEC No. 2-6500-00053/00001) for the creation of rock reefs within Gravesend Bay. The continued destruction of bottom habitat needs to be addressed in terms of the cumulative effects of all these projects.

**Response:** See Response to Comment #178.

- 204. Comment:** The DEIS notes that containers will be transported via flat bottom barges, but does not indicate if or how the containers will be secured to those barges. Containers can and do fall off ships and into the water, where they remain submerged, and can be hit by unsuspecting boaters. This impact can result in a huge quantity of floatable debris reaching local shorelines.

**Response:** All barges will be fitted with "cell guides," structural steel frame compartments that will extend to the height of the middle of the topmost container on the barge. The cell guide will serve to secure the containers.

- 205. Comment:** Exactly what mitigation is proposed for environmental impacts to the waterways and when will such mitigation occur? Page 5-62 (Waterfront Revitalization Program) states that "mitigation for potential impacts would be proposed during the environmental review and permitting, if required." At least ten acres of wetlands should be replenished for every acre of bottom habitat destroyed. There should be solid time frames and substantial penalties for delays.

**Response:** DSNY has submitted a draft application for Article 15/25 permits that is now undergoing review by NYSDEC. The application specifically addresses issues related to potential effects on marine resources arising from facility construction including effects upon designated littoral zone. As NYSDEC proceeds with review of the application, including a local public hearing, DSNY in coordination with NYSDEC and other involved agencies will determine the appropriate measures to address potential effects from the development of the proposed facility.

**206. Comment:** The Southwest Brooklyn MTS should not be reopened. The community does not want additional cases of cancer or leukemia.

**Response:** Please see responses to Public Health comments in Section 40.3.1.6.

#### *40.3.2.3 Manhattan*

##### *40.3.2.3.1 East 91<sup>st</sup> Street Converted MTS*

**206. Comment:** Numerous speakers were opposed to the reopening of the East 91<sup>st</sup> Street MTS, and were concerned with what sites were examined as alternatives to the site. They wanted to know why this site, located in a residential area, and adjacent to Asphalt Green was determined to be the preferred Manhattan site, given that it is the only MTS planned for a heavily residential neighborhood. They thought that the facility should be sited in a commercial area, not a residential one, as it will have significant adverse impacts on local air quality, traffic, pediatric health, open space and public health within the community.

**Response:** The zoning of the site, M-1-4, allows for the proposed waste transfer use and, for over 50 years, the site was used as a marine transfer station (MTS). The MTS site use was included in the 2001 SWMP Modification approved by the City Council and DSNY continues to hold a New York State Department of Environmental Conservation (NYSDEC) permit to handle 4,800 tons per day (tpd) of waste at the existing facility. Site conditions, including proximity (of the existing MTS and the Converted MTS) to residential buildings and parks used by residents were thoroughly considered in the DEIS and this FEIS analysis of potentially adverse impacts. No potential significant

unmitigatable adverse impacts were identified. Access into the facility will be gated and guarded. DSNY enforcement personnel will manage and direct truck traffic at the entrance on York Avenue at 91<sup>st</sup> Street to protect pedestrians. Waste processing operations occur on the east side of the FDR Drive over the East River and are completely isolated from pedestrian and non-DSNY vehicular traffic. The past problem with DSNY collection vehicles queuing on York Avenue will be eliminated through a combination of the facility's design features and the limitations that DSNY proposes for the facility's permitted capacity at this facility. Accident records were researched for the intersection of York Avenue and 91<sup>st</sup> Street at the MTS entrance. When the MTS operated previously, this intersection was not a high accident location. The annual average number of reportable accidents was just over 4 per year for the years 1997, 1998 and 1999, and none involved DSNY collection vehicles. During that period, only one accident involved a pedestrian. In the year immediately after closure (2000), there were 8 reportable accidents, 2 of which involved pedestrians. In the future, DSNY enforcement personnel will manage truck and pedestrian traffic at the entrance on York Avenue at 91<sup>st</sup> Street to ensure that it continues to operate safely.

The response to Comment # 2 in Section 40.3.1.1, Facility Capacity and Design, provides additional information on the design features of the facility that are improvements on the existing MTS design and which avoid the potential for significant adverse impacts on the community, as documented in this FEIS.

- 207. Comment:** Several speakers stated that the 91<sup>st</sup> Street Converted MTS would receive far more vehicles than the 130 projected, which would result in each truck requiring more than 3.5 minutes turn around time. As these trucks will take longer to unload, there will be queuing of trucks on the east-west streets as well as on York Avenue, which will create problems which will have no adequate mitigation. There was concern that the additional truck trips would make York Avenue impassable and potentially unsafe, and would increase noise, odors and air pollution. The corner of East 91<sup>st</sup> Street is already extremely congested, and additional waste vehicles will bring this block to a complete standstill.

**Response:** As noted in the response to the preceding Comment #206, traffic conditions have been fully evaluated. The DEIS and this FEIS reasonably and conservatively used

the historical and higher than current expected average peak weekly deliveries (i.e. Tuesday of each week) when deliveries of waste are 15-20% higher than the average during the week. A 20% contingency was then added to the average peak day value. To add further conservatism to the analysis, approximately nine (9) tons per truck load was assumed as compared to the expected load of 10 to 11 tons, thereby increasing truck volumes. These assumptions result in 130 peak day loads for DSNY collection vehicles (since CEQR requires examination of trips in and out, this translates to 260 truck trips), and 28 peak hour loads (56 truck trips) for DSNY-managed Waste. By comparison, DSNY's expected average tpd from the East 91<sup>st</sup> Street wasteshed is approximately 720 tons, which translates into 75 loads per day (150 truck trips) with a peak hour of 21 loads (42 truck trips).

The DEIS and this FEIS analysis is actually based on the assumption that the East 91<sup>st</sup> Street Converted MTS would generate a total 259 net inbound waste hauling vehicles per average peak day, which includes both DSNY and commercial vehicles.

Traffic operations and potential impacts were projected in accordance with City environmental review guidelines and nationally accepted methodologies. The *2001 CEQR Technical Manual* guidelines were used to determine study intersections and, in accordance with these guidelines, the Highway Capacity Manual methodologies were used to assess traffic operations. Based on that analysis, it was projected that the level of service (LOS) under the 2006 build conditions would be the same as under the 2003 existing condition (with a nominal increment in delays) at the intersections along York Avenue, and at the lane groups at all study intersections with the exception of the eastbound approach at the intersection of York Avenue and East 86<sup>th</sup> Street. The analysis of travel time and delay runs also projected that the overall build run speed (estimated for air quality analysis) along the northbound York Avenue between East 82<sup>nd</sup> Street and East 92<sup>nd</sup> Street would not reduce significantly. The overall run speed was projected to reduce:

- From 23.0 mph under the 2003 existing condition to 22.8 mph under the 2006 build condition during the AM peak hours
- From 23.9 mph under the 2003 existing condition to 23.6 mph under the 2003

- build condition during the Facility peak hour
- From 19.0 mph under the 2003 existing condition to 17.9 mph under the 2006 build condition during the PM peak hours

Similarly the overall build run speed along the southbound York Avenue between 92<sup>nd</sup> Street and 82<sup>nd</sup> Street was projected to reduce:

- From 20.3 mph under the 2003 existing condition to 19.8 mph under the 2006 build condition during the AM peak hours
- From 20.2 mph under the 2003 existing condition to 20.0 mph under the 2006 build condition during the Facility peak hour
- From 21.0 mph under the 2003 existing condition to 20.8 mph under the 2006 build condition during the PM peak hours

Therefore, based on the LOS and speed run analyses, it is projected that the proposed MTS would not have significant adverse traffic impact at the study intersections.

The response to Comment # 2 in Section 40.3.1.1, Facility Capacity and Design provides additional information on the design and operational features that will avoid collection vehicles queuing on local streets.

**208. Comment:** There was concern that the residents of the Holmes and Isaacs Development, between First Avenue and the East River, and from 92<sup>nd</sup> to 96<sup>th</sup> Streets, would be directly and negatively impacted by the MTS. Specifically, they thought that the facility would impact community facilities and services, pedestrian traffic, open space, health and aesthetic values of the community. The waste vehicles on York Avenue will pose a safety hazard to pedestrians.

**Response:** See the responses to Comments #206 and #207.

**209. Comment:** Several speakers noted that when the MTS was previously open, there were rats, noise, and odors, especially in the summer months. At that time, the neighborhood was primarily manufacturing, but now it is residential, with no commercial buffer. There is concern that these previous impacts will return at an increased rate due to the increased capacity of the proposed Converted MTS. Rats and other vermin are already a problem in the neighborhood, and children are frequently exposed to exterminating poisons when

playing in the parks. The old facility received about 900 tpd of residential waste, but now it will receive two to four times what it used to, and operate around the clock. It was stated that this is not a simple retrofitting of a facility but the construction of a totally new, much larger facility. How can this increase create no environmental impact?

**Response:** See Response to Comment #206. The response to Comment #2 in Section 40.3.1.1, Facility Capacity and Design, provides additional information on the design features of the facility that are improvements on the existing MTS design, and which avoid the potential for significant adverse impacts on the community, as documented in this FEIS.

The facility will not receive 3,600 tpd of waste. Please refer to the response to Comment #1 in Section 40.3.1.1, Facility Design and Operations, for information on the capacity that DSNY has proposed to permit at this site.

**210. Comment:** The original Solid Waste Management Plan, as described in the Draft Scoping document was to have 8 MTSs, but four were eliminated. However the East 91<sup>st</sup> Street site is located in a residential community. What are the financial, environmental, technical or legal data which support this choice of site over other sites in Manhattan, particularly over the West 135<sup>th</sup> Street site? The CWMS provides clear screening criteria for eliminating four Manhattan sites which were examined for private waste transfer stations. Yet for the same reasons that these sites were eliminated from consideration, inexplicably, the East 91<sup>st</sup> Street site, which shares the same attributes, remains as an alternative.

**Response:** Please see the response to Comment #7 in Section 40.3.1.2, Alternatives Analysis, for a discussion on the Alternatives that were considered in formulating the Draft New SWMP.

**211. Comment:** A number of speakers commented that the DEIS fails to address the negative impacts of the MTS on local parks such as Carl Schurz and particularly Asphalt Green. DSNY's own siting rules would not permit a private transfer station within 400 feet of a park, so how could this facility be located adjacent to two parks? They were concerned



with the fact that the document fails to analyze traffic on a Saturday, which is the biggest traffic day for Asphalt Green, and wanted DSNY to provide the traffic count data to support the statement that Saturday traffic levels are lower than weekday traffic. They claimed that there is no analysis of the impact of odors on the park, or mitigation, except for “prison-like” walls on the ramp. There was concern that the facility would have other impacts on the park, such as casting a shadow for up to five hours a day on the recreational area, and the impacts from truck exhaust. There was a general concern that the facility would impact on the economic viability of Asphalt Green, especially during construction, which might result in closing of the Park’s entrance. There were comments made that when the MTS had been previously open, parents withdrew their children from the day camps located within the park. The facility would have an economic impact on other neighborhood businesses as well, by hindering deliveries and reducing customers.

**Response:** See Response to Comment # 206. Approximately 140,000 cars drive by this site every day on the FDR Drive and over 20,000 vehicles pass through the York Avenue and East 91<sup>st</sup> Street intersection each day under existing conditions. There are 50,000 tpd of solid waste generated in the City, and multiple facilities are needed to handle this waste. The regulations for private transfer stations take into account this fact, and to ensure that all waste in the City is not directed to one or two communities, the regulations allow already permitted facilities less than four hundred feet from sensitive receptors to operate. Additionally, the facility will have the following state-of-the-art environmental controls:

- An advanced odor control system;
- A ventilation system exceeding building code standards that maintains negative pressure to prevent the escape of untreated odors to the outside under all conditions; and
- a tipping floor capable of accommodating six trucks, an automated scale system and a ramp with increased structural support – all with the objective of eliminating on-street truck queuing.

The estimated time for demolition and construction of the Converted MTSs in the Proposed Action is 30 to 32 months, which is considered short term. Under CEQR, short-term construction impacts are not considered significant, and do not require a detailed analysis. In addition, at the time the DEIS was prepared, the design of the Converted MTSs was still in

progress. Additional available information on construction related to the Converted MTSs and mitigation measures for potential temporary impacts on Asphalt Green is included in Chapter 32.0 of this FEIS.

The combination of reduced weekend traffic volumes and the lower volume of DSNY-managed Waste collection vehicles that would arrive at the Converted MTSs on a Saturday (Sunday they will be closed except for emergencies) did not warrant a weekend traffic analysis. In fact, based on historical higher tonnages, Saturday volumes of DSNY-managed Waste collection vehicles for the East 91<sup>st</sup> Street Converted MTS are approximately 64% of the conservative average peak daily totals plus 20% contingency used for the weekday analysis in the DEIS and this FEIS. Background traffic volumes Northbound and southbound on York Avenue are 14,433 average vehicles per day during the weekend versus 20,674 vehicles per day during the week, which is approximately 70% of the weekday traffic. The DEIS presents results of the odor analysis at the property boundary and at the nearest sensitive receptor for the Converted MTSs, with no unmitigable significant adverse odor impacts identified. Odor results at the additional sensitive receptors included in the noise analysis are presented in the FEIS, and are lower than that predicted at the property boundary. Other applicable CEQR analyses, including air quality, shadows, were completed and are presented in Section 6.0 of the DEIS and this FEIS.

**212. Comment:** A speaker noted that there are more appropriate and sensible alternatives to deal with Manhattan's waste. Reference was made to studies which have been undertaken at Columbia University which identify alternatives that are less destructive and less disruptive.

**Response:** Please review the Chapter 2, Waste Prevention and Recycling, and Attachment VI, Recycling, of the Draft New SWMP and the comments and responses in Section 40.3.1.3 Waste Reduction and Recycling that describe the City's extensive support of and experience with recycling and waste prevention programs.

**213. Comment:** A number of people claimed that the DEIS contains significant flaws characterized by inadequate studies, false statements and harmful conclusions, and

reflects heavy deference to political rather than policy concerns. The Plan is lacking in specifics, and details presented to the public have varied and been inconsistent. The DEIS does not support its conclusions of no significant impacts. Underlying assumptions are not documented and in many cases analysis methodologies are changed to provide the desired conclusion.

**Response:** This statement is incorrect. The DEIS and this FEIS was prepared in accordance with the Methodologies developed in accordance with the 2001 CEQR Technical Manual, and in consultation with NYCDEP, NYCDOT and other City agencies. As with any environmental review, certain analyses will be prepared based on the most conservative assumptions, and then refined, if the most conservative analysis shows unreasonable results, applying methods that are reasonable and prudent. For example, the first level of an off-site air quality analysis assumes that the peak hour number of project-generated traffic occurs 24 hours per day. If results are below standards, no further analysis is required, though predicted emissions from that traffic would be higher than actually experienced. If results of the initial rough screening are above standards, a more refined Tier II analysis is completed using actual projected hourly volumes. As noted in the DEIS and this FEIS, Technical Backup for the analyses is available on request in a compact disk format from DSNY.

- 214. Comment:** A number of speakers were concerned that the rates of asthma and other respiratory ailments are among the highest in the United States within a few blocks of the MTS. It was felt that the facility and diesel emissions from increased traffic would have a significant impact on the health and safety of the people in this vicinity, with new cases and exacerbations of asthma, chronic obstructive pulmonary disease. They were concerned that the facility's venting system would also increase the area's emissions. Additionally, they believed that the new facility will attract pests such as insects, rats and rodents, which can be powerful allergens, triggering asthma symptoms. Since garbage can be moist, it provides a fertile breeding ground for mold, which can also trigger allergies and asthma.

**Response:** Section 40.3.1.6, Public Health, in this Chapter addresses comments on public health and supplements the information contained in Chapter 33, Public Health of

the FEIS. The off-site air quality analysis presents emissions from the additional DSNY collection vehicles at congested intersections near the Converted MTS. The on-site air quality analysis in the DEIS and this FEIS includes all mobile and stationary on-site emissions-generating equipment, including emissions from the processing building that will exit the processing building through the facility exhaust fans. DSNY collection vehicles all use emissions much cleaner than was the case when the existing MTS operated. The draft Part 360 Solid Waste Facility Permit Application submitted by DSNY to NYSDEC and available for public review at the Community Board #8 Office, 550 Park Avenue and the 96<sup>th</sup> Street Public Library, 112 East 96<sup>th</sup> Street, describes the operational measures, including, among others, daily cleaning of the processing floor and periodic application of pest control measures by licensed technicians that will be followed to eliminate disease-bearing vectors.

- 215. Comment:** A number of speakers commented on the capacity of the facility, and their belief that the environmental impacts are underestimated. SEQR mandates analyses be performed at full capacity, 4,290 tpd, yet this DEIS only considers the impact of 1,700 to 1,800 tpd of waste. Moreover, the facility is being permitted to receive up to 5,280 tons per day, a five-fold increase over its previous operation. Why was the analysis not done on the full capacity, and why is such a large facility necessary, if this is only designed to handle local waste? Please explain the tonnage numbers which vary from the Part 360 application.

**Response:** The CEQR Technical Manual states that an analysis of impacts should consider a reasonable worst case condition. For traffic analyses, this condition is represented through evaluating: (1) potential impacts during peak hour traffic volumes - in this case, an am peak period; a facility peak period when the majority of DSNY collection vehicles are expected at the facility, even though background traffic levels are lower than the am peak period; and a pm peak period to determine the potential for the highest impact; (2) the average peak day deliveries of DSNY-managed Waste (the peak day that occurs each week - i.e. Tuesday) based on historical tonnage data that is higher than the current tonnage managed and would be experienced on average no more than 40 to 45 times per year; (3) an average weight per DSNY truck of 9 tons at the East 91<sup>st</sup> Street Converted MTS, when DSNY collection vehicles now average about 11 tons per truck, resulting in a greater number of estimated DSNY collection vehicles; and (4) an

additional conservative 20% contingency factor to allow for daily and seasonal variability in DSNY's weekly collections as well as the potential growth in waste generated over time, as a function of future population growth.

The DEIS and this FEIS evaluated the potential for significant adverse on-site air quality, odor, and noise impacts with the facility operating at its nominal design capacity of 4,290 tpd, found no impacts and, therefore no further analysis was required. See Response to Comment #213 for an explanation of modeling approaches and use of conservative assumptions. The results of the on-site air, noise and odor emissions reported for these analyses accounted for the facility's waste processing equipment, collection trucks within the building and on the ramp, and tugs servicing barges. The DEIS and this FEIS evaluated the potential for significant adverse off-site (collection vehicles traveling to/from the facility) air quality, odor, noise and traffic impacts, assuming it was operating at an equivalent peak day capacity of 2,892 tpd and found no unmitigable significant adverse impacts. The response to Comment # 1 in Section 40.3.1.1, Facility Capacity and Design states that DSNY is seeking a Maximum Peak Day Permit Limit of 1,860 tpd, which is only 64% of the throughput assumed in the off-site impact analyses. Comment # 1 in Section 40.3.1.1, presents a complete discussion of the permit limits that DSNY is proposing for all the Converted MTSs. It should be noted that, of the four proposed Converted MTSs, the East 91<sup>st</sup> Street Converted MTS has the lowest proposed tonnage limits.

- 216. Comment:** Several individuals commented that the DEIS provides only vague descriptions of the dimension and appearance of the new MTS. Given that it will be twice the height of the old facility, what will the visual impacts be? Drawings and illustrations are needed within the document to get an idea of the actual visual impact will be on users of Asphalt Green and nearby residences. How will the noise barriers or covering of the ramp affect the visual impact?

**Response:** The visual impacts of the East 91<sup>st</sup> Street Converted MTS were assessed based on: (1) the design drawings which provided the height of the proposed Converted MTS in relation to the borough datum; (2) the presence of a potential visual/noise barrier along the ramp at the height of the louvered screen that is now part of the design along

the southern side of the ramp; and (3) aerial photos with the proposed facility superimposed on the existing facility footprint. The DEIS presented the information available at the time of publication. Subsequently, additional design documents and renderings have been prepared for the Converted MTSs and are included in Chapter 2, Site Descriptions, of this FEIS.

- 217. Comment:** Since commercial waste vehicles emit more pollution than the DSNY vehicles, the EIS must examine air quality and noise impacts from these commercial vehicles on the surrounding neighborhood.

**Response:** The DEIS and this FEIS analysis assumed a City metro area-specific mix of ages for diesel powered waste collection vehicles, which would include commercial waste hauling vehicles. Because DSNY's fleet of waste collection vehicles is newer than the average for the City area, the DEIS and this FEIS air quality analysis is already quite conservative in this respect, because DSNY's newer diesel engines are subject to lower emissions standards than the existing metro area fleet average. Additionally, the on-site and off-site air quality analyses were revised for this FEIS using the most current approved New York State Department of Transportation (NYSDOT) Mobile 6.2 emission factors, which accounts for the even lower emissions produced by DSNY's newer fleet. Also, it should be emphasized that new diesel powered vehicles purchased today are subject to emissions standards far lower than engines manufactured 20 years ago, and that starting in 2007, new diesel engine emission standards for particulate matter and nitrogen oxides will drop by at least an order of magnitude from today's emissions standards and commercial diesel trucks will begin to use ultra low sulfur diesel fuel. Thus, fleet-wide diesel engine emissions are dropping and will continue to drop even more dramatically with time. In terms of noise, for the Proposed Action Facilities, the noise levels emitted from the trucks used in the DEIS and this FEIS analysis were compared to the noise levels that would be emitted from a mixture of DSNY and Commercial Waste hauling vehicles. The resultant noise level was higher for the projected combination of DSNY and Commercial Waste hauling vehicles for the Hamilton Avenue Converted MTS, Southwest Brooklyn Converted MTS and North

Shore Converted MTS, so the modified noise level was used and is presented in this FEIS for these three facilities.

- 218. Comment:** A number of people commented on the lack of sites examined for a Manhattan facility. There needs to be a better explanation of which sites were examined, which were found suitable, and what criteria were used to select the 91<sup>st</sup> Street site. In addition there are 300 properties in Manhattan alone which are City-owned or City-leased waterfront properties, and these were not reviewed. Several sites were suggested including an industrial site at the cement plant north of the northern end of 1<sup>st</sup> Avenue, the rail yard on the West side of Manhattan, Pier 42, and Randall and Wards Island. There should be reasonable minimum criteria for identifying multiple possible locations, along with a discussion of the problems and constraints for each site.

**Response:** Please refer to the response to Comment #7 in Section 40.3.1.2, Alternatives Analysis for a discussion on the Alternatives that were considered in formulating the Draft new SWMP. The 300 sites referred to are found in an inventory of City-owned or leased waterfront site in Manhattan. This inventory contains sites that are mostly in beneficial use already. For example, Battery Park, Castle Clinton and piers that are part of South Street Seaport and the Hudson River Park are listed, along with many tiny parcels that cannot be combined. DSNY's Real Estate Unit has reviewed the list of these sites.

- 219. Comment:** There were questions concerning the traffic model, which used 2003 data. Did the model consider the construction of the Second Avenue Subway? Did it take into account the articulated buses? The streets from 87<sup>th</sup> to 91<sup>st</sup> Street are very narrow, and there is no practical way to have garbage trucks go down 90<sup>th</sup> Street without causing gridlock. Traffic through the neighborhood already takes too long, and the additional DSNY trucks will only make it worse. In addition, strict enforcement guidelines are needed to ensure that queuing trucks do not block access to available bus stops.

**Response:** An analysis of the traffic operations with and without the proposed Converted MTS was performed for York Avenue using the federally accepted Highway

Capacity Manual and data collected in February 2003. These are nationally recognized methodologies and are used universally in City impact assessments in accordance with the requirements of the City's *2001 CEQR Technical Manual*. The purpose of the analysis was to assess if placing a Converted MTS at this location would cause an unmitigable significant adverse impact on traffic operations. The traffic analysis presented in the DEIS and this FEIS included projects that would be implemented by the 2006 Build Year, as discussed below:

- The Second Avenue Subway will not be completed and in operation by the project's 2006 build year. Therefore, following the *2001 CEQR Technical Manual* guidelines, the Second Avenue Subway was not included in the 2006 no-build condition analysis.
- All the buses (including regular and articulated MTA buses) were counted as part of the vehicle classification counts. Level of service analysis took into account all the buses counted at the study intersections.
- As per NYCDOT Title 34 of the Rules of the City of New York, truck trips to and from the site are restricted to travel along local truck routes directly to the site of the intersection closest to the site if the streets adjacent to the site are not designated truck routes. Practically, this means that trucks should use First and Second Avenues to the maximum extent possible, only turning onto cross streets which are non-truck routes at the closest point, typically East 90<sup>th</sup>, East 91<sup>st</sup> or East 92<sup>nd</sup> Streets. Therefore other cross streets should not experience truck traffic except as part of normal collection operations.
- Traffic operations and potential impacts were projected in accordance with New York City Environmental review guidelines and nationally accepted methodologies. The *2001 CEQR Technical Manual* guidelines were used to determine study intersections and, in accordance with these guidelines, the Highway Capacity Manual methodologies were used to assess traffic operations and determine Level of Service (LOS) for each study intersection.

Based on the LOS and Travel time and delay analyses, the analysis showed that any potential for significant impacts from the MTS could easily be mitigated by minor adjustments to signal timing. Signal timing changes at two intersections on York Avenue are the only mitigation required.

- 220. Comment:** Odors were not adequately addressed. There is no mention in the DEIS of the potential for odor impacts from Sanitation trucks which are not kept neat and clean.



No matter how good the technology, the trucks will leak and produce odors. Moreover, there will be a large quantity of solid waste sitting on the loading floor of the facility, and this decaying waste along with the diesel exhaust will pose a hazard to workers on the loading floor.

**Response:** The DEIS and this FEIS address potential odor impacts from trucks. Some trucks will be more odorous than others. The level of odor emissions from a given DSNY collection vehicle will depend on the state of cleanliness of exposed surfaces, and also on the particular load of waste being transported in the vehicle. To develop input into the DEIS and FEIS odor analysis, a representative group of DSNY collection vehicles was sampled in an enclosed, indoor environment, including some of the most odorous DSNY collection vehicles available. The measured composite odor emissions were included in the on site odor analysis. Regarding the exposure to solid waste-related emissions and diesel exhaust by workers in the Converted MTS facilities, this is an indoor air quality issue regulated by OSHA. However, the Converted MTSs are being designed to allow for up to 12 air changes per hour in the processing building which far exceeds the minimum of six required under the Building Code, thus resulting in an exchange of fresh air into the processing building on a more frequent basis. A copy of the DSNY collection vehicles odor sampling and analysis report is included in Appendix J to this FEIS.

**221. Comment:** While there have been discussions of fair share, in terms of commercial waste, the restaurants and businesses in CD#8 are used by people from all over the City and world, it is not just generated by the residents of CD#8, so having commercial waste go to the MTS would not be fair. Where will the residential and commercial waste be coming from? Will it be transported from lower Manhattan?

**Response:** The portion of Manhattan waste that may be disposed of at the East 91<sup>st</sup> Street Converted MTS, 780 tpd, is approximately 26% of the total 2,970 tpd of estimated commercial waste generated in Manhattan. The residential waste that would be disposed of at the East 91<sup>st</sup> Street Converted MTS is generated in the former East 91<sup>st</sup> Street watershed, comprised of Community Districts #5, #6, #8, and #11.

**222. Comment:** A number of speakers stated that the area is one of the quietest

neighborhoods in the City, and the MTS, with its heavy equipment will create more noise, especially at night. Limitations on the number of trucks transporting commercial waste would not provide any comfort. The mere suggestion of the mitigation measures, such as replacement windows, guarantees there will be much greater noise than indicated in the DEIS. The noise will be a serious threat to the auditory health of those who live and work in the neighborhood, and will make it difficult for students to concentrate.

**Response:** The on-site noise analysis presented in the DEIS and this FEIS included all noise generating equipment (indoor and outdoor) operating on site, including waste hauling vehicles moving and queuing on the ramp. Under the CEQR Technical Manual, the noise analysis is a worst-case analysis, in that it assumes all equipment is operating on site during the period of time when the background noise levels are quietest, when, in fact, this might not be the case. The off-site noise analysis also evaluated the potential 24-hour delivery of waste to the Converted MTS site (DSNY-managed Waste during the day and commercial waste between 8:00 p.m. and 8:00 a.m.) and, as a result, determined that restrictions on deliveries would be required during certain hours to mitigate potential significant adverse impacts at specific receptors along the routes. The typical kinds of physical mitigation measures, such as sound insulating barriers on equipment or facilities, noise barriers and replacement windows are not required or proposed in this case.

**223. Comment:** DSNY's siting rules are being changed by measuring the distance from the building, not from the property line, to determine the distance allowed for siting a waste transfer facility. Yet, the East 91<sup>st</sup> Street Converted MTS is only one-foot between the boundary and the park, how does the siting of this facility comply with the siting rules?

**Response:** See response to Comment #211 above. The existing MTS is located in a manufacturing zone (M 1-4) adjacent to the FDR Drive. Approximately 140,000 cars drive by this site every day. The site has been used as a solid waste facility for over 50 years and while DSNY is currently not operating the facility, it continues to hold a permit to operate a transfer station at this site. The existing permit issued by NYSDEC allows it to process 4,800 tons per day. There are 50,000 tpd of solid waste generated in the City, and multiple facilities are needed to handle this waste. The regulations for private transfer stations take into account this fact, and to ensure that all waste in the City

is not directed to one or two communities, the regulations allow already permitted facilities less than four hundred feet from sensitive receptors to operate.

**224. Comment:** I do not understand which zoning resolution is going to be utilized, May 2004, or the regulations of the build year, 2006? I am confused about the zoning in the vicinity of the MTS.

**Response:** As indicated in Chapter 3 of the DEIS and this FEIS, zoning on the site and in the primary and secondary study areas are characterized, then assessed to determine whether the Proposed Action would be compatible with and/or could affect these conditions. No changes to the zoning resolution, as applicable to the site/action, are anticipated, and therefore, it is assumed that the zoning regulations in place at the time of the FEIS will be the same as those in place during the proposed build year.

**225. Comment:** The area surrounding the MTS has seven major hospitals and therefore many ambulances on local streets. What is the impact of the waste vehicles on these ambulances which will be trying to quickly get to the hospitals?

**Response:** Since the proposed East 91<sup>st</sup> Street Converted MTS (based on traffic analysis) is not projected to have significant adverse traffic impacts in the peak hours, the effect on traffic operations during the majority of the day with off-peak operations would be even less. Therefore, the MTS operation would be also be unlikely to have any significant adverse impacts on emergency vehicles, including ambulances. Refer to FDNY correspondence in Appendix A of the FEIS. In addition, DSNY's driver operational regulations require that its drivers immediately move to the right side of the road to allow passage of emergency vehicles. The facility design and operation will preclude the queuing of DSNY or commercial vehicles on public streets.

**226. Comment:** Several speakers indicated that they didn't want all of the residential or commercial waste in Manhattan to be delivered to one location. They were willing to take their district's fair share, but not all of the waste. They supported expanded recycling, exploring other technologies, and using barge and rail transportation. They did not advocate sending Manhattan' garbage to other boroughs, but did not want a facility sited in a residential neighborhood.

**Response:** DSNY believes that building the converted MTS at the same East 91<sup>st</sup> St. location where an MTS has operated for over 50 years and that was approved by the City Council in the 2000 SWMP Modification is reasonable and fair. See Responses to Comments #206, #212, #221 and #223.

**227. Comment:** The population of the study area for the East 91<sup>st</sup> Street facility is three times as densely populated as the next most populated study area in the DEIS. The CEQR Technical Manual guidelines advise that EISs consider the “number of people potentially affected” when assessing the significance of potential impacts. This would include the influx of people coming into the neighborhood daily to use schools, parks and facilities such as Asphalt Green, as well as additional census tracts that will be affected by increased traffic. Additionally, it is illogical to study the economic impacts of the MTS up to a half-mile radius of the site, but only study the effects on population within a quarter-mile of the site. There are seven additional census tracts within a half-mile of the site which includes 52,796 more people., so the grand total of people affected within a half-mile radius is 113,263, almost 100,000 more than proposed in the DEIS. Recently completed buildings on First Avenue at 90<sup>th</sup> and 91<sup>st</sup> Streets have added several thousand more people, and the neighborhood will continue to grow.

**Response:** While the population of the study area for the proposed East 91<sup>st</sup> Street Converted MTS is greater than that of the other study areas in the DEIS and this FEIS, impact analyses were conducted in study areas that encompassed the most sensitive land uses (i.e. residences or parks) or streets most likely to be affected by the project-related changes. No significant adverse impacts were ultimately identified after all relevant analyses conducted in accordance with the CEQR Technical Manual.

**228. Comment:** The data in the DEIS are given as percentages, whether pertaining to poverty rates or to asthma prevalence. When the population is disproportionately large, as in the East 91<sup>st</sup> Street study area, it is essential to consider the actual number of people affected. Focusing on percentages masks the real disparity and actual numbers.

**Response:** As shown on Table 6.3-1 on p 6-13, the 2000 census reported 13,417 people living in the two census tracts (50% or more) within 1/4 mile of the 91st Street MTS.

Further demographic data for all sites is provided in Appendix B of the DEIS and this FEIS. As noted, the analysis shows that the facilities would not cause any unmitigatable significant adverse impacts.

- 229. Comment:** One speaker noted that Manhattan's residential waste stream is trucked directly to New Jersey. Therefore, they felt that no other borough or community is directly affected by Manhattan's disposal needs, so the fair share argument is incorrect. Another speaker requested that the impacts from the continuation of the present system of trucking waste to facilities in New Jersey be examined to determine its impacts.

**Response:** The Essex County Resource Recovery Facility that is proposed as the facility to receive waste from the former West 135<sup>th</sup> Street and West 59<sup>th</sup> Street MTS wastesheds does not have sufficient capacity available to dispose of waste from the East 91<sup>st</sup> Street wasteshed. The continuation of the Interim Export contracts has been addressed in environmental reviews to support those contracts which found no significant impacts from each round of contracting. The Long Term Export Program is predicated on policy objectives that seek to shift waste transport from a largely truck-based system to a rail/barge based system and to secure disposal capacity with long-term contracts. The Proposed Action would also alleviate impacts associated with the transfer and long-haul trucking of commercial waste from areas such as East Williamsburg in Brooklyn.

- 230. Comment:** A number of speakers were concerned with the ramp leading to the facility. How can the ramp that goes through Asphalt Green be widened? The Aquatic Center is on one side, and the field is on the other, therefore there is no practical way of widening the ramp. Would children share the field with the new ramp? The portion of the park that the ramp will go through is designed for use by small children, so the impacts from idling trucks and emissions will be greater than indicated.

**Response:** The design of the Converted MTS does not involve widening the existing ramp. It will be rebuilt to provide the structural support to queue collection vehicles. The impacts of trucks idling on the ramp have been evaluated on a conservative basis, depending on the analysis, assuming up to 19 vehicles would be queuing/moving on the

ramp. Based on the “Transportation and Traffic Engineering Handbook, Second Edition” chapter on queuing analysis, actual peak hour deliveries are not anticipated to cause a queue longer than a single truck.

- 231. Comment:** Some speakers spoke in favor of the East 91<sup>st</sup> Street MTS, claiming that it will bring a significant environmental and economic benefit to the City by reducing the number of truck miles traveled, thereby reducing pollution.

**Response:** Transferring waste at the East 91<sup>st</sup> Street MTS site from the four community districts that historically sent waste to this location will end the current practice of delivering waste from this watershed by collection truck to facilities in New Jersey reducing transportation and labor costs and reducing vehicle miles traveled.

- 232. Comment:** The large number of waste vehicles will impact the “walkability” factor of the neighborhood. This will impact some of the special needs children of the neighborhood, who find the situation already challenging.

**Response:** The traffic analysis accounted for pedestrians crossing at intersections and found no potentially significant unmitigatable adverse impacts. It is standard practice to include pedestrian movements, counted at intersections analyzed for traffic, in using the federally approved Highway Capacity Software (HCS). In addition, accident analyses were conducted for the study areas evaluated in accordance with the 2001 CEQR Technical Manual procedures. See Response to Comment #206 regarding the DSNY’s on-site pedestrian safety attendant.

- 233. Comment:** Several people were concerned with the increased traffic on the river which might create a hazard to navigation. What would happen if a tanker blocked the river, what would happen to the containerized units? Is there a contingency plan should such a situation arise?

**Response:** The East 91<sup>st</sup> Street site would only need to process one or two barges per day. The Harbor Operations Steering Committee (consisting of the Coast Guard, Port Authority and Harbor Operators) was briefed on the Converted MTS program in April 2004, and saw no impact from the barge operations on harbor navigation. If a

tanker or other ship is blocking the river downstream from the 91<sup>st</sup> Street MTS, barges already at the MTS would be prevented from moving downriver, so they would need to remain at one of the three berths located at the MTS. Waste processing operations could continue so long as empty containers are available, either containers stored on the pier or containers from a barge. If empty barges could not reach the station, waste processing would stop when the supply of empty containers is exhausted, and collection vehicles would be re-directed. Full barges would remain at the MTS until the blockage is cleared.

- 234. Comment:** Several people wanted to stop the trucking of waste to a waste-to-energy facility in New Jersey, since the emissions from the facility would affect New York City, and it is located in a low-income community of color.

**Response:** The Essex County Resource Recovery Facility is a lawfully permitted facility, regulated by the New Jersey Department of Environmental Protection. It is equipped with state-of-the-art emissions control technology and must operate in compliance with federal and state air quality regulations.

- 235. Comment:** Some speakers thought that the East 91<sup>st</sup> Street MTS could be redesigned to become an amenity to the community. There could be natural landscaping and concealment of the ramp. With thoughtful design and the latest environmental technology, the MTS could be accepted by the neighborhood. It was suggested that DSNY work with the local community to come up with a ramp design that is aesthetically acceptable and also addresses their concerns. In addition, the facility should be outfitted with the best available emission controls. To minimize impacts, limits should be set on the tonnage that private carter trucks can carry. DSNY's promise of no queuing must be enforced. The logistical details that assure efficient and safe movement of trucks onto and off the ramp and in and out of the facility must be provided. There should be a policeman as well as DSNY employee to keep order at the site, and staggered work shifts for collection or use of GPS systems should be employed to eliminate potential queuing. There must be protection of the neighborhood from noise, odors and toxic emissions. An educational center and viewing facility could also be incorporated into the design. Use of the facility should be subject to daily average and

annual tonnage caps. Permit conditions should specify an enforceable average daily tonnage for both residential and commercial waste as well as peak day use limits. The facility should be closed after a prescribed hour to reduce impacts to the local residential community. Commercial carter use should be linked to compliance with state-of-the-art emission, odor control and noise standards. In addition there should be funding to the Gracie Point Community to monitor what is going on at the facility, and compliance with regulations. DSNY must commit to change the way that the MTSs had previously operated, even if it means confronting established work practices and difficult personnel issues. These new facilities must set a benchmark for the rest of the City's transfer stations.

**Response:** DSNY presented concepts for enhancing the MTS design, including a proposal to provide pedestrian recreational access to the waterfront at the Community Board #8 Hearing on the ULURP application, which were not endorsed by the Community Board. Because there is no means of pedestrian access to the facility, an educational center and viewing facility is precluded. The DEIS and this FEIS reports that there are no unmitigable significant adverse impacts on the community and new USEPA mandated engine performance and low sulfur fuel standards that will become effective by 2007 will significantly reduce particulate emissions from new collection vehicles. DSNY is willing to work with the Community Board on addressing issues that arise during operation of the facility. The remaining comments have been addressed in the above responses.

**236. Comment:** Any mitigation measures discussed in the DEIS are either inadequate, impractical or unenforceable.

**Response:** DSNY disagrees with this statement. The proposed mitigation measures: traffic signal changes and limit on commercial waste deliveries at night, are both practical and easily enforceable and are adequate to fully mitigate potentially significant adverse impacts. DSNY is committed to ensure that mitigation measures are implemented and compliance as necessary is monitored.

**237. Comment:** Several people disputed the air quality analyses. The DEIS states that the



Proposed Plan facilities analyzed would add less than  $1 \mu\text{g DPM}/\text{m}^3$ , as measured by  $\text{PM}_{2.5}$ , on an annual basis. They believe that this is based upon several false assumptions:

- The maximum number of sources analyzed is not based upon the analyzed truck arrival rates. Therefore the trucks that arrive and are queuing are not accounted for.
- The analysis of the air quality of trucks outside of the 91<sup>st</sup> Street MTS was limited to 6. Based upon the analysis “the 3-hour value should be no less than one-third of the peak 1-hours value (18)” So the analysis should be of at least 18 trucks. Queuing of trucks on the street, which will occur, was ignored.
- “For the  $\text{PM}_{2.5}$  analyses, the incremental concentrations contributed by traffic related to the Proposed Plan Facilities were modeled, but not added to existing background levels”. This distorts the impact of particulate matter. The annual average last year for NYC was  $14\mu\text{g}/\text{m}^3$ . Any additional particulate matter will put NYC into a level above the USEPA regulation of  $15\mu\text{g}/\text{m}^3$ . The MTS will place NYC in violation of the USEPA regulations.
- The cumulative effect of particulates is what should be looked at.

**Response:** Specific responses to bulleted items are noted below:

- The number of trucks queuing at any one time is not the same as the number of trucks arriving in an hour. The numbers of queuing trucks were set specific to each averaging period and represent reasonable values. For example, on an annual basis, the analysis assumes there would be an average of three trucks in the inbound queue and one truck at the outbound queue.
- The conservative assumption of six (6) trucks in queue for a 3-hour impact period (needed for  $\text{SO}_2$  impact analysis) is appropriate based on expected truck arrival rates. The proposed transfer stations are designed to allow for maximum queuing of trucks on-site so that no street queuing will be needed. Also, DSNY policy will be to not allow queuing of trucks on streets outside of the DSNY property.
- The air quality analysis did in fact assume that the NYC area would become "non-attainment" with respect to  $\text{PM}_{2.5}$ , and as expected, USEPA did make this determination in December 2004, after publication of the DEIS. In non-attainment areas, federal rules require that "major" emitters of air pollutants demonstrate that their incremental impacts (not their impacts plus the existing concentrations) are below established significance thresholds. Rules relating to new source impacts in non-attainment areas do not actually apply to the proposed DSNY facilities, because their emissions are much too low (i.e., they are not "major"). For example, a “major” new source must have the potential to emit at least 100 tons per year of  $\text{PM}_{2.5}$ . By comparison, the East 91<sup>st</sup> St. MTS would emit only about one ton per year of  $\text{PM}_{2.5}$ . However, for the air quality analysis

for the DEIS and this FEIS, the PM<sub>2.5</sub> incremental impacts were analyzed nonetheless, with respect to conservatively low interim significance thresholds developed by the NYCDEP. The NYCDEP's thresholds were used because the USEPA has not yet developed PM<sub>2.5</sub> significance thresholds. The finding of the DEIS and this FEIS air quality analysis is that the impacts of the proposed transfer station emissions (total from point sources, tugs, and waste hauling trucks) will not exceed the NYCDEP's interim significance thresholds for PM<sub>2.5</sub>.

- Combined off-site and on-site air quality analysis results for the Converted MTSs are presented in the FEIS in Section 6.15.

**238. Comment:** Several individuals commented on the number of trucks arriving at the facility. Over a one-hour period at 9am, 56 trucks are arriving, and speakers were concerned with queuing on local streets. Recently DSNY committed to sending any extra trucks to a garage. Where will this garage be located, and how will the trucks get there and return?

**Response:** Regarding the hourly truck arrival, please refer to Comment #207. Each of the four Collection Districts that would send waste to the East 91<sup>st</sup> Street Converted MTS has a garage located in the following locations:

- Manhattan CD #5 540 East 74<sup>th</sup> Street
- Manhattan CD #6 606 West 30<sup>th</sup> Street
- Manhattan CD #8 423 West 215<sup>th</sup> Street
- Manhattan CD #11 343 East 99<sup>th</sup> Street

During the next five years, it is expected that the E. 74<sup>th</sup> Street garage will be rebuilt and will house both CD #6 and #8. CD #5's garage will move to 606 West 30<sup>th</sup> Street, and CD #11 will move to 110 East 131<sup>st</sup> Street.

**239. Comment:** Several people complained that the hearing was scheduled at an inconvenient time, during the week of Christmas, when the community is very busy. They felt that there was a concerted effort to manipulate the process, and not let the community voice its concerns.

**Response:** Community Board #8 requested the specific date for hearing. In addition, DSNY conducted extensive public notice and outreach about the hearing which was well attended.

**240. Comment:** Several individuals complained that the facts in the handouts were misleading. The architectural drawing on the back cover failed to identify that the ramp to the facility divides Asphalt Green. The bus stop across the street from the facility entrance is missing, etc.

**Response:** DSNY had no intention to mislead: it intended to provide a graphic that depicts the effect of the MTS on the surrounding environment.

**241. Comment:** Would you let your children or grandchildren play within 20 feet of a garbage dump:

**Response:** Re-establishing the MTS use at the site at which it operated for over 50 years and that was reaffirmed for this use by the City Council in 2000, with significantly enhanced environmental controls and clean diesel technology, has been shown by the DEIS and this FEIS to result in no unmitigable significant adverse impacts.

**242. Comment:** There is an EJ community within the East 91<sup>st</sup> Street primary study area, which is of a size equal to that of other EJ communities at other proposed sites. Therefore outreach to this population should be conducted as aggressively, thoroughly and promptly as for other neighborhoods.

**Response:** The East 91<sup>st</sup> Street project area does not meet the numerical criteria established by NYSDEC in its Environmental Policy Guidance for an Environmental Justice community. However, DSNY has conducted the same public outreach program as conducted in project areas that meet such EJ criteria. See Section 40.3.1.4, Enhanced Public Participation for further discussion on this topic.

**243. Comment:** No buses appear to have been counted on 1<sup>st</sup>, 2<sup>nd</sup>, or York Avenues or on East 86<sup>th</sup> Street except for 6 buses turning right off of East 86<sup>th</sup> and onto East End Avenue. These 6 buses are the 3% heavy vehicles for that intersection and are presumably school buses. Therefore it appears that MTA buses are not considered to be a bus. Perhaps buses are considered part of the heavy vehicle percents, but then what PCEs are used for an articulated bus versus a standard bus making stops after almost every

intersection. Also, no intersections were evaluated north of the site. The PCE issue is important because LOS at many intersections may fall below the acceptable threshold.

**Response:** Buses were a significant part of the count program and data collected. Two types of classification counts were performed:

- Three-way classification counts included autos, trucks, and buses
- Six-way classification counts for air quality analysis included autos, SUVs, taxis, light trucks, heavy trucks, and buses.

Classification counts showed large numbers of buses at each of the study intersections during the analysis peak hours. For example, during the AM peak hour, the data presented showed approximately:

- 180 buses at the intersection of 1st Avenue/86th Street (about 55 buses on eastbound 86th Street, 55 buses on westbound 86th Street, and 70 buses on northbound 1st Avenue).
- 160 buses at the intersection of 2nd Avenue/86th Street (about 35 buses on eastbound 86th Street, 45 buses on westbound 86th Street, and 80 buses on northbound 2nd Avenue).
- 135 buses at the intersection of York Avenue/86th Street (about 40 buses on eastbound 86th Street, 20 buses on westbound 86th Street, 15 buses on northbound York Avenue, and 60 buses on southbound York Avenue).

For the level of service analysis performed at intersections, buses were considered as heavy vehicles. If there was a bus stop within 250 feet upstream or down stream of the study intersection, then the number of buses stopping at bus stops was also used in the HCS analysis to account the affect of bus blockages on travel lane.

HCS uses a factor of 2.0 to convert the heavy vehicles into PCEs. The CEQR Technical Manual also suggests using a PCE factor of 2.0 for buses and trucks with 3 or more axles, waste transfer vehicles, and large school buses.

Since no site generated traffic was assigned on York Avenue north of 92<sup>nd</sup> Street, no intersection north of 92<sup>nd</sup> Street was selected for level of service analysis.

**244. Comment:** Counts of pedestrians and bicycles seem inadequately estimated for some

neighborhoods. It seems odd that the number of people on Lexington and East 86<sup>th</sup> Street, the major subway entrance for most of the study area's commuting population, is considered to be 500 people, while a less traveled intersection such as East 85<sup>th</sup> and York, has 350 people in the morning hour.

**Response:** For the proposed East 91<sup>st</sup> Street Converted MTS analysis, pedestrian and bicycle counts were not performed at the study intersections. However, during the data collection efforts, pedestrian activities were observed at the study intersections as is standard practice. The pedestrian numbers cited above were used in level of service analysis to determine the impact of pedestrians on turning vehicles. The Highway Capacity Manual suggests using the following default values for pedestrian flows:

- 400 pedestrians per hour for Central Business District (CBD)
- 50 pedestrians per hour for other area.

However, based on our field observation, the more realistic estimated pedestrian numbers were used in level of service analysis.

**245. Comment:** The number and temporal distribution of trucks in the permit application for the conversion of the 91<sup>st</sup> Street MTS issued in November 2004 is significantly different than the number of trucks and their temporal distribution used in the October 2004 DEIS. Why is this the case?

**Response:** There are several reasons that the number and temporal distributions of trucks shown in the figures for the permit application and DEIS and this FEIS differ, while both are correct for their intended use. The DEIS and this FEIS figure 6.14-9\_only depicts the number and temporal distribution of DSNY-managed collection vehicles analyzed, and includes a 20% contingency factor on the expected number of DSNY collection vehicles making deliveries. The DEIS and this FEIS also depicts both incoming and outgoing vehicles as well as the total number of trips generated (incoming plus outgoing) for each hour. Finally, in the DEIS and this FEIS figure the x-axis, which shows the time of day, begins at hour 0:00 (midnight). However, the DEIS and this FEIS also incorporated analysis done for the Commercial Waste Management Study showing the potential numbers of commercial waste vehicles that the facility could accommodate without causing significant adverse impacts.

The permit application figure depicts both DSNY collection vehicles without the 20% contingency, and potential commercial deliveries to the facility, without the contingencies analyzed in the DEIS and this FEIS. The permit application figure depicts only incoming vehicles to the facility. Finally, in the permit application figure the x-axis, which shows the time of day, begins at hour 8:00 (8 a.m.).

**246. Comment:** The SWMP must establish detailed monitoring, data collection, assessment, reporting and enforcement procedures that provide assurance that truck operation and facility performance standards will be met once the facility becomes operational. Funds should be provided for a technical expert to review and assess data for compliance with permit conditions and standards.

**Response:** DSNY will develop detailed procedures on truck operation and facility performance standards that will be required to be met once the facility is in operation. DSNY has technical experts on staff that will assess compliance with permit conditions and standards.

**247. Comment:** The community was asked to consider the environmental impacts for the 91<sup>st</sup> Street site, for a single daytime shift operation, but DSNY is really planning for a round-the-clock operation handling commercial waste. This change is not being honest with the community.

**Response:** The DEIS and this FEIS analysis shows both the impacts from handling only DSNY-managed waste, and the impacts from handling limited amounts of commercial waste at times when there is capacity as required by the City Council. For the on-site noise, air quality and odor analyses, facility operations were modeled at design capacity using the conservative approach as a starting point (See Response to Comment #209). When no unmitigable significant adverse environmental impacts were identified, a more refined analysis was not completed. While the DEIS and this FEIS supports use of the facility at design capacity, please refer to the response to Comment #1 in Section 40.3.1.1, Facility Capacity and Design, for information on the capacity that DSNY has proposed to permit at this site.

**248. Comment:** The facility's footprint extends beyond the City' property line. Who owns the property being taken for the facility?

**Response:** The property proposed to be taken for the facility is owned by the State of New York. DSNY is preparing an application and detailed map for a riverbed grant that will be filed with the New York State Office of General Services.

**249. Comment:** In several chapters of the document, different assumptions and methodologies are used, which suggest that if one approach to the analysis resulted in the "wrong" answer, modifications were made to the analysis to achieve the desired outcome. For example, values for vehicle noise were arbitrarily changed in the noise analysis from the widely accepted Federal standard to a replacement input derived from allegedly measuring DSNY-specific vehicle noise. Special methods can be used to reduce truck noise when it is desirable to do so, and it is no surprise that DSNY found the predicted noise levels higher than the "measured" levels. While the normal modeling resulted in noise impacts, using the "measured" levels resulted in no noise impacts. Just as DSNY trucks are allegedly cleaner, they are purportedly quieter too. This ignores the fact that the Proposed Action, which is supposed to be studied in this DEIS, includes commercial waste, carried by non-DSNY vehicles.

**Response:** The noise analysis properly took into account actual noise measurements in assessing potential noise impacts. A noise simulation was conducted for DSNY collection vehicles because the Traffic Noise Model (TNM) used in CEQR analyses generally overpredicts the potential for off-site impacts. The CEQR Technical Manual also notes that, while calculated values using the TNM model can be used directly, it is preferable to verify the accuracy of the model for the particular condition being analyzed. Based on these measurements, adjustment factors can be developed to account for site-specific differences between measured and model-predicted values. In consultation with NYCDEP, since: (1) noise measurements were obtained during appropriate times at sensitive receptors along routes that DSNY collection vehicles would travel to and from the Converted MTS site; and (2) these measurements take into account actual background noise levels, these noise values were used for the impact assessment. A copy of the

DSNY collection vehicles noise simulation report is included in Appendix K to this FEIS. The allowable commercial waste hauling vehicles to the Converted MTSs was based on second level screening results that identified the sensitive receptor locations where there is the potential to double PCEs. Normally, TNM analyses are conducted at these locations and often result in a finding of no potential impacts. Therefore, the method used to determine the potential allowable commercial waste deliveries to the Converted MTSs was conservative.

- 250. Comment:** Development of enclosed barge unloading facilities (EBUFs) is an essential component of the Solid Waste Management Plan, yet locations for these facilities have not been determined. Deferring the review of the environmental impacts of these facilities is segmentation, and violates CEQR and SEQRA.

**Response:** This is incorrect. Enclosed Barge Unloading Facilities are not required to implement the Proposed Action. Waste containers can be transloaded at conventional terminals in the harbor without special facilities or equipment.

- 251. Comment:** The discussion of construction impacts is totally deficient, as it only addresses impacts to benthic organisms and finfish in the river, ignoring significant adverse human impacts of traffic, noise, dust and rodents caused by the complete demolition of the existing MTS and construction of a new facility. Demolition and construction of a new ramp over FDR Drive will have significant adverse impacts upon traffic on the Drive, which is not addressed in the DEIS. Nor are the impacts to Asphalt Green arising from the demolition and reconstruction of the ramp to the facility.

**Response:** The estimated time for demolition and construction of the Converted MTSs in the Proposed Action is approximately 28 to 30 months, considered temporary under CEQR and therefore, not significant. DSNY will nonetheless utilize good engineering practices throughout the construction phase to ensure that any potential impacts are minimized to the maximum extent practicable.

Please refer to Chapter 32 of the FEIS, which has been revised to provide a more extensive discussion of potential temporary construction impacts for the Converted MTSs



that are elements of the Proposed Action, including measures that will be employed to minimize their effects. Construction activities related to modification of privately owned and operated transfer stations evaluated in the DEIS and this FEIS are currently unavailable, but are also expected to be temporary in nature.

- 252. Comment:** The DEIS found significant adverse noise impacts at sensitive receptors caused by the delivery of commercial waste between the hours of 8:00 p.m. and 8:00 a.m. (page 6-154). The DEIS offers no mechanism to assure the neighborhood that the limits to commercial waste would be enforced. Won't trucks just idle on residential streets while waiting to get into the MTS?

**Response:** The arrangements that DSNY would enter into with private carters for delivering waste to a Converted MTS would include a dump ticket procedure that includes contractual recourse against the carter for failure to follow the agreed upon procedure. For example, the contract could stipulate that a carter who arrives before or after his appointed hour on a given night would forfeit his dumping privileges for that evening. Clearly, in time, such a stipulation could cause carters to adhere to schedules set.

- 253. Comment:** The waste proposed to be sent to the East 91<sup>st</sup> Street MTS currently travels through Manhattan to sites in New Jersey. The DEIS does not consider any alternatives to the MTS "conversion" for this watershed, including the most obvious one, transfer to rail at the HRY transfer Station in the Bronx. It is located in an industrially-zoned area, would transfer solid waste by rail, and capacity exists to accept the East 91<sup>st</sup> Street watershed. There is no reason not to use this facility.

**Response:** An important premise of the Draft New SWMP is reliance upon the existing MTS watersheds to identify facilities to receive waste that does not shift waste transfer operations to another watershed. The existing MTS watersheds served the Bronx Brooklyn, Manhattan and Queens for over 50 years and reflect an equitable allocation of essential waste management functions among communities in the City. Please review the response to Comment #7 in Section 40.3.1.2 for an explanation of the Alternatives to the Proposed Action that DSNY considered, as well as section 1.3 of the FEIS for additional

discussion on the Alternatives considered.

- 254. Comment:** Page 1-1, section 1.1, paragraph 2, line 7: It is incorrect to describe the demolition of the existing, unused Marine Transfer Station at East 91st Street and construction of a larger, entirely new facility as being “converted”. This is an entirely new facility that is being proposed.

**Response:** The term “Converted” refers to Mayor’s decision to convert the existing MTSs to waste containerization facilities. DSNY has been very clear that the Converted MTSs are new facilities that replace the existing facilities.

- 255. Comment:** Page 1-5, section 1.3.2, paragraph 2, line 2: Scoping comments, dated July 9, 2004, noted that the Project is not properly defined. The Purpose and Need does not support the construction of a new MTS at East 91<sup>st</sup> Street. The Purpose and Need states that the new Proposed Action for Long Term export in the SWMP includes “an expedited timeframe, a lower cost, and reduced reliance on complex MTS conversions”. The DEIS does not contain any data or analysis that forms a basis for the conclusion that construction of a new MTS at East 91<sup>st</sup> Street meets any of these criteria.

**Response:** The existing SWMP, as modified in November 2000, acknowledged that Interim Export was a temporary measure of “independent utility” that enabled the City to phase down delivery of waste to Fresh Kills landfill and achieve its closure and provided a means to replace waste disposal capacity until a long-term waste infrastructure could be implemented. Interim Export was never intended to be a permanent solution for the City’s waste disposal needs. The Mayor has cited the necessity of transitioning to a Long-Term program that relies on export by barge or rail, to the greatest degree practical, as a fundamental policy objective of the SWMP. Chapter 3 of the Draft New SWMP clearly states the reasons for and advantages of the Proposed Action. The Purpose and Need Section of this FEIS clearly refers to these as the basis for the Proposed Action. The Proposed Action would require the construction of four converted MTSs rather than eight as previously contemplated.

CEQR does not require that a Proposed Action be supported by a detailed economic

analysis. DSNY is in the midst of several competitive procurements with multiple companies that will determine the costs of Long Term Export when final contracts are negotiated. DSNY is sensitive to the need to protect specific cost information that could compromise this competitive process. DSNY has made the case for the Proposed Action on economic grounds and presented that information, including the range of projected costs, at a recent City Council hearing devoted to a discussion of this issue.

**256. Comment:** Page 1-9, section 1.3.2, paragraph 8, line 13: Considerations which guided the formation of the Long Term Export Program included “developing a long-term solution that is equitable”. Transferring a third of Manhattan’s residential waste and commercial waste from throughout the City through a single facility in a densely populated residential neighborhood is simply not equitable.

**Response:** See Response to Comment #253 in this section.

**257. Comment:** Page 1-20, section 1.4.4, paragraph 1, line 6: There is no analysis of using the East 91<sup>st</sup> Street MTS for recyclables, or support for the statement that there would be a lower number of DSNY collection vehicles for recyclables. Moreover, the analysis of waste volume assumes that the City will maintain a recycling program. We have already seen the City’s recycling program interrupted due to economic considerations. The analysis of facility waste volume should consider the “worst case” scenario, which would include recyclables in the waste stream.

**Response:** No Curbside Recyclables will be delivered to the East 91<sup>st</sup> Street Converted MTS. The Converted MTSs are not proposed as facilities that will receive or process Recyclables. The Draft New SWMP describes the facilities that DSNY will use to support the Curbside Recycling Program, including two that are elements of the Proposed Action. Please see the response to Comment #12 in Section 40.3.1.3, Waste Prevention and Recycling for additional information on this matter.

**258. Comment:** Page 1-22, section 1.5.1, paragraph 2, line 7: If truck traffic is an overriding concern, why has no analysis of vehicle miles traveled been performed? The current

proposed action does not reduce VMT in Manhattan, nor would it eliminate any VMT of long haul tractor trailers.

**Response:** Analytical methodologies presented in Chapter 3.0 of the DEIS and this FEIS were based on CEQR requirements and consultation with NYCDEP, NYCDOT and other City agencies that require site specific analyses (including traffic) for facilities analyzed. Under the current Interim Export contracts, DSNY collection vehicles travel from collection districts in Manhattan directly to out of City disposal locations. Under the Proposed Action, DSNY collection vehicles would travel from Manhattan CDs 5, 6, 8 and 11 to the nearby East 91<sup>st</sup> Street Converted MTS, thus reducing the number of VMTs traveled in Manhattan. Furthermore, the Draft New SWMP is a City-wide plan and, on a City-wide basis, DSNY estimates it will reduce VMT annually by 2.8 million miles. See table 40.3-4 in response to Comment #42 in Section 40.3.3.1.7 for the derivation of this estimate.

- 259. Comment:** Page 1-22, section 1.5.2, paragraph 1, line 9: The DEIS provides no justification for DSNY to begin managing commercial waste. The DEIS proposes to “encourage private carters to deliver commercial waste during the 8:00 p.m. to 8:00 a.m. time period”. This new nighttime industrial activity will greatly increase noise exposure in a residential area. This Proposed Action has significant impacts that are not adequately justified and are not adequately studied. To merely say that the action would “facilitate the City’s transition” to rail- and barge-based export system is not sufficient justification.

**Response:** The Proposed Action is the result of planning efforts set forth in detail in the City’s 2000 SWMP Modification and the recommendations of the Commercial Waste Management Study issued in March 2004 (CWMS). The Study was conducted in compliance with Local Law 74 (LL74) enacted in 2000 in tandem with the City Council’s adoption of the 2000 SWMP Modification. LL74, among other things, required DSNY to evaluate the issue of using the MTSs to transfer Commercial Waste. A CEQR-level analysis of potentially significant adverse impacts related to processing Commercial Waste at the Converted MTSs is included in the CWMS, Volume III, is included as Appendix I to this FEIS, and was also included in the Draft New SWMP.

Each Chapter in the DEIS and this FEIS that reviews a Converted MTS has a section summarizing that more detailed CEQR level analysis in the CWMS – Volume III (see Section X.18 of each Converted MTS chapter). On-site operations were analyzed assuming 24-hour operation. For example, for the noise analysis, it is assumed that the facility is operating all of its equipment during the quietest background hour, which, given the amount of commercial waste that might be processed during this period, is conservative. Neighborhood character is assessed based upon, among other things, a compilation of all of the on and off-site analyses in the DEIS and this FEIS, which analyze the acceptance of commercial waste at certain levels between 8:00 p.m. and 8:00 a.m. As discussed in this FEIS, a restriction on the number of Commercial Waste vehicles delivering waste to the Southwest Brooklyn, Hamilton Avenue, East 91<sup>st</sup> Street and North Shore Converted MTSs during certain hours will mitigate estimated off-site noise impacts at receptors along the routes to these facilities between 8:00 p.m. and 8:00 a.m. The limits on commercial waste can be found on Table 40.3-1 of the Response to Comment # 1. See also Response to Comment #252.

- 260. Comment:** Page 2-8, section 2.1.2.1, paragraph 5, line 3: The statement “this environmental review concludes that varying quantities of commercial waste that can also be processed at each of the converted MTSs without significant adverse impacts” is totally unsupported by this document.

**Response:** See Response to Comment #259.

- 261. Comment:** Page 2-32, section 2.2.3.1, paragraph 3, line 4: The DEIS acknowledges that the East 91<sup>st</sup> Street MTS site is located in a “high-density residential” neighborhood, but doesn’t address the extraordinary incompatibility of a large industrial facility with noise, odors, and truck traffic.

**Response:** The zoning of the site allows for the proposed waste transfer use and for over 50 years the site was used as a marine transfer station. The City Council reaffirmed the MTS use at this site in 2000. DSNY continues to hold a New York State Department of Environmental Conservation (NYSDEC) permit to handle 4,800 tons per day (tpd) of waste at the existing facility. Site conditions, including proximity to residential buildings and parks used by residents, were thoroughly considered in the DEIS and this FEIS

analysis of potentially adverse impacts. No potential significant unmitigatable adverse impacts were identified. Access into the facility will be gated and guarded. DSNY enforcement personnel will manage and direct truck traffic at the entrance on York Avenue at 91<sup>st</sup> Street to protect pedestrians. Waste processing operations occur on the other side of the FDR Drive over the East River and are completely isolated from pedestrian and non-DSNY vehicular traffic. Unlike the Plan approved in 2000, the past occurrence of DSNY collection vehicles queuing on York Avenue will be eliminated through a combination of the facility's design features and the limitations that DSNY proposes for the facility's permitted capacity at this facility. Accident records were researched for the intersection of York Avenue and 91<sup>st</sup> Street at the MTS entrance. When the MTS operated previously, this intersection was not a high accident location. The annual average number of reportable accidents was just over 4 per year for the years 1997, 1998 and 1999 and none involved DSNY vehicles. During that period only one accident involved a pedestrian. In the year immediately after closure (2000), there were 8 reportable accidents, two of which involved pedestrians. In the future, DSNY enforcement personnel will manage truck and pedestrian traffic at the entrance on York Avenue at 91<sup>st</sup> Street to ensure that it continues to operate safely.

The design features of the facility that minimize the potential for impacts include the following:

- The Converted MTS is designed to receive and process up to 36 collection vehicles an hour, well more than is anticipated in the peak hour. Trucks queuing outside the old MTS buildings were a frequent source of complaints. Accordingly, the new 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 anticipated peak hourly arrival rate for DSNY trucks at this facility is 21. Over a 24 hour period, an average of 147 DSNY and commercial carter collection vehicles would be able to use the facility.
- The tipping floor is 12 feet above the loading floor which accelerates the unloading process by eliminating potential interference between collection vehicles and 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 19 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 up to 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 and are 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 to assure 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 (acph), compared to the code standard of 6 acph. It is also equipped with an odor neutralizing system 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 odor control system uses a natural neutralizing agent that is made from a plant compound.

**262. Comment:** Page 2-34, section 2.2.3.1, paragraph 2, line 1: Although the DEIS states that “No archeologically significant resources exist on the site” there is no data to support this conclusion. Excavation of footings for the enlargement of the ramp and new building may reveal unanticipated resources, but the DEIS does not study the potential for the existence of such resources or describe a methodology for dealing with these issues during construction, as is standard CEQR methodology.

**Response:** Consultation with LPC and the SHPO conclude that there is no potential for impact to archaeological resources. The design of the Converted MTS does not involve widening the existing ramp. It will be rebuilt to provide the structural support to queue collection vehicles.

**263. Comment:** Page 2-34, section 2.2.3.2, paragraph 1, line 8: In the Proposed Action, the ramp which crosses Asphalt Green and FDR Drive will be demolished and replaced. The short term and long term impacts of this action are not sufficiently described, such as

construction impacts, and increased shading on public parkland due to the wider ramp and noise barriers. The noise barriers are not described.

**Response:** See Response to Comment #251. The DEIS and this FEIS presents an analysis of shadows (see Section 6.7) of the proposed East 91<sup>st</sup> Street Converted MTS on neighboring areas. The shadows analysis includes what was once described as noise barriers, but is now the currently designed louvered screens that will be constructed along the southern side of the ramp. The FEIS is corrected to note that, although the purpose of the screen on the ramp is primarily visual, it also makes a contribution to noise mitigation.

**264. Comment:** Table 3.16-1: This table shows 130 net loads of DSNY collection vehicles for this facility for an average peak day. Does this correspond to a typical Monday or Tuesday when tonnage is 10 to 15 percent higher than the remaining days of the week? At two trips per load (entering and exiting) the daily number of vehicle trips is 260. There is no data provided in this section or in the site specific analysis for the East 91<sup>st</sup> Street Converted MTS documenting how the number of trips generated by this facility was determined. The section preceding trip generation presented generalized discussions of existing and future DSNY operations but there is no documentation of how these assumptions factored into the calculation of the number of 130 loads for the East 91<sup>st</sup> Street Converted MTS. A footnote on the entry for this facility in Table 3.16-1 indicates that the total number of loads from DSNY collection vehicles is the same for the converted MTSs and the existing MTSs. The column giving the number of loads for the facility is headed, “Total Number of New Loads...” These are not consistent, creating a potential conflict in the analysis.

**Response:** DSNY collection vehicle deliveries analyzed in the DEIS and this FEIS were based on historical average peak daily totals of DSNY-managed Waste (i.e. Tuesday of every week), which are: (1) higher than current estimated tonnages; (2) the highest number of DSNY collection vehicles expected on average each week, and (3) include a 20% contingency to allow for daily and seasonal variability in DSNY’s weekly collections as well as the potential growth waste generated over time, as a function of future population growth. The referenced footnote in Table 3.16-1 pertains to the numbers used in the analysis of the Converted MTSs and Existing MTS presented in the



DEIS and this FEIS, assuming the wastesheds for these facilities would be the same. The Existing MTSs, as analyzed, are not included in the Proposed Action. As noted in the DEIS and this FEIS, technical backup containing supporting documentation (including trip generation estimates) is available upon request.

- 265. Comment:** Page 3-81, section 3.17.4.3, paragraph 7, line 9: The DEIS provided no justification for the assumption that there would be a 50 percent reduction in emission factor for speeds of 5 mph and does not describe the operational controls that will assure that speeds will be maintained at 5 mph or less.

**Response:** The 50% reduction refers to fugitive PM<sub>10</sub> emissions estimated according to the USEPA's publication AP-42, Section 13.2.1, dated December 2003. The emissions equation from AP-42 was developed based on emission measurements for traffic speeds ranging from 10 to 55 mph. At lower vehicle speeds (e.g., 5 mph), there is serious doubt as to whether there is any significant fugitive dust emitted, since the re-suspension of fugitive dust on paved roads likely requires some threshold vehicle speed before the vehicle wake is moving fast enough to "sweep" dust from the surface. USEPA experts responsible for developing this section of AP-42 have stated that, for vehicle speeds of 5 mph, an assumption of 50% of the emissions produced at speeds in the 10-55 mph range would yield conservative (high) estimates of emissions. This has more recently been supported by studies at large facilities with truck traffic moving at speeds up to 10 mph, which have shown measured PM<sub>10</sub> emissions several times lower than yielded by the AP-42 equation (Reference: Midwest Research Institute, "Emission Tests of Paved Road Traffic at Minnesota Corn Processors, Marshall, Minnesota, Facility", MRI Project No. 310212.1.001, July 6, 2001). Additional operational controls on speed are not required at the Converted MTSs due to the relatively short distances of on-site travel and the location of the scales, which will effectively limit on-site vehicle speeds.

- 266. Comment:** Page 3-85, section 3.17.4.5, paragraph 2, line 1: There is a discrepancy in assumptions of the number of shift operations. For the purposes of the air quality analysis, the operating assumption is two shifts per day. Pages 2-9 and 6-87 describe a

three-shift operation. The traffic and noise analyses assume three shifts per day. The assumptions must be consistent and the incorrect analysis redone.

**Response:** The on-site air quality and noise analyses use two different methodologies and models that evaluate impacts over different periods of time, both of which are appropriate. The on-site air quality analysis estimates emissions for specific pollutants with both short term (24 hour, 8 hour, 3 hour and 1 hour averages) and long term (annual average) standards for two scenarios: acceptance of DSNY-managed Waste only and acceptance of DSNY-managed Waste plus commercial waste. For purposes of modeling pollutants with annual average standards for the DSNY-managed Waste scenario, the facility was assumed to operate on a two-shift basis, which is reasonable for estimating emissions on an annual basis under this scenario. For pollutants with 24 hour, 8 hour, 3 hour and 1 hour average standards, all equipment is assumed to be operating during that period. For the DSNY-managed Waste plus commercial waste scenario (results of which are presented in Appendix D of the DEIS and this FEIS), the annual average standards were modeled using a three-shift operation. The on-site noise analysis is an  $L_{eq}$  (1 hour) or  $L_{max}$  (instantaneous) analysis, depending on the standard, so it assumes that all of the equipment is operating during these periods. For CEQR analysis, the facility is assumed to be operating during the hour when the background noise levels are quietest. Off-site traffic, mobile noise and mobile air quality analyses evaluate the potential for 24 hour deliveries of waste to the Converted MTSs.

- 267. Comment:** Page 6-6, section 6.2.1.3.1: Scoping comments dated July 9, 2004, asked that the background and history of the current zoning for the site and adjoining properties be provided and the existing underlying and overlay zones applicable to the site be summarized. The DEIS does not summarize provisions of the M1-4 zoning district. The Proposed Action is not consistent with the regulations governing a M1-4 district. There is no analysis of how the facility will meet performance standards necessary for this type of use in an M1-4 district, as required by the NYC Zoning Resolution.

**Response:** Table 3.4-1 of the DEIS and this FEIS provides information from the City Zoning Resolution summarizing the characteristics of the types of zoning districts that are found at the sites analyzed, including M1-4 zoning districts. As described in Section

3.19.3.2, and presented in the noise section of each applicable Chapter, the DEIS and this FEIS provides an analysis of the Converted MTSs for conformance with the New York City Zoning Regulation maximum permitted sound pressure levels. New York City Zoning Resolution requirements for odors and air quality are general and CEQR analyses conducted for odor and air quality presented in the DEIS and this FEIS demonstrate the requisite compliance.

**268. Comment:** Page 6-8, section 6.2.2, paragraph 1: The DEIS does not describe in detail the residential development initiatives within the primary and secondary study areas.

**Response:** The information describing buildings was obtained from the NYCDCP. This level of detail is adequate for the analyses, particularly as the developments will be located on First Avenue, approximately two blocks (nearly ¼ mile) west of the site. No additional information has been provided as a comment to this FEIS.

**269. Comment:** Page 6-10, section 6.2.3.1, paragraph 1, line 6: There is a discrepancy that has significant adverse impacts. Under Potential Impacts, this section indicates that “the ramped entrance to the site would remain unchanged” while Page 2-34 states that the ramp which crosses Asphalt Green and FDR Drive will be demolished and replaced with a wider, steeper structure.

**Response:** The text has been revised to clarify the point that the new ramp will be constructed with the same footprint as the old ramp, thus resulting in no taking of land or changes in access between the northern and southern portions of the site

**270. Comment:** Page 6-10, section 6.2.3.1, paragraph 2: The Proposed Action will re-introduce a disruptive land use which is no longer suitable or compatible with the residential/institutional neighborhood character, resulting in undesirable land use impacts. There is no data to support a conclusion of land use compatibility with surrounding high density residential development, community facilities, parks and open space.

**Response:** Many of the residential and institutional uses surrounding the site were developed while the former MTS at East 91<sup>st</sup> Street was in operation, including such sensitive uses as the waterfront esplanade adjacent to the existing MTS and the Asphalt green complex, which is located on the grounds of the former Municipal Asphalt Plant. Continuation of the long-standing MTS use at the site was approved by the City Council

in 2000. Technical analyses predict no significant adverse impacts would result from the East 91<sup>st</sup> street Converted MTS, and no changes in land use patterns would be attributable to the reactivation of this site for a similar operation.

**271. Comment:** Page 6-10, section 6.2.3.2: The DEIS does not demonstrate how the East 91<sup>st</sup> Street facility would be consistent with applicable policies and plans, including the Comprehensive Manhattan Waterfront Plan (CMWP), and recommendations of the Plan for Reach 1, which notes that the East River water is “an important fish migration route”. The DEIS should contain substantive examination of local and regional land use plans for consistency with the Proposed Action and Alternatives.

**Response:** Refer to Section 6.2.1.4 for a summary of CMWP policies and recommendations for Reach 1 as they relate to the site; no policies preclude or recommend against the East 91<sup>st</sup> street Converted MTS. No impacts to natural resources were predicted (See Section 6.9.3 of the FEIS).

**272. Comment:** Page 6-11, section 6.3.1.1, paragraph 1, line 4, and Page 6-12, Figure 6.3-1: The Study Area is mischaracterized by eliminating portions of four additional Census Tracts: 144.01, 154, 156.01, and 156.02. This affects the analysis of socioeconomic conditions and environmental justice issues. The significant growth in residents of Hispanic origin and the potential impact on that population should be addressed.

**Response:** Refer to Chapter 3, Methodology for the number of people “affected”. The Environmental Justice assessment was undertaken as a discrete task, separate from analysis of socioeconomic impacts, as described in Section 4.3.1.4, Enhanced Public Participation. As no technical analyses predict impacts, it is reasonable to conclude that none of the residents would endure adverse effects, regardless of socioeconomic characteristics.

**273. Comment:** Page 6-18, section 6.3.3: In our July 9, 2004 scoping comments, we noted that the reopening of the East 91<sup>st</sup> Street MTS has the potential to adversely affect neighborhood character, and thus will likely have a significant negative impact on property values in the area. As such, we asked that DSNY provide an overview of the

current residential real estate market, including a detailed discussion of the impacts on property values and resultant reduction to the tax base. We also asked that a qualitative assessment of impacts on surrounding uses, including commercial uses be provided, based upon an analysis of increase or decrease in property values. Those comments were not responded to in the final scope and these analyses are not included in the DEIS.

**Response:** The SWMP Modification approved by the City Council in 2000 included the continued use of this site as an MTS. Under the Proposed action, the facility will have a more environmentally protective design than is the case with the existing facility. The “*Douglas Elliman Manhattan Market Report 1994-2003, Ten Year Trend Analysis*” prepared by Miller Samuel, Inc. presents, among other things, a summary of the trends in the Manhattan housing market, apartment inventories and price per square foot from 1994 through 2003. Borough-wide, condominium and co-operative apartment sale prices were generally flat from 1994 through 1997, then began an upward trend from 1998 through 2003. For the area bounded by East 90<sup>th</sup> Street on the north, East 79<sup>th</sup> Street on the south along East End Avenue (including Gracie Square and Gracie Terrace), from 1994 and 1997 the average price per square foot for co-ops remained relatively flat, increased dramatically in 1998 (55% from 1997), and again in 2000 and 2003 (though not at a slower pace—22% and 16% respectively). In Yorkville (the area bounded by E. 86<sup>th</sup> St., E 96<sup>th</sup> St., York and Lexington Avenues) the average price per square foot for co-ops increased each year from 1995 through 2003.

The East 91<sup>st</sup> Street MTS closed in October 2000. The market data suggests that proximity to the MTS while it was fully operational, had no adverse effect on property values. Based on the methodology described in Chapter 3 of the DEIS and this FEIS, the study found that re-opening the East 91<sup>st</sup> Street MTS would have no significant adverse impacts to neighborhood character.

- 274. Comment:** Page 6-20, section 6.4.3, The DEIS does not substantiate the assertion that community facilities and services will not be impacted; no method of assessment of emergency service response times is provided.

**Response:** Technical analyses predict no significant adverse impacts to the environs,

including traffic conditions, and so the East 91<sup>st</sup> Street Converted MTS would not affect emergency response times. Refer to FDNY correspondence in Appendix A.

**275. Comment:** Page 6-27, section 6.5.3, paragraph 1, Line 4: The analysis of open space impacts relies on the odor analysis to conclude that there are no significant open space impacts. However, the odor analysis did not assess any receptors outside but only examined impacts to nearby residences. There will be odor impacts to parks and recreational facilities which are not honestly presented.

**Response:** The DEIS presents results of the odor analysis at the property boundary and at the nearest sensitive receptor for the Converted MTSs, with no unmitigable significant adverse odor impacts identified. Odor results at the additional sensitive receptors included in the noise analysis are presented in the FEIS, and are lower than that predicted at the property boundary.

**276. Comment:** Page 6-27, section 6.5.3: The DEIS does not assess either direct or indirect impacts upon Asphalt Green, Carl Schurz Park and the East River Esplanade, caused by noise and air pollutant emissions and odors. The new MTS structure, the larger ramp the queuing of trucks, and the operations of the MTS will reduce the aesthetic value and as a result, intensity of use of these valuable open spaces and parklands. The conflicts between school buses dropping off children and queued trucks, and the challenge for pedestrians to navigate around large odor emitting trucks will interfere with public access to this significant recreational facility.

**Response:** The text in the DEIS has been revised in this FEIS to note the new ramp will be constructed in the same footprint as the existing ramp.

Traffic patterns at the York Avenue and East 91<sup>st</sup> Street entrance were observed during typical midweek days between 7:00 a.m. and 7:00 p.m. Bus activities were observed on a typical weekday in the summer of 2004, and on a typical weekday in the spring of 2005. On the summer weekday, no more than four school buses were observed during any given hour dropping off/picking up children at Asphalt Green and typically there were only 1 to 2 school buses. The average layover time of a school bus waiting to pick up students was observed to be 54 minutes.

On the spring weekday, six occurrences of school buses picking up children were observed in the morning between 7:00 a.m. and 9:00 a.m. on York Avenue at four different locations between 88<sup>th</sup> and 91<sup>st</sup> Streets. Two of these pickups were on the northbound side, and four were on the southbound side. The dwell time for each occurrence was less than one minute. Between 10:00 a.m. and 2:00 p.m., one school bus was observed dropping off children on York Avenue at the northeast corner of 91<sup>st</sup> Street. The bus stood there for about one hour, then picked up the children. Between 2:00 p.m. and 4:00 p.m., five occurrences of school buses dropping off children were observed on York Avenue between 88<sup>th</sup> and 91<sup>st</sup> Streets. Two of these pickups were on the northbound side, and three were on the southbound side. The dwell time for each occurrence was less than 30 seconds. None of the school bus activity described above caused any unusual conflicts with the rest of the traffic stream.

On a typical weekday during the summer of 2004, the peak number of City buses was 63 in a given hour, of which, approximately 50 percent were articulated buses. Background volumes were counted over the same period. Overall, the existing number of buses and background traffic volumes observed were lower than those analyzed in the DEIS and this FEIS, which would indicate that the traffic analyses presented in the DEIS and this FEIS are conservative.

**277. Comment:** Page 6-32, section 6.6.3: The DEIS does not assess potential impacts on historic resources resulting from incompatible visual, audible and atmospheric elements, including construction-related impacts, which have the potential to affect neighborhood character. While the DEIS includes discussion of the Landmarks and Historic Districts, etc, it does not identify whether any properties in the study area are eligible for listing.

**Response:** No “eligible” properties were identified via secondary sources (refer to Appendix A), field surveys, LPC or SHPO correspondence (See Appendix A), or as part of public comment on the DEIS. SHPO and LPC concur that no impacts to historic (architectural) resources would result.

**278. Comment:** Page 6-33, section 6.7.1.3: The DEIS does not describe the exterior or the interior layout of the proposed facility, nor does it describe the proposed ramp walls. The larger facility and ramp has the potential to affect neighborhood character. Without a detailed design, including streetscape elements, the DEIS cannot properly and adequately analyze the operations of the facility of the impacts on visual resources, shadows, traffic, air, noise and odor.

**Response:** The text in Section 6.7, Urban Design, Visual Resources, and Shadows has been revised and additional illustrations have been provided in Chapter 2.0 of the FEIS to clearly present current design information for the Converted MTS.

**279. Comment:** Page 6-46, section 6.8.1.2, paragraph 1, line 1: The DEIS accurately describes the existing neighborhood character as being pleasant, well-maintained and conducive to pedestrians, yet on Page 6-48 the study concludes that the MTS “is not expected to result in significant impacts on neighborhood character” even though the “reintroduction of trucks into the neighborhood would be noticeable” and that the “MTS potentially could result in impacts to neighborhood character due to potential odor conditions”. How can this not create significant adverse impacts to neighborhood character?

**Response:** Please refer to the responses to Comments #269 through #278, above.

**280. Comment:** Page 6-46, section 6.8.3: The DEIS states that “unlike other sites studied, this site is within fairly close proximity to both residential and open space resources, which are the two major factors contributing to the neighborhood character of the area” . The DEIS acknowledges that the site is high-density residential, but does not conclude that this is a poor location for a large solid waste transfer station. The DEIS acknowledges that the MTS facility encompasses “most of the Asphalt Green Recreational Center” which is a City-owned park and a City-wide resource serving many people outside the Gracie Point Community. It is also a historic resource. Gracie Mansion is also adjacent to the site but the impacts are trivialized. The conclusion that the impacts are not significant has no supporting basis.

**Response:** Please refer to the responses to Comments #269 through #278, above.



- 281. Comment:** Page 6-58, section 6.10.1, paragraph 2, line 6: An Environmental Site Assessment is not properly performed according to ASTM E-1527 and DSNY's own stated methodology for assessing impacts relating to Hazardous Materials without a site visit. Claiming inability to access a facility owned by DSNY to conduct a site visit is inexcusable. The assertion of no adverse impacts is completely without support, because an Environmental Site Assessment was not performed to any reasonable standard of care.
- Response:** The Phase I inspectors initially were denied entry due to a locked gate, but the site visit was rescheduled and the site investigation was conducted on April 25, 2003. The statement has been corrected in section 6.10.1 of the FEIS.
- 282. Comment:** Page 6-59, section 6.10.3, paragraph 1, line 1: There is no discussion of how receipt of oil or hazardous, explosive, infectious, or radioactive material would be handled at the facility. DSNY has no control over what materials are thrown into the trash, and the risk to the neighborhood could be significant. There needs to be a detailed plan for the management of hazardous materials at the facility and evacuation procedures in the event of a fire, explosion or toxic substance release.
- Response:** The draft Part 360 Permit application, undergoing review by NYSDEC, extensively documents the measures and equipment that will be employed at the MTSs to inspect incoming loads of waste, detect and segregate hazardous and unacceptable materials, control vermin through the periodic application of pest control measures, and clean the facility on a daily basis. See the response to Comment #2 in section 40.3.1.1 for additional information about design features of the Converted MTSs.
- 283. Comment:** Page 6-60, figure 6.10-1: This figure is incorrect. The Toxics Targeting Environmental Report identifies 33 toxic sites within 1,000 feet of the MTS site, including several active hazardous spills.
- Response:** The figure is correct. The site specific radius map indicates only those sites which may create a significant impact to redevelopment or reuse through on-site or off-site pathways. None of these sites were identified at the East 91<sup>st</sup> street Converted MTS site. The hazardous materials methodology in Chapter 3.0 of this FEIS has been revised

to include this explanation.

- 284. Comment:** The MTS redevelopment is subject to review under the 10 policies of the City's Waterfront Revitalization Program. Policy 1 supports commercial and residential development, but the MTS is incompatible with residential development. Policy 2 supports water-dependent and industrial uses in NYC's coastal areas that are well suited to their continued operation, and this site is not well suited since it is surrounded by parks and residential areas. The MTS development does not appear to support Policy 3, which promotes boating, nor does it appear to support Policy 8, to provide public access to and along the City's coastal waters. The DEIS does not address impacts to the adjacent Commuter Ferry. It does not support Policy 9, to protect scenic resources, nor Policy 10, to protect, preserve, and enhance resources significant to the historical, archaeological and cultural legacy of the NYC coastal area. The DEIS should discuss enforcement measures of this program, and how DSNY can be required to abide with these policies.

**Response:**

Responses to each of the policy-related comments are noted below.

- 1. Policy 1 supports commercial and residential development in areas well suited to such development, and the Upper East Side is ideal for that. However, an MTS is incompatible with residential development.*

The East 91<sup>st</sup> Street Converted MTS would be an expansion of an existing site and would not preclude the development of commercial or residential development in the area. In addition, the proposed facility would replace an existing over-water facility and would not occupy a significant amount of upland space.

- 2. Policy 2 supports water-dependent and industrial uses in New York City's coastal area that are well suited to their continued operation. This site would not be considered well suited for industrial uses as it is surrounded by parks and residential areas.*

The proposed action would involve the revitalization of an existing water-dependent, industrial use at the site. Although parks and residential areas surround the site, the Proposed East 91<sup>st</sup> Street Converted MTS represents a reactivation of industrial use,

around which the adjacent waterfront esplanade, Asphalt Green complex, and nearby residential towers developed. Development of a ferry terminal at East 90<sup>th</sup> Street and the waterfront promenade in the area near the site has already occurred as per the recommendation of the Comprehensive Manhattan Waterfront Plan. As demonstrated in the FEIS, the proposed action would not cause unmitigable significant adverse impacts to the surrounding environs, including commercial and residential uses; therefore the site is well suited to this continued water-dependent industrial use.

*3. The MTS redevelopment does not appear to support Policy 3, which promotes boating and water transportation.*

The “Plan for the Manhattan Waterfront” recommends renovating the existing 90<sup>th</sup> Street Pier, located south of the existing MTS, for commuter service. Development of a ferry terminal at East 90<sup>th</sup> Street and the waterfront promenade in the area near the site has already occurred as per the recommendation of the Comprehensive Manhattan Waterfront Plan. The proposed MTS is consistent with the “Plan for the Manhattan Waterfront” which specifically states that the MTS should be taken into account when siting the ferry landing at this location. Development of the Converted MTS would not preclude the development of additional boating and water transportation uses along the East River.

*a. The MTS redevelopment does not support Policy 8 to provide public access to and along New York City’s coastal waters. The DEIS does not address potential impacts to the adjacent Commuter Ferry.*

As stated in the DEIS and this FEIS, public access would generally not be compatible with the East 91<sup>st</sup> Street Converted MTS. However, there are numerous points of public access located north and south of the proposed MTS, specifically along the East River Esplanade.

Text has been incorporated under Policy 3 of the Waterfront Revitalization Program section to clarify the point that the proposed MTS is consistent with the “Plan for the Manhattan Waterfront,” which specifically states that the MTS should be taken into account when siting the ferry landing at this location.

4. *The redevelopment does not support Policy 9 to protect scenic resources that contribute to visual quality.*

Existing views of the water are obstructed to some extent by the existing facility. The proposed MTS would resemble the existing MTS in terms of its building typology, massing and position and elevated access. The larger scale and overall appearance of the proposed facility would not likely contribute to a substantial change of views toward the waterfront from inland areas. Therefore, the new facility and reactivation of the former ramp would result in no significant impact to the visual quality of the area, and the urban design of the area would remain virtually unchanged.

5. *The MTS does not support Policy 10 to protect, preserve, and enhance resources significant to the historical, archaeological and cultural legacy of the New York City's coastal waters.*

As stated in the DEIS and this FEIS, the SHPO and LPC concur that there would be no impacts to archaeological or historic architectural resources; therefore, the proposed MTS would be consistent with this Policy. Although the access ramp leading to the MTS is currently located near the Municipal Asphalt Plant, which is listed as a City landmark on the National Register, the proposed replacement ramp would be located within the same footprint and would, therefore, not pose any impacts to this resource.

Given that DSNY's proposed use of the site for a Converted MTS is not inconsistent with the above-referenced Policies, enforcement measures are not necessary.

- 285. Comment:** Page 6-95, section 6.14.2.3.1, line 1: The worksheets for the intersection level of service analyses should be provided so that the geometry, signal phasing and timing, and other parameters used in the analysis can be reviewed.

**Response:** As indicated in Chapter 3.0 of the DEIS and this FEIS, Technical Backup for the analyses is available upon request. This technical backup includes supporting documentation such as spreadsheets, trip generation figures, Highway Capacity Software (HCS) input/output files, intersection geometries, and signal timing and phasing used in the traffic analysis.

**286. Comment:** Page 6-99, section 6.14.2.6, line 2: This sentence suggests that the high level of pedestrian activity at the analysis locations is not expected to affect the capacity analysis significantly. A high volume of pedestrians will interfere with turning vehicles or will require a pedestrian phase. Either of these could have a substantial impact on traffic operations. The level of service analyses should be reviewed to verify that pedestrian volumes and pedestrian signal phasing are properly factored in the analysis. Please address.

**Response:** The pedestrian volumes at the study intersections do indeed affect level of service and capacity of turning vehicles. Accordingly, pedestrian volumes and pedestrian phasing were properly factored in the capacity analysis. However, it should be noted that the proposed 91<sup>st</sup> Street MTS is not projected to increase any pedestrian volumes.

In addition there will be a DSNY employee who will monitor pedestrian activity. See Response to Comment #206 for more information on the proposed employee and their responsibilities.

**287. Comment:** Pages 6-108-113, Figures 6.14-13 through 6.14-15: The morning peak hour volume exiting the site is 39 and the entering volume is 45 for a total 84. The entering and exiting volumes for the peak hour are 28 each, for a total of 56. Why is the facility peak hour volume lower than the morning commuter peak hour volume? The text in the last paragraph on page 6-105 indicates that 56 is the peak hourly volume of traffic. Why is the morning commuter peak hour trip generation higher? Moreover, what are the volumes at peak capacity? There is no documentation of how the net trips were calculated for each analysis hour from the 130 daily truck loads reported in Trip Generation, Section 3.16.4. There is no documentation of how the following factors were incorporated in the calculation of hourly volumes: (1) truck volumes should be increased by 50% to obtain Paces; (2) volumes were increased by 20% to account for daily and seasonal variation; (3) There will be 40 trips by employees for each shift change. Please reconcile, and provide assumptions and calculation work sheets.

**Response:** The facility peak hour is the hour where the highest number of DSNY collection vehicles will arrive at the facility. All 56 trips projected to be generated during

the facility peak hour are trucks. During the a.m. background peak hour, 41 of the 84 projected trips are trucks. The remaining 43 trips are employee automobile trips. To be conservative, employee automobile trips were added to the truck trips during the a.m. background peak hour. Both the a.m. and facility peak hours were analyzed to determine the impact of the proposed East 91<sup>st</sup> Street Converted MTS at the study intersections.

The calculation of hourly volumes is based on historical data. See Response to Comment #245 for more information on how these hourly volumes were estimated.

As part of the level of service analysis, the truck trips were increased by 50 percent to obtain PCEs (Passenger Car Equivalent).

- 288. Comment:** Page 6-116, section 6.14.4.2, paragraph 1, line 3: The proposed mitigation for the York Avenue/ East 91<sup>st</sup> Street intersection is a one second increase in the green time for the northbound left turn. Could there be an additional increase in northbound left turn green time to restore delay and level of service to the levels for existing conditions without significantly negatively impacting other moves? Delay at that intersection is expected to increase to 97.3 seconds in the Build Condition from the existing delay of 41.6 seconds for a decline in level of service from D to F. Since traffic impacts were studied with an unrealistically low number of net loads based on DSNY-managed waste only, impacts of maximum permitted capacity of 5,280 tpd can only increase the amount of reduction of LOS for the intersections studied. In our analysis significant impacts would have been found at the highest peak hour for permitted capacity. Our projections show two movements that decline from LOS C to LOS D.

**Response:** The Future No-Build condition is used as a baseline to determine the Build Condition that includes any projected impacts of the Proposed Action. The projected delay for the northbound de-facto left turn is 86.9 seconds per vehicle under the 2006 Future No-build condition during the PM peak hour. Following the 2001 *CEQR Technical Manual* guidelines, the signal timing adjustment described above was proposed to mitigate projected Future Build Conditions back to what they would be if the proposed action were not in place (No-Build Condition).

The proposed East 91<sup>st</sup> Street Converted MTS is not projected to generate any truck trips during the p.m. peak analysis hour. All projected vehicle trips during this peak hour are employee auto trips.

- 289. Comment:** The DEIS traffic analysis is deficient because the traffic impacts to East 96<sup>th</sup> Street were not evaluated. Trucks leaving the MTS and heading north will significantly add to the existing congestion. The analysis is further flawed in that it deals in average vehicle counts, whereas the reality is that trucks come in groups. The MTS will create a dense clump of garbage trucks queuing at signalized intersections on York Avenue, jockeying for position with school buses. Additionally, congestion on the side streets must be addressed.

**Response:** There are projected to be seven and 13 trucks leaving the proposed East 91<sup>st</sup> Street Converted MTS and heading north during the a.m. peak and facility peak hours, respectively. These trucks are projected to proceed northbound on First Avenue at 96<sup>th</sup> Street. Therefore, the intersections along 96<sup>th</sup> Street were not selected for level of service analysis because of the relatively small number of trips to be added to the northbound through volumes.

The HCS methodology considers the worst 15 minutes peak within the peak hour analyzed. Thus, the level of service for the peak 15 minute volume (also referred to as peak flow rate) is analyzed and this peak hour factor was incorporated in the level of service analysis for all the turning movements.

- 290. Comment:** The DEIS does not address the cumulative impacts of the project on air quality. The results of the off-site analysis imply that only the site-generated traffic was used to evaluate traffic emissions at the off-site intersections. The NAAQS demonstration should be based upon the total traffic volumes at each intersection under Future Build Conditions. This analysis should be conducted for both CO and PM.

**Response:** For pollutants not currently meeting the NAAQS, an incremental analysis (not cumulative) was performed in accordance with federal air quality impact analysis guidance. The purpose of an incremental analysis in this context is to demonstrate whether the incremental facility impacts would be insignificant, and therefore, by

definition, not worthy of mitigation. Any "significant" incremental impacts, in a NAAQS nonattainment context, would be grounds for requiring mitigation measures. For pollutants that are not in a nonattainment status with respect to NAAQS, a cumulative analysis of total concentrations (existing plus action-related) was performed for the DEIS and this FEIS, in accordance with appropriate guidance. Cumulative analyses, for the "attainment" pollutants, were conducted for both on-site (facility) air quality impacts and for off-site (intersection) air quality impacts.

**291. Comment:** Page 6-120, figure 6.15-1: Insufficient analysis is provided to determine the number of queuing collection vehicles expected at any time, and the real impacts of noise, odor and diesel exhaust. DSNY must address the issue of truck queuing in the neighborhood, and how the City's anti-idling law will be enforced. How will arriving trucks be accommodated, to prevent queuing on York Avenue? During the Public Hearing, it was stated that on-street queuing will not be allowed, without any indication as to how this will be enforced. It was also stated that if necessary, collection vehicles will be diverted to the garage, and a DSNY employee will be stationed at the ramp entrance to ensure pedestrian safety. Diverting trucks elsewhere will increase traffic. What garage will they go to, and what are the environmental impacts of storing waste in the garage? The commercial vehicles won't have a garage to go to, so won't they idle nearby? This management technique must be explained and impacts analyzed. What are the risks to pedestrian safety which require that an employee be stationed at the ramp entrance full time to ameliorate? Will this address significant safety impacts?

**Response:** The historical peak hour arrival rate assumed in the DEIS and this FEIS, which includes a 20% contingency factor, is significantly higher than the expected peak hour arrival rate, based on current East 91<sup>st</sup> Street wasteshed volumes. Depending upon the analysis, the DEIS and this FEIS assumes space for up to 19 queuing/moving vehicles on the ramp. The City's idling law only applies if a truck is idling (not moving) for more than 3 minutes. The likelihood of a delay of this duration on the ramp is insignificant. Garages for the collection vehicles serving the CDs in the East 91<sup>st</sup> Street wasteshed are located at 540 E. 74<sup>th</sup> St. (CD#5), 606 West 30<sup>th</sup> St. (CD#6), 423 W. 215<sup>th</sup> St. (CD#8) and 343 East 99<sup>th</sup> St. (CD#11). DSNY's operating procedure for many years has been to send



some collection vehicles to the garage with full loads, and then relay those collection vehicles to unload during non-priority times. Commercial vehicles would arrive during the 8:00 p.m. to 8:00 a.m. period, the non-peak period. Based upon the total number of DSNY and Commercial vehicles that are expected at this time, there will be no queue. Please see the response to Comment #206, regarding historical data on accidents at the location of the East 91<sup>st</sup> Street ramp. A DSNY employee will be stationed at the foot of the ramp as an extra safety measure, and to allay neighborhood concerns about safety.

- 292. Comment:** Page 6-129, section 6.16.1, paragraph 1, line: The DEIS does not include the worst-case receptor locations. The locations for sensitive receptors in the odor analysis should be the same as those used in the noise analysis. Page 6-132 five sensitive receptor locations are identified that are closer to the site than the one apartment building on 90<sup>th</sup> Street, east of York. City Zoning Regulations require that odors not be detectable at any point along or beyond lot lines. Please address.

**Response:** See Responses to Comments #267 and #275 .

- 293. Comment:** Page 6-129, table 6.16-1: The information presented here is inconsistent with the number of moving and queuing collection vehicles identified in the air quality analysis (page 6-119). Which is correct?

**Response:** Both are correct. The noise analysis is an “instantaneous” model that includes the maximum number of collection vehicles that could be present on the ramp within a given hour, with assigned utilization factors to represent the average amount of time over that hour that the collection vehicle would be in that position on the ramp. For the annual average pollutants, the air quality analysis model includes the average number of idling and moving collection vehicles that would travel along the ramp to and from the facility over the period analyzed (i.e. 24-hours).

- 294. Comment:** Page 6-131, table 6.16-2: Please provide copies of the modeling assumptions and modeling runs. By DSNY’s own numbers, the collection vehicles emit 3.2 OU/sec and 19 are queued on the ramp, yet only 0.31 OU are modeled immediately adjacent to the ramp. Hundreds of comments were made about the odors at the MTS

when it previously operated, but the modeling predicts that odors will not be detected at the site boundary? Additionally, DSNY-owned trucks were measured, not commercial trucks. Address these inconsistencies.

**Response:** As indicated in the DEIS and this FEIS, technical backup (including air quality model input and output files) are available upon request. With respect to the per truck emission rate of 3.2 odor units (OU) per second, this is a relatively low emission rate, and not likely to be detected unless one is very near the point of emission (e.g., standing on a sidewalk when a garbage truck is at the curb). Once the emissions are dispersed over even a few meters, odor concentrations will drop off very rapidly. A common means of simple estimation of the initial concentration near an object, such as a building or in this case, a truck, is to use a "box model" approach. The projected area on a vertical plane through the object, together with wind speed, can be used to perform a simple box model calculation. For example, assuming a truck is approximately 10 feet high by 27 feet long, this would give a vertical cross-sectional area of 270 square feet (10 x 27). At a very low wind speed of only 1.0 meter/second, each 3.2 odor units/second of emissions would be diluted within a volume of approximately 270 square feet, or 24 cubic meters of air, (24 square meters x 1.0 meters/sec), immediately downwind of the truck. As the plume continues downwind, further horizontal and vertical dispersion due to turbulence would rapidly reduce concentrations even further. The initial "box model" concentration in this case would be only 0.13 odor units. This example demonstrates that, by putting multiple trucks in close proximity, concentrations could approach the 0.31 OU level in the very near vicinity of the trucks, with decreasing concentrations farther downwind.

**295. Comment:** Page 6-142, table 6.17-6, footnote (5): How is it that the closest East 90<sup>th</sup> Street apartment building is assumed to only be in use during daytime hours? The occupants are noise-sensitive receptors at night, too.

**Response:** The reference to footnote 5 for the East 90<sup>th</sup> Street apartment building in Table 6.17-6 is incorrect and is corrected in the FEIS.

**296. Comment:** Page 6-147, section 6.17.3.5, paragraph 3, line 3: The DEIS utilizes noise monitoring data collected during a site-specific DSNY collection vehicle simulation to demonstrate compliance with the CEQR threshold. These data are used to replace the FHWA TMN model which demonstrated values over-predicted the CEQR threshold. The CEQR Manual requires the use of the TNM. Results of this modeling must be provided. FHA's TNM model has the added capability of modeling sound levels accounting for complex terrain and buildings. It is not clear that noise monitoring for vehicle simulations is more valid than the use of TNM. Additionally, the DEIS appears to utilize two different assumptions for calculating the reduction in sound levels due to distance. In Section 3.19.5.1, the On-Site Source Screening Analysis uses a -6 dBA drop-off rate, which is typically used for hard ground from point sources. In section 3.19.7.1.1, the CEQR and Part 360 Noise Code Analysis uses a -4.5 dBA drop-off rate. The urban environment is typically hard ground. The mobile source drop-off rate should be revised. Similarly, this difference in drop-off is a conflict in Section 3.19.1.7.2 in the Current Noise Code. Please address.

**Response:** As indicated in the DEIS and this FEIS, technical backup (including Traffic Noise Model (TNM) input and output files) are available upon request. A noise simulation was conducted for DSNY collection vehicles and illustrates that the Traffic Noise Model (TNM) used in CEQR analyses generally overpredicts the potential for off-site impacts when additional background noise sources are present at the modeled location. CEQR also notes that, while calculated values using the TNM model can be used directly, it is preferable to verify the accuracy of the model for the particular condition being analyzed. Based on these measurements, adjustment factors can be developed to account for site-specific differences between measured and model-predicted values. In consultation with NYCDEP, since noise measurements were obtained during appropriate times at sensitive receptors along routes that DSNY collection vehicles would travel to and from the Converted MTS site, and these measurements take into account actual background noise levels, these noise values were used for the impact assessment. A truck noise simulation letter report that provides information on the noise simulations that were conducted was prepared and is included in Appendix K to the FEIS.

A -6 dBA drop-off rate was used for all on-site sources to generate the 55 dBA contours around the proposed facilities. Since the configuration of the on-site trucks queuing on the ramp more closely represents a line source than individual point sources, the drop off rate for on-site trucks was adjusted to a -4.5 dBA, which is more appropriate and more conservative than a -6 dBA drop-off rate.

- 297. Comment:** The DEIS ignores potential impacts of vibration from trucks on the ramp, or the impact of dropping containers in the MTS. The FTA has vibration criteria that can be used to determine potential impacts. A vibration impact analysis must be performed using the sensitive receptors as defined for noise.

**Response:** Impact or impulsive noise levels are defined by the City Performance Standards as those noise levels that are of short-duration (i.e. two seconds or less in duration as defined under the current proposed NYC Noise Code) and are not required to be included in the noise analysis for compliance with Performance Standards. For the Converted MTSs, based on spectral noise level measurements of container loading operations at a similar type of facility in the City, and operational estimates for container lidding operations within the processing building, these noise levels are considered impact noise levels and not included in the noise analysis for conformance with Performance Standards.

Typical equipment-induced vibration levels at the Converted MTSs are below the threshold of human perception for vibration at a distance of 50 feet. Therefore, equipment-induced vibrations at these facilities are not expected to be perceived as problematic by nearby residents or other vibration-sensitive receptors if they exist nearby a DSNY facility. A summary of the vibration analysis determination is included as Appendix L to this FEIS.

- 298. Comment:** Page 6-153, section 6.18.3.2, paragraph 2: The DEIS provides no reasonable justification for DSNY to begin managing commercial waste. This will greatly increase noise in a residential area.

**Response:** See response to Comment #259.

**299. Comment:** Page 34-1, line 1: The statement “Any impacts that would result at in-City sites (designated in the Proposed Plan) where new construction would likely occur are capable of being mitigated” is refuted by the analysis of noise and odor impacts. Please address.

**Response:** As stated in this FEIS and presented in the analyses therein, there are no unmitigatable significant adverse environmental impacts, including noise and odor. Therefore, the statement is correct.

**300. Comment:** Page 34-2, paragraph 1, line 3: The statement “Furthermore, by utilizing existing facilities and sites (in heavily industrial areas) the Plan substantially minimizes or eliminates any potential impacts to neighborhood character” does not apply to the East 91<sup>st</sup> Street site, which is in a densely populated area, and the impact to neighborhood character and open space will be very significant and unmitigatable. Please reconcile.

**Response:** See response to comment #261, #279, #280 and #299.

**301. Comment:** Page 34-2, paragraph 2, line 4: There is no analysis in the DEIS which supports the statement that “This would reduce the number of trucks from what is currently required to provide waste collection and transfer services” for the wasteshed in Manhattan. Please provide this analysis.

**Response:** See response to comment #258.

**302. Comment:** Page 34-2, paragraph 2, line 6: The DEIS states that “traffic and air quality conditions on City streets would likely improve overall within the City with the implementation of the Proposed Plan” The DEIS contains no evidence that the East 91<sup>st</sup> Street MTS would serve to improve traffic and air quality conditions on City streets. Please provide this evidence.

**Response:** Since the adoption of the 2000 SWMP Plan Modification, approved by NYSDEC in 2001, the City has been committed to a transition from a truck-based system of waste export to a rail-based system. In July of 2002 Mayor Bloomberg reaffirmed the Administration’s commitment to this objective. The Draft New SWMP cites several critical factors in support of this objective. See Section 3.3.1 of the Draft New SWMP and Response to #258.

**303. Comment:** No commercial waste company would site a transfer station at East 91<sup>st</sup> Street due to the potential risks involved, or the congestion in the area. A private firm would be interested in siting a facility where they can quickly get their trucks into and out of a facility, not a highly congested area. Moreover, there is only once access to the street; what would happen if a truck breaks down on the sole access ramp during peak rush hour?

**Response:** Commercial carters do not service the City's residences. The reliability and cost of service is affected by the proximity of the location where waste is tipped to the centroid of the watershed served. For more than 50 years the City's MTSs were important factors in maintaining the efficiency and productivity of DSNY's workforce.

**304. Comment:** The DEIS does not discuss the fact that DSNY will seek a land grant from New York State to enable DSNY to extend the new MTS an additional 40 feet into the East River. There is no discussion in the DEIS regarding the potential impacts to the East River arising from this land grant.

**Response:** Development of the East 91<sup>st</sup> Street Converted MTS would require the acquisition of a River Bed Easement or Grant from the New York State Office of General Services (OGS). At the time that the DEIS was published, DSNY was initially looking to pursue an easement, which was discussed within the DEIS. Based upon design consideration which emerged after the DEIS was published, as well as further investigation of obtaining an easement versus a grant, DSNY decided to pursue a River Bed Grant. The description of the proposed grant is included in the new site plan drawing, Figure 2.2.3-4 in Section 2.2.3 of the FEIS. The land grant itself has no impact upon the East River; the impacts of the Converted MTS, inclusive of the area that would encompass the proposed grant, were discussed in relevant sections of the FEIS. Additionally, the OGS was listed as an Interested Agency in the Executive Summary and on page 1-28 of the DEIS.

#### 40.3.2.3.2 West 59<sup>th</sup> Street MTS

**305. Comment:** One speaker voiced support for the use of the 59<sup>th</sup> Street MTS by commercial carters during the nighttime hours, but thought that the facility should containerize the waste. The Plan fails to identify clear steps as to how and when the 59<sup>th</sup> Street MTS will be brought on line for commercial waste. The plan for the usage of this facility should optimize its use and minimize negative impacts.

**Response:** The West 59<sup>th</sup> Street MTS site is proposed to be made available for the transfer of commercial waste, either as the facility currently exists or in another form to be determined. Once the details of this proposal have been further defined, a supplemental environmental review would occur. The facility is currently permitted for the transfer of putrescible waste without containers and is utilized for the transfer of waste paper for recycling. As an Alternative to the Proposed Action of sending waste from this facility's historic wasteshed to the Essex County Resource Recovery facility, the DEIS and this FEIS analyzes the impacts from constructing a Converted MTS to containerize waste at this site, using a design similar to that proposed for the four MTS sites in the Proposed Action, that could accept DSNY waste and a certain amount of commercial waste. DSNY will likely issue an RFP to define the specifics of a plan for developing a Commercial Waste export facility at the site of the West 59<sup>th</sup> Street MTS. DSNY may issue a Request for Expressions of Interest (RFEI) prior to this procurement. Section 4.3.2.1 of the Draft New SWMP provides a summary description of the approach DSNY would take. DSNY will perform a supplemental environmental review once it has a specific proposal for this site. Note that the DEIS and this FEIS evaluates a West 59<sup>th</sup> Street Converted MTS for use as a long term export facility for DSNY-managed Waste, and includes analysis from the Commercial Waste Management Study concerning potential transfer of some commercial waste as well; however, this Alternative is not part of the Proposed Action in the Draft New SWMP (see Section 3.3). Accordingly, an environmental review of this site as a commercial waste export facility will be required.

**306. Comment:** If the West 59<sup>th</sup> Street facility is part of the final SWMP, DSNY must work with the State Department of Transportation, Hudson River Park Trust and other appropriate government agencies and community groups to make an access plan that puts the safety of Greenway users ahead of the movement of traffic entering and exiting the transfer station, and create and enforce policies to ensure that the Greenway path is not

blocked by vehicles. The fly-over ramp and tunnel to the transfer station should be carefully studied and analyzed as alternatives.

**Response:** DSNY will coordinate with involved agencies as the concept for reuse of this site is better defined. In addition, these issues will be assessed in a future environmental review referenced in the response to Comment #305.

**307. Comment:** The Draft Scoping Document identified the zoning in the area north of the West 59<sup>th</sup> Street MTS as M2-3. The DEIS identifies the zoning as R-10, and shows this on Figure 22.2-3. This area is in fact mapped parkland, which has no zone.

**Response:** Figure 22.2-3, Zoning, and Section 22.2.1.3.1 have been revised to reflect the extent of mapped parkland.

**308. Comment:** The chapter discussing the existing West 59<sup>th</sup> Street MTS states that both the south and north sides of the pier are used for barge tie-ups. The water north of the pier is parkland, so any use of this area for tie-up or any other use is an illegal alienation of parkland. In addition, the small boating uses of Riverside Park South Phase IV will conflict with barge tie-up on the north side. Therefore the environmental review for the “no action” alternative must study how the existing West 59<sup>th</sup> Street MTS will operate legally with only the south side of the pier for barge tie-up.

**Response:** DSNY is aware of these potential constraints at this MTS and would so inform the potential respondents to the procurement for this site. The Hudson River Park Act allows for continuation of current DSNY operations at this pier. The supplemental environmental review to be performed for the proposed commercial waste transfer use will analyze potential impacts on parkland of the proposal, and further discussions between Hudson River Park Trust and DSNY are expected once the proposal is better defined.

**309. Comment:** Chapter 22.5.3 and Chapter 35 conclude that additional truck traffic to and from the West 59<sup>th</sup> Street MTS “could potentially worsen the safety conditions on the bike path” and then go on to state that “appropriate measures developed in coordination



with the NYCDPR would likely resolve this conflict.” Such measures must be disclosed in the FEIS for public comment and their potential effects analyzed.

**Response:** See response to Comment #305 and #306.

- 310. Comment:** Any action affecting the West 59<sup>th</sup> Street MTS or the Gansevoort Peninsula must be determined by the Hudson River Park Trust to be consistent with the Hudson River Park Act or the act amended (Chapter 1.7.2.1). The Existing conditions section of the DEIS should be amended to include mention that the 59<sup>th</sup> Street Transfer Station is located within the Hudson River Park. It should also acknowledge the fact that the waters surrounding Pier 99 are legally part of the Hudson River Park Estuarine Sanctuary. The supplemental environmental review described on page 4-4 of the DEIS should mention the Act and its restrictions, and describe how any physical or operational changes required to accommodate the new facility would be consistent with the Act. The supplemental review for West 59<sup>th</sup> Street should include an analysis of any potential expansion of the existing operations at the site, including a description of any increase in traffic or expansion of use in either the surrounding water of the plant area located to the east of the pier. Any new road configurations should be assessed with respect to their possible effects on users of Hudson River Park. The review should also detail the plans created between DSNY and the Department of Parks and Recreation to resolve conflicts and safety issues created on the bikeway by increased trucking. Additionally, the Trust and the NYSDOT should be involved in such planning. Moreover, DSNY should consider the fact that the operational hours identified on page 4-2 of the DEIS of 8:00 a.m. to 8:00 p.m. are the hours during which Hudson River Park and the bikeway are most heavily used. To the extent possible, operations should be planned to avoid or minimize weekend use as well as use during weekday afternoons and early evenings. The DEIS should acknowledge that the entire bulkhead within Hudson River Park including that bordering Pier 99 is eligible for the State and National Registers of Historic Places, and that any construction on it is subject to the terms of a Programmatic Agreement executed by the USACE, the Advisory Council on Historic Preservation, the NYSHPO and the Hudson River Park Trust. The natural resources assessment should analyze any potential changes to the

Hudson River habitat resulting from any expansion of operations or construction at the pier including those related to emissions from tug boats.

**Response:** Comments noted. The DEIS has been revised and this FEIS indicates that the site is located within the boundaries of the Hudson River Park (see Sections 22.2.1.4, Plans and Policies, and 22.5.1.2, Open Space of this FEIS.) The estuarine sanctuary status is already acknowledged in the DEIS and this FEIS in Section 22.5.1.2. The LPC and SHPO have reviewed the site and concur that there would be no impact to archaeological or architectural resources. However, Section 22.6.1.3, Cultural Resources on the Site, and Section 22.6.2 (Future No-Build Conditions) has been revised to indicate that the bulkhead in the vicinity of the site may be eligible for listing on the State and National Registers. Additional consultation with the SHPO, LPC, and the Hudson River Park Trust may be appropriate as development of this site as a waste export facility proceeds.

**311. Comment:** Given that both the West 59<sup>th</sup> Street and Gansevoort facilities lie within Hudson River Park, the Trust requests that it be listed as an involved agency, as it must hold hearings and perform other functions.

**Response:** DSNY agrees that the Trust would be listed as an involved agency in connection with the supplemental environmental review of the proposed commercial waste export facility at the West 59<sup>th</sup> Street MTS site and the Gansevoort former MTS site proposed for a recyclables acceptance facility.

**312. Comment:** How will the plan finance Hudson River Park's operating costs and capital improvements? No dollar amounts were given. Who would receive the income if commercial contractors utilize the facility at night? The park should be completed with existing funds.

**Response:** Comment noted. Issues regarding the Hudson River Park will be raised during the negotiations DSNY is conducting with commercial waste industry representatives regarding the proposed use of the site. The development of more definitive plans as to future facility use and cost and financing issues will be better defined in the future.

**313. Comment:** The use of the West 59<sup>th</sup> Street MTS evaluated by the DEIS is not the use contemplated by the SWMP. While the DEIS found no unmitigatable adverse impacts, that finding is moot because it was evaluated for a different usage. As a commercial waste transfer station it will involve a different type of waste, increase the volume of traffic, require a larger or a non-containerized facility, alter the mix of trucks and hours of operation, decrease the ability of the city to manage facility operation, and continue the use of truck export of residential garbage from Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12. The DEIS does not study the impacts of keeping paper recycling at West 59<sup>th</sup> Street until Gansevoort is available. The risk is too great that by the time a supplemental review is conducted, no meaningful options for the transfer of Manhattan's commercial waste will remain.

**Response:** Comments noted. As indicated in the response to Comment #305, a supplemental environmental review will be required to evaluate a proposed action to reuse this site for export of Commercial Waste when the procurement processes that DSNY will initiate define what that reuse plan would be.

**314. Comment:** The DEIS should provide information on the impacts caused by a different use at 59<sup>th</sup> Street, should East 91<sup>st</sup> Street MTS not get approved, or the Hudson River Park Act does not get amended.

**Response:** Comment Noted. See responses to Comments #305 and #313.

**315. Comment:** Section 22 of the DEIS does not reflect the current and near-future neighborhood character of the area and needs to be updated. The DEIS must estimate the future impact on the future character of the neighborhood, which is defined by Riverside South, the new Hudson River Park, Riverside Park South, rezoning between Amsterdam Avenue and West End Avenue to permit more than 1,000 new residential units, westward expansion of John Jay College, and other changes. While the area may have been industrial in the past, it will not be in the future, when it will be predominantly residential. The Artkraft Strauss sign factory referred to is in fact vacant and soon to be redeveloped. The Foundry, a residential building at 505 West 54<sup>th</sup> Street is not listed, and the Nicole at 400 West 55<sup>th</sup> Street is just outside the half mile radius, but is across the

street from Alvin Ailey. In addition the study zone should be widened to a ¾ mile radius to assess the potential impact of truck traffic. Additionally, in the land use section the document erroneously states that a 197-a Plan is in development for South Hell's Kitchen. No such plan is being developed, although there are massive rezonings in the ULURP process that must be included.

**Response:** See response to Comments #305 and #313.

- 316. Comment:** Con Ed's use of Pier 98 for fuel transfer operations is cited as a mitigating factor because it will screen the visual impact of the new loading activity at West 59<sup>th</sup> Street. This statement should be changed since we don't know what the loading activity will look like, and what would happen when the lease for this Pier has expired? It may have a negative impact. The visual impacts need to be studied in greater detail.

**Response:** See response to Comments #305 and #313.

- 317. Comment:** The DEIS for West 59<sup>th</sup> Street contemplates not just the continued, but expanded transfer activity at the site. The details of what exactly was shown by the studies undertaken should be shown. It acknowledges that the safety conditions on the bike path could be worsened, but doesn't state how this problem could be corrected. Additionally, in the neighborhood character section, it states that "no destination in the immediate area...would attract anyone but workers" is simply untrue when the immediate area includes two popular parks. The DEIS must be amended to reflect the fact that there will be more trucks and more sanitation activity in a newly populated, greened place. Data is needed on the number of vehicles that are intended to utilize the West 59<sup>th</sup> Street MTS site. The DEIS should include data on District 7's collection and relay trucks, recycling trucks, and snow operations.

**Response:** See response to Comments #305 and #313.

- 318. Comment:** Page 22-20 of the DEIS indicates that regional projections indicate that the population of Manhattan CDs 4 and 7 will remain about the same as current conditions. This is incorrect. New developments for the area will substantially increase the

residential population. The DEIS needs to be amended to reflect these new numbers and address the implications of this growth.

**Response:** The NYMTC population projections (which were calculated by the consortium of metropolitan planning/transportation agencies to account for births, deaths, and in- and out-migration) are referenced in the DEIS and this FEIS to provide a general view of conditions throughout the community boards. The NYMTC-projected total net change for the two Community Districts is an increase of about 3,500 people (about 1.20 percent) between 2003 and 2006. Section 22.3.2.2 has been revised to reflect this information and to refer to the planned developments in the vicinity of the site. The planned developments were considered in all analyses, both as potential sensitive receptors and as potential generators of transit and traffic; no impacts were found to result assuming these planned developments as part of the Future No-Build Condition.

**319. Comment:** The DEIS for West 59<sup>th</sup> Street needs to include the following, including the impacts on traffic during the morning rush hour:

- Riverside South mitigations on West End Avenue that have changed the traffic flow from West 59<sup>th</sup> to West 70<sup>th</sup> Streets.
- Analyses of the implications of the anticipated connection of Riverside Boulevard and Route 9A at West 59<sup>th</sup> Street.
- Condition of increased traffic in and around Columbus Circle resulting from the new Time Warner building.
- Use of West 59<sup>th</sup> Street west of 11<sup>th</sup> Avenue as a commercial bus layover and a staging area for vehicles that serve the cruise ship lines to the south.
- The potential for vermin and sea gull infestations in the parklands.
- A study of asthma rates in Amsterdam Houses and Amsterdam Addition, and include this development in the EJ Plan
- Add to the secondary study area: Lincoln Square Neighborhood Center, 250 West 65<sup>th</sup> Street, Mabel Barrett Fitzgerald Day Care Center, and 243 West 64<sup>th</sup> Street.
- Clinton Cove Park is actually between Piers 94 and 97 and includes development of Pier 97.
- The Future No-Build conditions need to include the Encore Senior Residence at 755-765 10<sup>th</sup> Avenue, Clinton Green (CURA sites 8 and 9C0, and Flats/Old School at 552 and 554 West 53<sup>rd</sup> Street.

**Response:** See response to Comments #305 and #313.

- 320. Comment:** Section 22.13.1.2. should analyze the MTS sanitary sewage and stormwater impacts on North River WPCP with data that include the new Hudson Yards rezoning.
- Response:** The Hudson Yards proposed rezoning is not included in the DEIS or FEIS Future No-Build analysis because it would not take effect until after 2007. Planning and environmental review for the proposed rezoning efforts must consider all existing uses nearby, including the West 59<sup>th</sup> Street site. See response to Comments #305 and #313.
- 321. Comment:** The build years for West 59<sup>th</sup> Street and Gansevoort will be later than those for the other planned facilities. Therefore, these two facilities must be analyzed with a later build year and should be studied anticipating additions to parkland and residential growth in the areas, particularly given the anticipated rezonings of the far west side that will encourage development at greater densities. The effects on traffic are also likely to be considerably different at this later date.
- Response:** See response to Comments # 305 and #313.
- 322. Comment:** There is concern with noise impacts at these two sites, since many large trucks will be traveling down residential streets at night. The DEIS only considers this to be an impact if the PCEs are doubled. Residents however, will experience an impact at a lower threshold, since one heavy noisy truck bouncing over uneven streets at 3 a.m. will be more of a nuisance than 47 light cars humming by. A noise analysis of off-site noise impacts is therefore required.
- Response:** See response to Comments #305 and #313.
- 323. Comment:** The DEIS appears to contradict itself in recognizing that Pier 99 is between two major park areas, but characterizes the surrounding area as “largely industrial.” This is misleading. Table 22.5-1 must include Hudson River Park.
- Response:** See response to Comments #305 and #313. Existing land uses surrounding the site consist of large transportation, utility and industrial uses (in addition to vacant lots), though much of the vacant area over water is mapped parkland. As noted in Section 22.2, major land uses in the immediate area include the elevated Miller Highway,

the Con Edison generating plant, which comprises an entire block inland, a large parking lot, and the Con Edison operations on Pier 98, which is used for barge delivery of fuel oil. The parkland, as mapped, and adjacent greenway is described within the revised Section 22.5.

- 324. Comment:** In developing the design for the West 59<sup>th</sup> street facility, DSNY should consider design that is not only efficient and environmentally responsible, but one that promotes public interest and involvement.

**Response:** Comment noted. See response to Comments # 305 and #313.

- 325. Comment:** The EIS states that the impacts from dredging will be temporary, but it will probably have to be done repeatedly. How often will dredging be necessary, and what will be the effect on natural resources?

**Response:** See response to Comments #305 and #313.

- 326. Comment:** How will queuing be provided for on site? How will staggering truck arrivals be implemented and enforced with commercial operators? How will the truck routes affect traffic going down 9<sup>th</sup> Avenue, and how will this problem be addressed? Will enforcement be stepped up, to keep trucks on their designated routes?

**Response:** See response to Comments #305 and #313.

- 327. Comment:** The EIS predicts no change in pedestrian and cyclist conditions. However, the study must consider the increased use of the bikeway/walkway related to the pending completion of the neighborhood parks. Additionally, a Saturday traffic analysis must be completed because pedestrian and cyclist traffic will increase on Saturdays. The analysis should be done to assess the true impacts of the facility on park users and the surrounding community.

**Response:** See response to Comments #305 and #313.

- 328. Comment:** Why are the nearest sensitive receptors for odor at 11<sup>th</sup> Avenue and 61<sup>st</sup> Street? Noise, odor must be studied in the park abutting the facility and at the nearest

major development sites. Although the odor methodology is described, nowhere does the EIS state what the assumed odor output would be both with and without partial commercial use, or how those figures were arrived at.

**Response:** See response to Comments #305 and #313.

- 329. Comment:** Section 22.17.3.6 states that a combined on-site and off-site noise analysis was not required because no sensitive receptor was found. However there was indeed a sensitive receptor found, so it must be performed. Given the odd reference to Figure 4.17.1, perhaps this was a misprint? Is it also an error that the quietest hour is the afternoon rush hour? This seems impossible. How would the analysis be affected if it was repeated during the nighttime?

**Response:** See response to Comments #305 and #313.

- 330. Comment:** Given the differing odor levels sampled at municipal and commercial waste facilities, a more sensitive odor analysis should be performed for this option rather than assume that both types of waste have the same odor impact. Moreover, the air quality analysis for commercial vehicles cannot assume that they use the same fuel as municipal vehicles, nor that the fleet is of the same age.

**Response:** See response to Comments #305 and #313.

- 331. Comment:** The traffic analysis for West 59<sup>th</sup> Street is speculative. None of the details are known concerning where the commercial waste would come from, how it would reach the facility, how much would arrive, and at what times. A worst case analysis should be undertaken.

**Response:** See response to Comments #305 and #313.

#### 40.3.2.3.3 Gansevoort Recyclables Acceptance Facility

- 332. Comment:** The DEIS identifies only one alternative to the new Manhattan Recyclables acceptance facility at the Gansevoort Peninsula. Other sites should be considered as alternatives, including Pier 76 on the Hudson River. The NYPD tow pound that currently



occupies Pier 76 is scheduled to move to a new facility that received site selection approval by the City Council on January 19, 2005.

**Response:** In the Draft New SWMP, the Gansevoort Recyclables Acceptance facility is the Proposed Action. Refer to Section 1.4.4 of this FEIS for a discussion of the Alternatives considered to this element of the Proposed Action.

**333. Comment:** Regarding the recycling facility at Pier 52 on the Gansevoort Peninsula, it is vital that if a recycling facility were to be located on this site then the surrounding park area be protected. We believe that DSNY's planning efforts have been a good faith attempt to do this, but the Hudson River Park Act would still have to be amended to permit a recycling facility, and the Trust will need to continue to work closely to successfully address issues related to traffic, natural resources, noise, odors, open space and other environmental concerns. A timetable for design of the facility must be developed as well as for the environmental review for the site.

**Response:** As noted in Section 2.3.2.2 of the DEIS and this FEIS, NYCEDC is in the process of developing a design for this facility. As the design is developed, it will be reviewed with the Hudson River Park Trust and Manhattan Community Board #2. When NYCEDC is prepared to move forward with the project, the design and operation of this facility will be subject to environmental review. The environmental review will necessarily define the proposed construction and operation of the facility, including the type and source of materials proposed to be accepted and the assumed number of trucks that would deliver materials to the facility; determine the range and permits and approvals required to be obtained; and perform analyses required to determine whether there are potential significant adverse impacts related to traffic, natural resources, noise, odors, open space and other environmental concerns.

**334. Comment:** A number of people commented that the proposed recyclables acceptance facility at the Gansevoort Peninsula will create noise and odor impacts within the park from a potential 190 truck trips each day. The trucks will create a safety hazard to joggers, cyclists and skaters and create traffic flow problems. Odors will be a problem with park users because the materials will be uncontainerized within the barges, and

would be aggravated by the tugboats burning the most polluting diesel fuel. The strong winds will also carry the odors of waste into the West Village and the new Gansevoort Market Historic District, which is a thriving cultural and commercial center.

**Response:** See response to Comment #333.

- 335. Comment:** The City has not been open about the number of trucks that will be using the Gansevoort facility. It will include materials not only from residents, but from City, state and federal agencies, and the amount of material will continue to grow. Even more waste will be delivered if commercial recyclables are delivered to the site.

**Response:** See response to Comment #333.

- 336. Comment:** It has been indicated that the recycling transfer station would be of educational value, but it is unclear what the learning value would actually be. Materials won't be separated and processed at the site.

**Response:** The scope of the recycling educational activities planned for this site would be substantially broader than the transfer of Recyclables going on within the building.

- 337. Comment:** The City should explore moving the recyclables facility away from one of the few green space sections of Hudson River Park or use more than one site for recyclable materials so that not all of the burden would be placed on Gansevoort.

**Response:** See response to Comments #332 and #333.

- 338. Comment:** The "Waterfront Revitalization Program" identifies several sub-policies as inapplicable, which is incorrect. Sub-policy 8.1: "Preserve, protect and maintain existing physical, visual and recreational access to the waterfront" has a response "access would not be compatible with the principal use of the site, therefore this sub-policy is not applicable." Public use certainly could be compatible with the use of the site (see public access proposed for Pier 52 facility). Sub-policy 9.1: "Protect scenic values associated with natural resources" has a response that the facility would pose no impact to scenic values associated with natural resources. It would have a very real impact to the views of the Hudson River.

**Response:** Once a facility design and its relationship to barges, bikeways, the esplanade and street access are defined and proposed by NYCEDC, it will be the subject of discussions with the Trust and other interested parties and an environmental review will be conducted on the proposed facility to evaluate and disclose potential impacts to scenic values and other natural resources issues articulated in the policies of the Waterfront Revitalization Program. See response to Comments #332 and #333.

**339. Comment:** What other sites were examined for a Manhattan acceptance facility for recyclables? The DEIS needs to study other locations for such a facility, including Pier 76. A single site for transferring recyclables in each borough would produce excessive mileage, waste fuel and create pollution. The City could save considerable mileage by using three or four simple well-placed rail transfer sidings in each borough, which would have the added advantage of providing connections for exporting recyclables to a broader range of markets.

**Response:** The recyclable materials collected require processing before they can be marketed. The Hugo Neu facility in Brooklyn is proposed to process and market this material. It is accessible by barge or truck, not rail. The proposed Gansevoort site and Manhattan alternatives considered were evaluated as facilities that would accept materials that have been collected by truck and transfer them for barge transport to Hugo Neu. See response to Comment #332.

**340. Comment:** NYCEDC has not presented any concrete proposal for financially supporting the Hudson River Park development, so it is unclear what benefit the SWMP has to the park or the community, especially given that DSNY has stated that accommodating the recycling facility would not accelerate the removal of DSNY uses on the pier, hence accelerating park construction.

**Response:** Concrete economic proposals are not typically addressed in the environmental review of proposed facilities; no proposal is available. Decreased truck congestion and a point of destination for Hudson River Park visitors interested to take in the exhibits in the

recycling education center that is central to this proposal are among the general benefits that would accrue from this project. See response to Comments #332 and #333.

**341. Comment:** The text throughout the document refers to a future environmental review of the facility at Gansevoort, yet the footnote states that a full environmental review will not be conducted. A waste management facility in the middle or parkland is likely to have environmental impacts, so this must be analyzed, especially the effect of trucks on users of the park and bikeway/walkway. The Peninsula will be developed entirely as parkland with no industrial uses on it, and this must be acknowledged in the EIS.

**Response:** See responses to Comments #332, #333 and #338.

**342. Comment:** Noise analyses were only done on Route 9A and West 14<sup>th</sup> Streets between Washington Street and Route 9A. These analyses must be done farther east on the residential streets most likely to be affected by the truck traffic.

**Response:** See responses to Comments #332 and #333.

**343. Comment:** There are a number of errors with the figures for the Gansevoort facility. The plan needs to be corrected to show the bikeway and esplanade and the existing highway curve, which would make adding an exit lane for trucks to leave the highway impossible. There are a number of issues with the current plan that would dramatically affect traffic flows, accessibility to the facility, and create hazards to park users. How many trucks per hour were anticipated with the two-lane ramps shown on the figure?

**Response:** See responses to Comments #332, #333 and #338.

**344. Comment:** What are the specific details for the Gansevoort facility? What is the layout and footprint of the facility? How much space will be taken up by the barges? Will the barges be smaller than the ones are the MTSs? Will there always be 2 barges on site?

**Response:** See responses to Comments #332, #333 and #338.

#### *40.3.2.4 Queens*

##### *40.3.2.4.1 North Shore Converted MTS*

**345. Comment:** Community District 7 already has a number of borough-wide Sanitation facilities, such as the MTS and the garage for another CD's Sanitation vehicles. Placing all of these facilities in this CD must end.

**Response:** DSNY has been working with the Department of City Administrative Services and the Office of the Queens Borough President to relocate the existing CD 11 garage that is currently located in CD 7. To date, no site has been found that is appropriate for a garage. DSNY is continuing to search and will seriously examine any sites that are proposed or become available.

**346. Comment:** The MTS is sited right across from LaGuardia Airport, and there are concerns about what height the Port Authority will allow. If the height of the MTS will have an impact on the airport, it must be redesigned.

**Response:** DSNY is currently working with the Federal Aviation Administration and will work with the Port Authority of New York and New Jersey to define and resolve issues associated with the height of the Converted MTS. DSNY has submitted Form 7460-1 to the Federal Aviation Administration (FAA) and the FAA has issued a "Determination of Presumed Hazard."

DSNY's design team has been in consultation with aviation industry experts who have reviewed the FAA's initial determination and believe that our proposed building does not pose a significant impact on airport operations and that ultimately we will receive a favorable ruling from the FAA on this. Consequently, DSNY will coordinate these activities with the Port Authority of New York and New Jersey.

**347. Comment:** Since the MTS was last open, the Whitestone/College Point area has changed drastically. There is much more traffic. There are changes being made to the Whitestone Expressway and to the Grand Central exit at Linden Place, and there is increased traffic at 20<sup>th</sup> Avenue. At times, that exit is backed up almost to the Linden Place exit. On Friday nights the traffic is still heavy because of traffic generated by the movie theater. The MTS may bring 10 to 15 DSNY trucks at the peak hour, and serious

problems will result at Linden Place. There are only so many trucks that can make a left under the expressway and make another left onto the service road to get to 31<sup>st</sup> Avenue. People sit at this intersection sometimes for 2 to 3 light changes. The situation needs to improve, not get worse. This will create a total standstill at this intersection, block traffic through the Corporate Park, and affect DSNY's schedule. An alternative route should be considered.

**Response:** When work on the DEIS began, the New York City Department of Transportation (NYCDOT) was consulted to determine if there were any known problem areas from a traffic standpoint in the vicinity of the North Shore Converted MTS. NYCDOT indicated there were existing congestion problems at Linden Place and requested an alternate route be found for DSNY collection vehicles. DSNY altered routes for five of six CDs that were originally routed through the intersection of the Whitestone Expressway Service Roads and Linden Place. Only Queens CD 9 will continue to be routed through this intersection. CD 9 is not expected to generate more than four truck trips to the North Shore Converted MTS in any given hour.

**348. Comment:** College Point Boulevard should be avoided as a DSNY truck route. The Department of City Planning has pinpointed portions of it as part of the expansion of downtown Flushing. Any DSNY trucks on College Point Boulevard in downtown Flushing will be detrimental to the development of the area and hazardous to pedestrians

**Response:** College Point Boulevard is a NYCDOT designated truck route that provides access to and from both the Long Island Expressway and Van Wyck Expressway, both of which are vital to the collection network for DSNY in this area. In order to avoid existing congestion identified at the Linden Place exit and its surrounding area, DSNY must route collection vehicles along College Point Boulevard in order to access the major expressways in the area. The traffic analysis indicated that the North Shore Converted MTS would cause no significant adverse impacts at intersections along College Point Boulevard between the MTS and entrances to the two major expressways.

**349. Comment:** Please review current traffic studies because the area has changed quite a bit in recent years. 20<sup>th</sup> Avenue will be widened, and Linden Place will be next. DOT is

considering computerized signals at all College Point Corporate Park arterials. There is a lot of traffic, including CD 11's sanitation trucks traveling through Northern Boulevard.

**Response:** CEQR guidelines state that traffic data used for traffic analysis must be collected within the past three years. Existing traffic counts were performed at study intersections in November of 2002. Additionally, study intersections did not include intersections at Linden Place because these locations screened out of further analysis due to low volumes of project related traffic flowing through these areas. 20<sup>th</sup> Avenue is not expected to be used as a major route for DSNY collection vehicles to access the North Shore Converted MTS.

**350. Comment:** Will the truck routes for the Converted MTS be the same as they were when the MTS was previously open?

**Response:** DSNY collection vehicle routes to and from the Converted MTS will generally be the same as when the MTS was previously operated except for the route changes noted in the response to #347 above. Generally, collection vehicles will make their way to major expressways along local truck routes in their local collection districts to travel towards the North Shore Converted MTS. Once near the Converted MTS, the collection vehicles will exit the expressways and use local truck routes to make their way to the Converted MTS. Collection vehicles will follow a return path to their respective CDs similar to the ones use to access the MTS.

**351. Comment:** Southeast Queens hosts a cluster of land-based commercial waste transfer stations located adjacent to residences. The DEIS did not assess these transfer stations, nor any other proposed commercial waste facilities and initiatives. To the extent that the CWMS was used to assess the existing stations, the assessment is flawed since the CWMS analyzed theoretical stations instead of real ones. The trucks used to haul waste, which is not generated locally, to these commercial transfer stations, creates adverse impacts that were not assessed or mitigated in the CWMS or DEIS.

**Response:** Although an assessment of transfer stations in Queens CD 12 was done as part of the CWMS, none of these facilities are part of the Proposed Action for Long Term Export and, therefore, were not re-evaluated in the DEIS and this FEIS. However,

subsequent to the issuance of the CWMS, DSNY proposed major revisions in its Rules governing transfer station operation that require design and operational modifications to reduce odors and emissions, as well as improve control of stormwater runoff.

40.3.2.4.2 Greenpoint Review Avenue

**352. Comment:** A number of comments state that the neighborhood is a great place to live, but traffic problems are a major concern in the area. The streets are overwhelmed by cars and trucks and are more crowded than they have ever been. Please closely analyze the effects of more car and truck traffic before enacting the final plan. Truck traffic on 48<sup>th</sup> Street, which Sanitation and other waste vehicles use, is a particular problem at night. 43<sup>rd</sup> Street, 48<sup>th</sup> Street, 39<sup>th</sup> Street and Review Avenue cannot handle any additional traffic. The three transfer stations in such close proximity to one another (Review Ave, 485 Scott and 72 Scott Ave.) have created a major truck traffic problem.

**Response:** Five of the six Queens CDs that would be assigned to the Review Avenue Transfer Station under the Draft New SWMP are currently making deliveries to this facility under Interim Export contracts. Under the Draft New SWMP, this facility would export all waste received by barge or rail, including any commercial waste received. Export by rail would involve draying waste by truck in sealed containers from the facility to the Maspeth rail yard.

In addition to this initiative, the Draft New SWMP notes that the majority (68%) of the Commercial Waste transfer stations in the City are located in areas zoned for the heaviest industry (M3 zones) and therefore well buffered from any conforming residential use. However, trucks traveling to and from the transfer stations use designated truck routes that pass through residential areas. Metropolitan Avenue in Greenpoint, Brooklyn is an example of such a thoroughfare.

The CWMS (Appendix I) analyzed 58 key intersections in areas leading up to transfer stations and determined that the percentage of waste hauling vehicles was no more than 7% of the total number of vehicles traveling through any of the intersections. While the



number of waste hauling trucks is technically small in comparison with all vehicles, DSNY will work with the New York City Department of Transportation (NYCDOT) to conduct a traffic analysis to study the feasibility of redirecting truck routes leading to transfer stations with the objective of minimizing traffic-related impacts in residential areas to the extent possible. Based on the data gathered in the CWMS (Appendix I), DSNY will select potentially sensitive truck routes. Community advisory committees will then be formed in each of the respective areas identified. These groups will review and approve the truck routes selected or recommend others to be analyzed. The community advisory committees will also review the methodology employed by the analysis and evaluate the alternative routes to ensure that the redistribution of truck routes is equitable. DSNY will also work with the City Council and industry representatives to formulate this study.

**353. Comment:** There will be too many waste vehicles coming from many districts, traveling down Review Avenue and causing traffic jams. There are children and schools on Grand Avenue, an MTA project, and now with a rail station, it will create too much havoc. The traffic is excessive and the trucks always queue, resulting in odor and noise impacts. We urge DSNY to transport waste by rail.

**Response:** The use of the Review Avenue Transfer Station as either a truck-to-barge or truck-to-rail transfer station for export of DSNY-managed Waste at a capacity of 1,200 tpd was evaluated in the 2000 SWMP FEIS and found to have no potentially significant unmitigatable adverse impacts. The proposed on-site transfer operations at this facility are the same in the Draft New SWMP as previously proposed and, therefore, no further analysis of on-site impacts is required. However, rail export would entail draying (trucking) containers between the facility and the Maspeth Rail Yard on Rust Street. This transport option was not considered in the 2000 FEIS and is evaluated in the DEIS and this FEIS. The analysis showed no potentially significant unmitigatable adverse impacts. Also, see Response to Comment #352.

**354. Comment:** Several people were concerned with the waterfront area, recapturing wasted industrial land along the waterfront and revitalizing it so that in the future it can become a

recreational area for the neighborhood. The barges conveying waste may adversely affect this revitalization effort. We are concerned that Newtown Creek may become further degraded, and that growth for new development will be hindered.

**Response:** The Review Avenue Facility is currently an active transfer station located within the Newtown Creek Significant Maritime Industrial Area (SMIA). The goal of the SMIA is to protect and facilitate working waterfront uses and to accommodate future growth of these uses, including water-dependent activities. The existing facility and the proposed future use of barge operations with sealed containers at this site are consistent with the SMIA goals. The continued operation of this facility would not preclude future development at other locations along the waterfront.

**355. Comment:** Long Island City has one of the worst air pollution problems in the City according to data from the new air monitors. All of the truck emissions have caused this area to be called “asthma alley.” This will be exacerbated by all of the traffic resulting from the Plan. Currently, trucks don’t stay on the truck routes due to the traffic jams and go onto undesignated routes. The Cross Harbor Tunnel project will result in thousands of trucks entering and leaving the area every day. What assurances will be made that trucks will stay on designated routes and not invade residential neighborhoods?

**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 a collection route. If DSNY workers violate these route requirements, they are subject to discipline. DSNY’s Permit and Inspection Unit would continue to be responsible for policing private carters in addition to concurrent NYPD efforts to enforce truck route restrictions.

**356. Comment:** The streets are not designed to handle the heavy traffic flows, and this frequently results in the rupture of underground pipes, which the homeowner is then

responsible for. The City needs to address these problems, before moving forward with selected facilities.

**Response:** The streets are designed in accordance with NYCDOT specifications, which take into account the expected usage. Also, see Response to Comment #355.

- 357. Comment:** There is a serious concern with the possible plan for a truck-to truck-to-rail transfer plan. Under the plan, the LIRR tracks along Rust Street at and adjacent to Maspeth Avenue would be a location where trucks would load containers onto rail cars for export. This would mean even more trucks going into and out of the congested West Maspeth Industrial Area. The congestion and air pollution will be serious, and must be evaluated in the EIS.

**Response:** As noted in the Response to Comment #353, the traffic, air quality and noise impacts of draying containers from the Review Avenue Transfer Station to the Maspeth Rail Yard were evaluated in the DEIS and this FEIS and found to have no potentially significant adverse impacts.

- 358. Comment:** The following issues require study within the EIS: spill mitigation plans at Newtown Creek, waterfront traffic as it may affect the planned Greenpoint/Williamsburg waterfront sports facility, and water traffic as it affects the proposed 2012 Olympic venues.

**Response:** The Williamsburg waterfront sports facilities proposed as part of the 2012 Olympics plan are not included in the DEIS and this FEIS Future No-Build analysis because they would not be operational by 2007. Planning and environmental review for these proposed waterfront sports venues (including associated water traffic) must consider all existing uses nearby, including the Review Avenue Transfer Station.

Solid waste transfer stations must have a Part 360 permit from the New York State Department of Environmental Conservation (NYSDEC). As part of these permits, the general operations of the facility are discussed in detail, including the handling of spills. Therefore, spill mitigation is part of the operation of the facility not the environmental review process.

**359. Comment:** The SWMP mentions that a new off-site intermodal railyard may be required for the Review Avenue Transfer Station, but there are no details on this facility or what its impact would be. Please provide these details.

**Response:** The railyard in question is not new; Maspeth Rail Yard on Rust Street exists and no permitting actions are required for its proposed use as an intermodal transfer point for truck to rail transfer of containerized waste drayed from the Review Avenue Transfer Station. The Maspeth Rail Yard site is described in Chapter 2, Section 2.2.12.4, of the DEIS and this FEIS. Chapter 15 of the DEIS and this FEIS, summarizing the results of the environmental review, reports that there were no potentially significant adverse impacts associated with the use of the Maspeth Rail Yard.

#### *40.3.2.5 Staten Island*

**360. Comment:** Since the Staten Island transfer station will be the first long-term export facility on line, there is a concern that it accepts only Staten Island waste. Any permit, even if under the name of a private entity, should state that it may only receive Staten Island waste.

**Response:** The Part 360 permit for DSNY's Staten Island Transfer Station does state that only DSNY-managed Waste from Richmond County can be accepted at this facility. A private vendor would operate under the same permit conditions.

**361. Comment:** We would like the trucks to use the streets of Travis to get back to their destination after using the transfer station instead of narrow Victory Boulevard, and to utilize internal roads within the landfill to access the garage. Highways should be used instead of local roads wherever feasible.

**Response:** The 2000 FEIS for the 2000 SWMP Modification evaluated the traffic impacts of waste hauling vehicles entering and leaving DSNY's Staten Island Transfer Station and found no potentially significant adverse impacts would result. Notwithstanding, DSNY continues to agree that DSNY collection vehicles entering and leaving the facility will use internal landfill roads and Route 440 where feasible.

**362. Comment:** What is the status of the rail line, and when will Staten Island waste be hauled out by rail?

**Response:** The Port Authority of New York and New Jersey has awarded a contract for the Chemical Coast connector, and construction is anticipated to be complete in early 2006. The NYCEDC is responsible for the construction of the Travis Branch Extension that will interconnect the rail line with the facility. NYCEDC's current schedule calls for completion of construction in 2006.

**363. Comment:** It would be a mistake for a private entity to operate the Staten Island Transfer Station. The facility should be operated by the City.

**Response:** Operation of the facility by DSNY personnel is under consideration but a final decision has not been made.

**364. Comment:** The Staten Island transfer station should accommodate state-of-the-art composting tunnels or other high tech options for processing waste.

**Response:** The transfer station will containerize waste for transfer to rail using well accepted technology. A summary of DSNY's recent evaluation of alternative processing and waste conversion technology for the City can be found in the Draft New SWMP and in other DSNY composting reports located on the DSNY Web site. A DSNY facility for composting yard waste is adjacent to the Staten Island Transfer Station.

#### 40.3.3 Involved Agency Comments

##### *40.3.3.1 NYSDEC Comments on the DEIS For the New York City Comprehensive SWMP*

These comments are provided consistent with the notice, DEIS Hearing and Extension of Comment Period, dated November 16, 2004. The comments are specific to NYSDEC regulatory authority and are intended to provide clarity in the assessment of various environmental impacts that may result from the Proposed Action.

40.3.3.1.1 General

- 1. Comment:** The DEIS relies heavily on studies and reports prepared earlier that are not significantly summarized, including documents such as the Commercial Waste Study, Manhattan Transfer Siting Report, as well as the 2001 CEQR Technical Manual (see references on page 11 of the final scoping document and throughout the DEIS text). The reference to documents generated outside of the DEIS provides some difficulty in reviewing the appropriate sections for adequacy.

**Response:** Note that Appendix E of the Draft New SWMP, which the DEIS was prepared to support, includes the entire Commercial Waste Management Study (CWMS) as an appendix in compact disk format. That appendix includes an executive summary of each volume of the study, including the one referenced above. A copy of the CWMS Executive Summary in compact disk format is also included in Appendix I of this FEIS.

- 2. Comment:** The DEIS provides reference to and cursory information on the use of private transfer stations for the management of residential waste in boroughs where there is not a converted marine transfer station. The discussion regarding the potential impacts for the use of these facilities is underdeveloped. The DEIS relies heavily on previous and future decisions by the DEC as part of the environmental review of permit applications. The DEIS should fully discuss any likely impacts that result from use of commercial waste management facilities.

**Response:** Five private transfer stations located in the Bronx, Queens and Brooklyn are designated in the Draft New SWMP as potential long-term export facilities. Four of these are existing facilities currently being used by DSNY for Interim Export. The fifth, Scott-Meserole, which is now the site of several contiguous facilities, would require substantial modification, so was subject to detailed environmental review in the DEIS and this FEIS.

For the four remaining facilities, the DEIS and this FEIS evaluated the potential for significant adverse impacts associated with any proposed expansion or other potentially significant physical modifications to each facility or its operation. These analyses

considered the incremental effects associated with the proposed change and is consistent with CEQR requirements. These evaluations included the following:

- For Review Avenue in Queens (with a proposed expansion of existing permitted capacity of 242 tpd (from 958 tpd to 1200 tpd), the off-site traffic, air quality and noise impacts, as applicable, associated with processing the potential maximum increment of DSNY-managed Waste during Long Term Export for Queens Community Districts 1 through 6 above the average peak daily tons delivered during current Interim Export operations, and the draying of waste containers from the facility to the Maspeth Railyard;
- For Harlem River Yard in the Bronx (permitted for processing 4,000 tpd), the traffic impacts associated with processing potential maximum increment of DSNY-managed Waste during Long Term Export above the average peak daily tons delivered during current Interim Export operations;
- For East 132<sup>nd</sup> Street in the Bronx (permitted for processing 2,999 tpd), the draying of waste containers from the facility to the Maspeth Railyard at a volume equivalent to the facility's maximum processing capacity and the traffic impacts associated with processing potential maximum increment of DSNY-managed Waste during Long Term Export above the average peak daily tons delivered during current Interim Export operations; and
- For 485 Scott Avenue in Brooklyn, no incremental changes were evaluated, because (i) the volume of DSNY collection vehicle traffic is consistent with levels handled in Interim Export Operations and (ii) the barge-out option was evaluated in the 2000 SWMP FEIS.

Agency review of applications that may be submitted for permit modifications may result in a determination that additional environmental review is required.

**3. Comment:** The DEIS should consider the likely consequences and probable impacts that develop from the use of the existing 59th Street Marine Transfer Station (MTS) and the use of the converted MTS during non peaking hours.

**Response:** At the present time there is no specific proposal in hand that would be the basis for such an evaluation. As indicated in the Draft New SWMP, DSNY intends to undertake a process of information gathering that would then proceed to a procurement of proposals for using this site for the export of commercial waste. When a decision is made to select a proposal for development of this site for commercial waste, an environmental review will be initiated.

4. **Comment:** The DEIS should discuss the impacts of NYC municipal garbage containing significant quantities of household hazardous waste and its potential impacts on remote landfills and emissions at Waste to Energy (WTE) plants.

**Response:** Based on the Waste Composition Sorting Program that is now in progress, DSNY does not have any evidence that household hazardous waste (HHW) is present at detectable levels in its Waste picked up at curbside and in Waste that has been containerized. In addition, DSNY plans to release a Request for Proposals (RFP) for a Household Hazardous/Special Waste Collection Program Vendor. Finally, unless specifically permitted otherwise, applicable regulations for remote disposal locations that receive DSNY-managed Waste (i.e., landfills, waste-to-energy facilities) prohibit the acceptance of hazardous wastes. Those disposal facilities are required to have plans in place for screening and managing the receipt of waste and for removal of any inadvertently accepted hazardous waste.

5. **Comment:** NYC proposes a solid waste management plan totally dependant on out-of-city facilities. Absent from the discussion is detailed analysis of potential impacts resulting from unanticipated facility closures and transportation problems.

**Response:** The DEIS and this FEIS is a review of the Draft New SWMP. The type of information referenced in this comment is available in the Part 360 Solid Waste Facility Permit Applications that have been filed with NYSDEC. Based on comments from NYSDEC during review of these applications, it is DSNY's understanding that the Contingency Plans, as submitted and revised, and other relevant information on this issue comply with NYSDEC regulations. In addition, at NYSDEC's request DSNY has prepared a Transfer Transport and Disposal Plan (TTDP) incorporated as Appendix I to the Part 360 Permit Applications. The TTDP provides a more complete description of how the contracts that DSNY is in the process of negotiating for intermodal transfer, barge and/or rail transport and disposal will provide the resources and assurances to address these types of contingencies with specific reference to terminal and rail facilities with available capacity to serve DSNY's needs. The TTDP is included in the FEIS as Section 40.3.5, of this chapter.



6. **Comment:** The DEIS Plan fails to explore any in-city disposal alternatives including WTE, yet disposal at three out of City WTE plants is proposed. The discussion should explain why no in-City disposal alternatives are presented and why the City continues transporting waste to out-of-City WTE facilities, while not considering WTE plant construction within its borders.

**Response:** Please refer to the response to comment #7 in Section 40.3.1.2, Alternatives Analysis, that discusses Alternatives considered during Plan development. Also refer to Section 1.3 of this FEIS for more information on the scope of Alternatives considered.

7. **Comment:** The DEIS omits traffic, noise, and air pollution impacts along out of city waste routes.

**Response:** The Converted MTSs will reduce the number of outbound out-of-City transfer trailer trips that occur, thus reducing this mode of transport on out-of-City truck routes. The out-of-City routes that will serve the Converted MTSs and that will be used to transport waste by rail or barge are existing routes, are located outside of New York State, and can be used for the purpose of moving freight (containerized waste) in compliance with applicable law. Any significant modifications to these routes by their owners/operators would be subject to environmental review in accordance with the laws and regulations applicable to the host jurisdictions, except where federal law preempts local and state jurisdiction, as is the case with railroads. Accordingly, there is no requirement in SEQRA or CEQR to evaluate impacts associated with the use of this existing out-of-state infrastructure.

8. **Comment:** Provide an analysis of waste route construction impacts, both in-city and out of city.

**Response:** The in-City routes that will be used to support waste transport are the harbor or active rail freight lines. Any in-City construction that is required will be addressed in permit applications where necessary, including any requirements for supplemental environmental review. See Response to Comment #7 regarding out-of-City routes.

9. **Comment:** The DEIS omits significant discussion on the disposal of large amounts of

dredge waste. Details of dredge disposal and a list of destination facilities for this material should be included in the discussion.

**Response:** The Joint Application for Article 15/25 Permits for the Converted MTSs that was submitted to NYSDEC addresses this matter. No environmental review in the DEIS or FEIS for the Draft New SWMP is required. If NYSDEC deems that the management of dredge spoils, as described in the permit application, requires additional review, a supplemental environmental review will be prepared.

- 10. Comment:** The DEIS emphasizes sorting and pro-manufacturing activity without any discussion of possible in-city reuse or manufacturing alternatives. The discussion should include why the City has been unable to attract additional recycled content goods manufacturers and any probable impacts.

**Response:** The Visy Plant on Staten Island, which has been in operation since 1997, is the result of a major City-State development program to create a manufacturing facility within the City to process recycled paper from the City Curbside Program into finished product. Currently, Visy Paper receives and processes approximately 180,000 tons per year of DSNY's recycled paper. The Draft New SWMP provides an extensive discussion of the Proposed Action for recycling—the development of a Materials Processing Facility at the South Brooklyn Marine Terminal that will process the MGP collected by the Curbside Program. Among the reasons mentioned for developing this facility is the potential to increase the net recovery rate for materials collected by the Curbside Program and to improve the beneficiation of these MGP materials. If this potential is realized, it could also stimulate the growth of reuse industries within the City that would rely of this supply of beneficiated materials.

- 11. Comment:** Section 1-2 Purpose and Need - Page 1-3: The last sentence states “These Existing Programs and New Initiatives approved pursuant to the Existing SWMP are therefore not part of the Proposed Action that is subject to environmental review in this DEIS.” What specific existing programs and new initiatives are being referred to? If the statement is referring to biosolids, medical waste, dredge spoils and Fresh Kills construction and closure, please provide an updated reference for discussion of these issues.

**Response:** The definition of the terms, Existing Programs and New Initiatives, appears on page 1-2 of the Draft New SWMP. Page 1-3 lists twelve Attachments to the Draft New SWMP with brief descriptions of the information contained in Attachments V, VI, VII, IX and X where these Existing Programs and New Initiatives are described.

- 12. Comment:** Section 2.1.2 General Information, Plan Policies and Key Assumptions - Proposed Plan Long Term Export Facilities - Page 2-6: Please clarify *who* were the independent utilities that approved the environmental reviews for the demolition. Also, please describe the environmental remedial program for each of the individual MTS facilities such as page 3-23 for Southwest Brooklyn.

**Response:** “Independent utility” is a term used in environmental law review to indicate that a proposed action has value in and of itself and does not commit the decision-maker to a course of other actions. Therefore, environmental review of the individual action as part of a larger action is not necessary or necessarily appropriate. This finding, pertaining to the demolition of the Greenpoint and Hamilton Avenue incinerators, was made by the DSNY in connection with the proposed demolition project.

- 13. Comment:** All solid waste facilities must be designed to be in compliance with the requirements of Part 360-1.7(a)(2)(ii), which prohibits siting on flood plains unless specific provisions are made as explained therein. Please correct throughout the document.

**Response:** As documented in the Part 360 Permit Applications and the Joint Application for the Article 15/25 Permits for the Converted MTSs submitted to NYSDEC, these facilities are designed in compliance with Part 360-1.7(a)(2)(ii) by incorporating “provisions...to prevent the encroachment of flood waters upon those facilities.” The Converted MTSs are designed to elevate the pier level of the over-water facilities, which is the lowest level where waste processing occurs, six inches above the level of the 100-year flood plain. The upland Converted MTSs are also designed so that the bulkhead or pier level is above the 100-year flood plain.

#### 40.3.3.1.2 Rail/Barge Issues

- 14. Comment:** The DEIS discussion relies primarily on barge transport with a lesser

emphasis on rail. Inherent in a barge system is the loss of waterfront access; however, rail provides greater flexibility and would require improvements that may attract other industry and possibly trigger additional upgrades to the rail system. Provide an analysis exploring whether the City would be better served by either a barge /or rail-focused system. The DEIS should provide a comparison of the negative environmental impact of the additional rail/barge traffic versus the reduction of vehicle traffic.

**Response:** The four Converted MTSs that are elements of the Proposed Action for Long Term Export have no rail access and are designed to load barges with containerized waste that will then be transported to intermodal terminals in the New York harbor region. As described in the TTDP (see response to Comment #5, above), the available terminal facilities in the New York Harbor region provide options for both barge or rail transport to disposal destinations.

Four of the five private transfer stations in the Bronx, Queens and Brooklyn that are designated in the Draft New SWMP have rail access, either on-site (Harlem River Yard in the Bronx and Scott-Scholes Street in Brooklyn) or by draying containers to rail yards in the project service area. The traffic and off-site air quality impacts of draying containers to the railyards that would serve the East 132<sup>nd</sup> Street facility in the Bronx and the Review Avenue facility in Queens have been evaluated in the DEIS and this FEIS and found to have no potentially significant unmitigatable adverse impacts. Scott Avenue in Brooklyn is an existing facility that would transport containers by barge and would use the same terminal facilities that are available to the Converted MTSs.

The point of the Proposed waste management system as advanced in the Draft New SWMP is to provide the City with the flexibility to use both barge and rail while, at the same time, balancing other important considerations so that the Proposed waste management system in the Draft New SWMP is both equitable and efficient.

Since the adoption of the 2000 Plan Modification, which was approved by NYSDEC, the City has been committed to a transition from a truck-based system of waste export to a rail-based system. In July of 2000 Mayor Bloomberg reaffirmed the Administration's

commitment to this objective. The Draft New SWMP cites several critical factors in support of this objective. See Section 3.3.1 of the Draft New SWMP. Finally the Proposed Action is comprised of a set of discrete facilities without overlapping impacts and therefore no cumulative analysis of impacts is required.

- 15. Comment:** The DEIS should incorporate a discussion regarding the feasibility and need of improving the rail infrastructure in NYC and along potential out-of-City waste routes, and include an analysis of the additional track and yard capacity that may be required.

**Response:** The Final Scoping Document for the DEIS, which was developed in consultation with NYSDEC, clearly states that the one objective of the Draft New SWMP is to develop a Long Term Export program. If the City's rail infrastructure is improved incidental to accomplishing that objective (as may be the case), that is a benefit of implementing the SWMP, not the primary objective of the SWMP. Note that the TTDP referred to in the response to Comment #5 addresses the facility requirements for supporting barge/rail export from the Converted MTSs.

- 16. Comment:** The DEIS should include a detailed discussion of the rail and barge systems, currently and proposed, and how the proposed SWMP changes are viable within these systems. Included in this assessment should be the possibility of using float barges from 65th Street or New York Cross Harbor and the possible container unloading facilities in the New York City Harbor.

**Response:** See Response to Comment #5. DSNY does not intend to use the 65<sup>th</sup> Street railyard in Brooklyn or the related float bridge facility for any form of containerized waste transfer or transport operation that is part of the Long Term Export Program.

#### 40.3.3.1.3 Environmental Justice (Chapter 1)

- 17. Comment:** The environmental justice section contains no assessment of the potential burden the proposed action(s) may have on identified environmental justice communities. Mapping neighborhood facilities as noted in the scoping document and coupling that with the statement "As such, they are not intended to depict the type or extent of any

environmental burden in the EJ community,” does not assess any potential impacts or provide an evaluation of the burden to those neighborhoods.

**Response:** Section 1.9, Proposed Outreach Process - Environmental Justice, of the Final Scoping Document for the DEIS was developed through extensive consultation with NYSDEC with the intent of applying NYSDEC’s Environmental Justice and Permitting Guidance of March 2003 to the development of the DEIS and this FEIS. Although the Guidance applies only to NYSDEC acting in the role of lead agency, DSNY, as lead agency for the DEIS and this FEIS, determined that implementation of the policy would have benefits in enhancing public participation. The referenced section of the Scoping Document includes the statement: “The project area maps also identify facilities in the project area that would be included in the environmental burden analysis in the event that significant impacts from the project are found.” The intent of the statement is clear: a burden analysis will be performed if there is an impact and the analysis will include the assessment of related facilities that may contribute a similar burden. The analyses in the DEIS and this FEIS have determined that there are no potentially unmitigable significant adverse impacts associated with the Proposed Action. Accordingly, no burden analysis is required.

- 18. Comment:** The DEIS provides a discussion of how DSNY will conduct Enhanced Outreach, utilizing the DEIS hearing process. The DEIS further suggests the existing outreach complies with DEC’s policy on Environmental Justice and Permitting. The DEIS, however, does not provide in draft the required Enhanced Public Outreach Plan, nor does it provide a schedule for such compliance.

**Response:** Section 1.9.2 of the Final Scoping Document presents the proposed enhanced public outreach program. In a November 8, 2004 transmittal to NYSDEC, DSNY provided an Interim Implementation Report describing the enhanced public outreach activities that were undertaken during the Scoping process and described the activities that would be undertaken during the DEIS hearing phase. After publication of the DEIS in October 2004, DSNY has implemented additional enhanced public outreach activities consistent with program as proposed. By email on December 26, 2004, DSNY provided NYSDEC with additional materials on its enhanced public outreach program, including

notice of DSNY's intention to mail out notices to stakeholders on the Community Board ULURP hearings on the four Converted ULURP actions scheduled during January. These notices specifically responded to NYSDEC's desire that stakeholders be provided with information on the permit hearing process. This topic was addressed during the Community Board ULURP meetings. A report on the results of DSNY's enhanced public outreach process during the ULURP hearings was transmitted to DSNY in March. When the FEIS is published with a responsiveness summary Chapter 40 addressing the numerous public comments received as a result of DSNY's enhanced public outreach activities on the Draft New SWMP, this chapter will also summarize the extent of DSNY's enhanced public outreach activities through publication of the FEIS and certify that DSNY has complied with its enhanced public outreach plan. Additionally, Section 40.3.6 of this Chapter provides an interim implementation report on the enhanced public participation program.

The following summarizes relevant statistics on implementation of the enhanced public outreach program during the DEIS Scoping, DEIS Hearing and ULURP Hearings Phases.

#### **Pre-Scoping Outreach Meetings at Potentially Affected Communities: - 9**

- A. Meetings with eight district managers or their representatives, plus a meeting with the Hunt's Point Economic Development Corporation.
- B. Repository Locations for New SWMP Project Materials: 22 - *(two locations in each district – 11 districts, in total)*
- C. Toll Free Hotline Inquiries: 26 - *(Hotline calls received starting June 2, 2004 through February 9, 2005)*
- D. Follow-up Inquiries Logged and Addressed during Scoping/DEIS Comment & Interim Periods: 60 -*(Scoping Meetings, DEIS Hearings, Community Board ULURP Hearings)*

#### **DEIS Scoping Meetings - 10**

- A. Outreach Activity

- 2,200 stakeholder invitational color tri-fold mailings and project updates.
- 12 main-stream and community based newspaper notices, plus the City Record notice.

#### B. Meeting Services

- Consecutive and/or simultaneous Spanish interpreters' service available at 8 of 10 meetings.
- List of public information materials available at Scoping meetings:
  - 3 Large Table Top Display Boards\_that summarized the Proposed Action, typical EIS topics, and the public involvement process.

#### C. Meeting Handouts/Fact sheets\*:

- Welcome Sheet
- Opening Statement for Public Scoping Meeting
- PowerPoint Presentation
- Fact sheet #1 – City Environmental Quality Review (CEQR) FAQs
- Fact sheet #2 – CEQR Process Flowchart for the New SWMP EIS
- Fact sheet #3 – Proposed Action
- Comment Sheet

*\*<Translated into other languages for comprehension by non-English speaking stakeholders>*

### **DEIS Hearings - 8**

#### A. Pre-Meeting\_Outreach Activity

- 3,000 stakeholder invitational color tri-fold mailings with project updates and targeted Spanish translated invitational color tri-fold mailings (~100) with project updates.
- 3 main-stream and community based newspaper notices, plus City Record and ENB notices

#### B. Meeting Services

- Consecutive and/or simultaneous Spanish interpreters' service available at 5 of 8 hearings
- List of public information materials available at DEIS hearings
  - 2 Large Table Top Display Boards\_that summarized the proposed action/



impacts & mitigation measures and the public involvement process

C. Meeting Handouts/Fact sheets\*:

- Welcome Sheet
- Opening Statement for DEIS Hearings
- PowerPoint Presentation
- Fact sheet #1 – DSNY Public Involvement
- Fact sheet #2 – Proposed Action / Impacts & Mitigation
- Fact sheet #3 – State Permit Review Process
- Comment Sheet

*\*<Translated into other languages for comprehension by non-English speaking stakeholders>*

**Community Board ULURP Hearings - 4**

A. Pre-Meeting\_Outreach Activity

- 1,300 stakeholder invitational tri-fold mailings with project updates
- List of public information materials available at ULURP hearings

B. Meeting Handouts/Fact sheets:

- Fact sheet #1 – DSNY Public Involvement
- Fact sheet #3 – State Permit Review Process

**19. Comment:** Examples of public outreach documents should be added to the appendix as attachments.

**Response:** These materials are included as Appendix H to this FEIS.

**20. Comment:** Reference to joint hearings with the DEC should be removed. The reference to DEC’s commitment to issue Notices of Complete Applications should be deleted from the discussion.

**Response:** Comment noted. The change is in the FEIS.

*40.3.3.1.4 Overview of Study Methodologies for Site-Specific Analyses (Chapter 3)*

**21. Comment:** Table 3.16-1 (p. 3-48) is the “Average Peak Day Facility Load Allocation,” how is the average peak day defined? Peak generally refers to a maximum. How is an average computed?

**Response:** Average peak day is defined as the peak day that occurs once a week, typically on a Tuesday, when the number of loads delivered to an MTS is typically higher than the other days of the week. It is an average peak day because load allocations were developed based on the average number of loads delivered on the peak day of the week over the entire Fiscal Year (1997 or 1998, depending on the facility)..

**22. Comment:** On p. 3-71, in the second sentence, the phrase “... comparison with the PM<sub>2.5</sub> NAAQS is not feasible (*emphasis added*)” should be changed to “... is not attempted” as a more accurate representation.

**Response:** We concur with this comment.

**23. Comment:** The document is sometimes confusing with regard to the differing requirements of NYSDEC as contrasted with those of NYC DEP. For instance, on p. 3-71 the PM<sub>10</sub> emissions of 15 tons/year is a state threshold, and not a City DEP requirement, but that is not clearly stated. Elsewhere distinctions between city and state thresholds could be better made. The discussion should clarify the separate city and state requirements.

**Response:** We agree this could be clarified. To do so, on page 3-71, the second bullet will be edited to include the introductory phrase, “Per NYSDEC and NYCDEP policy, results...”. The third bullet on this page will be edited to include the introductory phrase, “Per NYSDEC policy, if primary...” The fourth bullet on this page will be edited to include the introductory phrase “Per NYCDEP policy, the potential incremental...”. The fifth bullet in this list, which is on Page 3-72, will be preceded by the introductory phrase, “Per NYCDEP policy the maximum incremental...”.

**24. Comment:** Because some aspects of the analysis were begun prior to the general availability of Mobile6.2 in February 2004, Mobile5b was used for some portions of the

analysis. In some cases, Mobile6.2 was also apparently used (see p. 3-81). While there are representations made that the most current state and city approved input parameters were used ...“ (p. 3-89), this is contradicted elsewhere by reference to the NYCDEP’s Report #34 (Jan. 1982). See p. 3-91 & 3-92. When Mobile6.2 was used, was it consistently applied? The technical backup for the site specific analyses should be included in the appendix.

**Response:** The initial roadway air quality analysis of all prospective waste transfer station sites utilized MOBILE5b emission factors, because agencies had not yet developed the necessary inputs for the recently released MOBILE6.2 model. As the SWMP was completed, the Proposed Action sites were identified. As the inputs needed to run MOBILE6.2 became available from agencies, the Proposed Action sites were analyzed using MOBILE6.2 emission factors. If Alternative sites were to be substituted for these sites in the future, these sites can be evaluated using MOBILE6.2 emission factors in a supplemental environmental review. For the Proposed Plan Sites Mobile6.2 with the current input parameters was used. The DEIS and this FEIS notes that the Technical Backup for the analysis is available upon request. (See page 3-1.) A copy of the Technical Backup was sent to NYSDEC prior to the publication of the FEIS.

**25. Comment:** The waste handling (transfer) operations are modeled using AP-42 § 13.2.4 Aggregate Handling and Storage Piles, but the DEIS appears to be in error on two counts. This AP-42 method (i.e. § 13.2.4) was not revised on 12/0.3 nor does it contain a correction factor C (see p. 3-83 of the DEIS). The discussion should be revised to correct the errors.

**Response:** We agree with this comment and will make the correction, as appropriate.

**26. Comment:** Load factors and activity data are not provided to verify the tugboat emission factors presented in Table 3.17-5.

**Response:** The load factors and activity data are in the Technical Backup that was sent to NYSDEC prior to the publication of the FEIS.

**27. Comment:** For PM<sub>10</sub> road dust calculations, the latest AP-42 Chapter 13 2.1 (12/0.3) guidance was not used. The DEIS discussion does not estimate PM<sub>2.5</sub> road dust.

**Response:** The DEIS and this FEIS did use the latest version of AP-42, Chapter 13.2.1. The date of that version (12.03) will be added to the text where this reference is provided.

The NYSDEC's policy on PM<sub>2.5</sub> analysis does not apply to the proposed action or to facilities included in the proposed action, but PM<sub>2.5</sub> analysis was undertaken nevertheless. The DEIS and this FEIS does include PM<sub>2.5</sub> road dust emissions in the impact analysis at off-site microscale (roadside) receptors, but not at neighborhood-scale receptors for the off-site analysis, per NYCDEP guidance. The on-site analysis does not include PM<sub>2.5</sub> from road dust in the impact analysis, due to the very low on-site vehicle speeds. The primary source of on-site PM<sub>2.5</sub> emissions is expected to be vehicle exhaust, and these emissions were included in the PM<sub>2.5</sub> analysis.

#### 40.3.3.1.5 Descriptions of Facility Sites

##### 59th Street MTS

**28. Comment:** The 59th Street MTS is mentioned as a possible commercial waste transfer point. Describe improvements that would be required for the facility to accommodate the commercial waste sector. Describe the impacts that are expected to occur if this facility is used in this manner.

**Response:** See Response to Comment #3.

**29. Comment:** Describe the Hudson River Greenway trail at the point of intersection with the 59th Street MTS. Is the trail diverted in a manner that is safe and does not detract significantly from the trail's aesthetics?

**Response:** This segment of the Hudson River Greenway (Route 9A bikeway) is particularly narrow and surrounded by active industrial operations and transportation

facilities, resulting in a generally low-quality visual environment. In the vicinity of the West 59th Street MTS, the path is adjacent to the elevated Miller Highway columns to the east and the Consolidated Edison pier (at 58th Street) and the existing MTS to the west along the water. There is a stop sign on the path at the West 59th St. intersection and a sharp westward turn as one travels north toward 60th Street, where the waterfront opens up to view and the southernmost portion of Riverside Park South is under construction. (See Sections 22.2: Land Use and 22.5: Open Space.) As noted in the response to Comment #3, any Commercial Waste export facility that might be developed at the site as a result of the investigation and procurement processes that DSNY initiates in the future would be subject to environmental review at a later date. When there is a specific proposal for development of this site, DSNY will consult and coordinate with NYCDPR and the Hudson River Park Trust on the interface between the bike path and the proposed facility.

#### South Brooklyn Marine Terminal (SBMT)

- 30. Comment:** It is expected that 85% of the inbound recyclables to the South Brooklyn Marine Terminal (SBMT) will be delivered by barge. Where will the material originate and where will it be loaded onto barges? The DEIS discussion should include a description of the recycling support facilities. Provide the names of destination points for processed recyclables.

**Response:** The facilities that will supply Recyclables by barge to the Materials Processing Facility at the SBMT are described in Chapter 2, Table 2-3.1 of the SWMP and include: (i) the existing Hugo Neu Recyclables Acceptance facilities in the Bronx and Long Island City; and (ii) the proposed Gansevoort Recyclables Acceptance Facility in Manhattan, all of which are or would be capable of shipping materials by barge. These Acceptance Facilities would receive Curbside Program collections from the respective boroughs in which they are located, except the Long Island City and Bronx facility, which currently receive materials from northern Brooklyn and northern Manhattan, respectively.

The destination of processed recyclables from the Materials Processing Facility at the SBMT will depend upon the marketing arrangements made by the operator after the facility is constructed and in operation.

- 31. Comment:** Were any alternatives to the SBMT available with both barge and rail capability? Is the SBMT rail-accessible? Discuss the potential for shipping recyclables from the SBMT via rail.

**Response:** The answer to both questions is no, and there is no potential for shipping recyclables from the SBMT via rail.

- 32. Comment:** On p. 17-4 the section entitled “Environmental Review: Manhattan Curbside Recyclables to 30th Street Pier at South Brooklyn Marine Terminal,” states that borings taken close to the SBMT show that the area contains 10-25 feet of fill material. Is an investigation planned to determine if contamination is present at the proposed SBMT site?

**Response:** Yes an investigation is planned. As the plans for this facility are developed, a more detailed supplemental environmental review will be prepared, and a Phase II subsurface site investigation may be required.

- 33. Comment:** Please clarify whether all materials from the proposed Gansevoort recyclables transfer facility will be sent to the SBMT. If not, provide a list of destination facilities.

**Response:** Yes, all of the Recyclables delivered to the Gansevoort Acceptance facility would be shipped to the Materials Processing Facility at the SBMT by barge.

- 34. Comment:** The 30th Street Pier, Brooklyn is included in the list of SWMP Facilities and potential contractors as a recyclables processing facility. The footnote states “As a recycling facility, it is not subject to regulation as a solid waste facility.” Please correct this statement to reflect that it is regulated under NYSDEC regulation 6 NYCRR Part 360. Correction should be made to page 2-116 for the Gansevoort facility and in Table 2.5-1.

**Response:** Correction noted. The statement was intended to mean that these facilities are authorized by registration pursuant to Part 360 regulations.

#### Review Avenue and 485 Scott Avenue

**35. Comment:** It is unclear whether the proposed either or both the Review Avenue and 485 Scott Avenue transfer station will be a truck-to-barge or truck-to-truck-rail facilities. Different parts of the document state different scenarios. Please correct.

**Response:** Both options at either facility are possible, depending on the outcome of a procurement and contract negotiation that that is now in progress.

**36. Comment:** If both scenarios are options, individual environmental reviews should be done for both possibilities. Section 2.1.2.2 Capacities of Private Transfer Stations. Table 2.1-3 Private Transfer Station Capacities. Please explain why the analysis for 485 Scott Ave. capacity analyzed for on-site impacts is “deferred” while Review Avenue is not.

**Response:** Chapters 13 and 15 of the DEIS and this FEIS contain a summary of the permitted capacities and environmental reviews of the Scott Avenue and Review Avenue Transfer Stations, respectively. Those explanations provide the basis for the level of analysis presented in the DEIS and this FEIS. Where there is more than one potential option at a given facility, the environmental reviews of all options are presented in the Site/Facility Chapter of the DEIS and this FEIS to avoid repeating redundant information. The analysis of Scott Avenue was deferred because there was insufficient design information on the barge loadout available at the time the DEIS was published. When available, the design details will be subject to review by NYSDEC in an application for a permit modification. If NYSDEC were to determine that these changes merit additional review, a supplemental environmental review would be undertaken.

#### East 132nd Street Transfer Station

**37. Comment:** Section 2.2.9 East 132nd Street Transfer Station - Page 2-70: Please explain why there is no direct rail connection to this facility.

**Response:** The lease between Waste Management and the developer of the Harlem River Yard complex prohibits the developer from providing rail access to the Yard to a competing waste transfer station.

#### Hamilton Avenue MTS

- 38. Comment:** Section 4.10.2 Delineation of Area of Concern - Page 4-53: In this section it states that the November 2003 work plan is NYSDEC approved. NYSDEC has not approved the work plan. Please correct.

**Response:** This is correct. Comments provided by NYSDEC on the draft work plan were incorporated into the final work plan. On May 28, 2003, a Draft Site Investigation Work Plan for the Hamilton Avenue Site was submitted to the NYSDEC for review. On September 9, 2003, NYSDEC provided comments on the draft submittal. All comments were addressed, and on October 23, 2003, a Final Site Investigation Work Plan and Response to Comments letter was submitted to the NYSDEC. These corrections are made in the FEIS.

- 39. Comment:** Section 4.10.3 Potential Impacts with Hamilton Avenue Converted MTS - Page 4-54:

Please contact NYSDEC for guidance for disposal or reuse of urban fill and the necessary cover layer over exposed urban fill areas at least 90 days before implementation of plan regarding these materials. This applies to potential demolition/construction plans for all of possible facilities.

**Response:** Comment noted.

#### 40.3.3.1.6 Construction Impacts (Chapter 32 and various sections)

- 40. Comment:** The DEIS limits its discussion to short term construction impacts and long term operational impacts. It also refers to proposed construction at eight converted MTSs. The discussion should be augmented to reveal impacts to the local community and any probable impacts from staging of equipment and machinery, road diversions and



closures, both upland and to the waterway. The discussion should be revised to focus on those facilities determined to be included under the proposed action.

**Response:** Please refer to Chapter 32 of the FEIS, which has been revised to provide a more extensive discussion of potential construction impacts for the four Converted MTSs that are elements of the Proposed Action, including measures that will be employed to minimize their effects.

- 41. Comment:** Section 32.2 Construction Impacts Page 32-2: Please discuss potential construction impacts such as construction traffic, noise, vibration and disruption of services impacts. Also discuss if the construction will impact the use of any off-site properties.

**Response:** See response to comment #40.

40.3.3.1.7. Evaluation of the Proposed Plan (Chapter 34)

- 42. Comment:** The DEIS discussion states "... as a result, traffic and air quality conditions on City streets would likely improve overall within the City with the implementation of the Proposed Plan." The statement is unsupported by environmental analysis and discussion within the DEIS. The discussion further omits a comparative analysis to derive at this conclusion, particularly with the exclusion of commercial waste truck traffic analysis.

**Response:** The DEIS and this FEIS demonstrates that there are no potential unmitigatable significant adverse environmental impacts from the Proposed Action. The statement that traffic and air quality conditions on City streets would likely improve overall within the City with the implementation of the Proposed Plan is supported by the Proposed Plan's objective of exporting waste out of the City by barge or rail, which reduces the outbound truck/transfer trailer traffic (and resultant noise and air quality) that would otherwise exist on the City streets. DSNY has estimated that the shift from truck-based transfer to barge/rail based for DSNY-managed Waste will reduce waste transfer vehicle traffic by approximately 2.8 million miles per year. This reduction has obvious benefits in terms of reduced congestion and air quality. This reduction is documented in

the following Table 40.3-4, which shows the reduction in transfer trailer vehicle miles traveled within the City to and from the private transfer stations now used for Interim Export that will occur by shifting to a rail/barge based system.

A credible regional emissions analysis to compare waste export alternatives is not feasible at this time. The equipment and routes to be used to transport and dispose of NYC solid waste once it leaves the city are undefined. DSNY cannot predict the associated emissions outside the City. More importantly, the pollutants of primary regional concern, particularly PM<sub>2.5</sub> and ozone, are strongly affected by precursor pollutant emissions far upwind (outside to the City and State), making it difficult to establish a "domain" over which to conduct such an analysis.

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.

40.3.3.1.8 Unavoidable and Adverse Impacts (Chapter 35)

**43. Comment:** The discussion concludes that "site specific analysis predicts that any impacts identified are capable of being mitigated." The DEIS should provide a comprehensive comparative chart of unavoidable impacts and corresponding mitigation to allow an adequate assessment of this statement.

**Response:** The Executive Summary in the DEIS and this FEIS presents the overall findings of the DEIS and FEIS analyses (see Section 4.0, Tables ES-3 and ES-4) and a summary of those potential impacts identified and the mitigation applied to those potential impacts. As noted, no unavoidable impacts were identified.

**Table 40.3-4  
Private Vendor Round Trip Transfer Stations  
Tractor Trailer Mileage to Portal of Egress**

<b>Facility</b>	<b>Average Tons per Day</b>	<b>Departing Tractor Trailers</b>	<b>Returning Tractor Trailers</b>	<b>Mileage to NYC Limits</b>	<b>Daily Mileage</b>
<b>Waste Services 920 E 132 St Bronx, NY</b>	743	37.2	37.2	4.73	352
<b>Waste Management 215 Varick St Brooklyn, NY</b>	1,363	68.2	68.2	21.03	2,868
<b>Waste Management 485 Scott Avenue Brooklyn</b>	1,012	50.6	50.6	21.62	2,188
<b>IESI of NY 577 Court Street Brooklyn, NY</b>	365	18.3	18.3	15.83	579
<b>IESI of NY 110 50<sup>th</sup> Street Brooklyn, NY</b>	953	47.7	47.7	13.86	1,322
<b>Waste Management 38-50 Review Ave Queens, NY</b>	953	47.7	47.7	8.43	804
<b>Tully Environmental 127-30 34<sup>th</sup> Ave Corona, NY</b>	876	43.8	43.8	11.14	976
<b>BFI Waste Services 598-636 Scholes St Brooklyn, NY</b>	81	4.1	4.1	21.31	175
<b>TOTAL</b>	<b>6,346</b>	<b>317.6</b>			<b>9,264</b>
<b>YEARLY TOTAL</b>					<b>2,797,728</b>

40.3.3.1.9 Irreversible and Irretrievable Commitment of Resources (Chapter 36)

**44. Comment:** As stated the in the DEIS, "...the soil, shoreline and natural waterway ... already committed to industrial use as a result of prior industrial activities ...." implies the waterways are abandoned and non-productive, when in fact the littoral zones, tidal wetlands and open water and habitat existing at the shoreline structures, are beneficial and protected for their natural resources benefits. The loss of marine resources habitat and open water should be further detailed and discussed.

**Response:** The comment "already committed to industrial use as a result of prior industrial activities" was a comment that referred to the land, its zoning, and the City's Waterfront Revitalization Program. The waterways, themselves are not abandoned and unproductive. The year-long field assessment indicated that the waters were rich in benthic, epibenthic, adult, larval, and juvenile finfish. The loss of marine habitat and communities due to construction and dredging will only be temporary. The benthic and epibenthic communities will reestablish themselves with the following year's recruitment and the adult finfish will return after the environmental disturbance has stopped. The operational impact of the Converted MTSs that are elements of the Proposed Action is small, the increase in the over-water shaded area is only 1.36 acres. It should be noted that, as discussed in the DEIS and this FEIS, construction of additional platforms does not cause a cessation of biological activity underneath and there is not an irreversible and irretrievable commitment of natural resources. The impacts, if any, of new platforms will be difficult to quantify.

40.3.3.1.10 Alternatives

**45. Comment:** Although a component of each facility site assessment description provides alternatives, identifying alternatives to the proposed plan and each MTS should be developed for the benefit of public disclosure and impact assessment.

**Response:** A discussion on Alternatives is provided in Section 40.3.1.2 of this Chapter, and Section 1.3 of this FEIS provides additional discussion of the scope of Alternatives considered.

#### *40.3.3.2 City Planning Commission*

The following correspondence in this section is the responses by DSNY to questions raised during Community Board Hearings on the pending ULURP applications for the Converted MTSs.

*hand insert of ULURP letters*

#### 40.3.3.3 New York City Department of Transportation

- 1. Comment:** There are several bridges and highways scheduled for reconstruction in the New York City area, including the Bruckner/Sheridan Expressway, the Willis Avenue Bridge and the Kosciusko Bridge. The proposed reconstruction of the Willis Avenue Bridge may be worth mentioning since it is located immediately adjacent to the Harlem River Yards. Similarly, the proposed reconstruction of the Bruckner/Sheridan Expressway may affect the East 132nd Street Transfer Station. Recently, NYSDOT requested NYCDOT to implement the westbound Bruckner Expressway interim ramp over the Eastern Boulevard Bridge. The proposed reconstruction of the Kosciusko Bridge (although the preferred alternative has not been selected) will result in potential modifications to the local street network which may affect the proposed Scott Avenue Transfer Station.

**Response:** Comment noted. In consultation with the NYCDOT, traffic data was collected and analyses conducted in the Bronx considering the construction activities in the study areas, including the Willis Avenue Bridge construction and the Sheridan/Bruckner Expressway. Since reconstruction of the Kosciusko Bridge is not scheduled to begin until 2009 (two to three years after the 2006 Build Year analyzed in the DEIS and this FEIS), and the preferred alternative is not yet chosen, it is not included in the analysis.

- 2. Comment:** NYCEDC in conjunction with NYCDOT is examining geometric improvements to Food Center Drive that should be evaluated in relation to the South Bronx Converted MTS.

**Response:** The South Bronx Converted MTS is not part of the Proposed Action. If this facility were selected as part of the New SWMP and the new geometric improvements to Food Center Drive implemented, they will be assessed in accordance with CEQR as required.

3. **Comment:** The left-turn from southbound Bruckner Boulevard onto Longwood Avenue was not implemented by NYCDOT. Please have the consultant make the necessary adjustments to the traffic analysis conducted for the South Bronx Converted MTS.
- Response:** Page 19-89 of the DEIS and this FEIS acknowledges the NYCDOT's change to the July 21, 2004 Updated Truck Routes in Hunts Point that no longer de-designated the segment of Tiffany Street from Bruckner Boulevard to Longwood Avenue, after the analysis was completed. The South Bronx Converted MTS is not part of the Proposed Action. If this facility were selected as part of the Draft New SWMP, these changes would be evaluated in a supplemental environmental review, as required.
4. **Comment:** Bush Terminal Open Space is scheduled for completion by 2006 and its northern boundary is the southern boundary of the South Brooklyn Marine Terminal. Please have the consultant include the project in the no build for the South Brooklyn Marine Terminal although it was included in the 52<sup>nd</sup> Street Barging Staging Area.
- Response:** The 52<sup>nd</sup> Street Barge Staging Area is not part of the Proposed Action, but was originally contemplated as a barge staging area. Therefore, no off-site analyses were required. No detailed traffic analysis was necessary for the South Brooklyn Marine Terminal since the trip generation during the peak hours was 21 PCEs, which is below the 50 PCE screening threshold for a traffic analysis.
5. **Comment:** Please have the consultant provide the ATRs, turning movement counts, physical inventories and official signal timing for all analyzed intersections. The proposed mitigation measures will be reviewed upon receipt of the requested information.
- Response:** Comment noted. ATR counts, turning movement counts, physical inventories, and official signal timing for all analyzed intersections with mitigation were provided to NYCDOT for final approval of mitigation measures.
6. **Comment:** Please have the consultant include the following proposed projects in the no-build condition for the North Shore converted MTS (see attached):
- Tully Environmental, Inc. has recently issued an EAS for expansion of its Queens facility;



- Crystal Windows and Doors Systems, Inc. located at 31-10 Whitestone Expressway.
- NYC DOT network improvement: Linden Place widening and U-Turn

**Response:** Please see the following regarding the addition of projects to the North Shore Converted MTS analysis:

- The projected traffic generated from the proposed Tully Environmental, Inc. facility expansion will not travel through intersections analyzed for the North Shore Converted MTS and therefore, is not included in the analysis.
- The Crystal Windows and Doors Systems, Inc project build year is 2007, which is beyond the build year of 2006 analyzed in the DEIS and this FEIS, and was therefore, not included in the analysis. Additionally, the Crystal Windows and Door system pm peak analysis hour does not coincide with the North Shore Converted MTS pm peak analysis hour, and the am peak analysis hours partially overlap. Finally, the growth factor used in the DEIS and this FEIS to escalate existing volumes to future no-build volumes would account for relatively low number of projected new trips in the study area.
- The NYCDOT widening and U-Turn improvements at Linden Place do not directly affect the study area intersections for the North Shore Converted MTS. After consultation with NYCDOT, to minimize the potential for impacts from DSNY collection vehicles at Linden Place, only one of the Collection Districts would be accessing the North Shore Converted MTS through the Linden Place exit, which equates to four or five trucks during the facility peak hour of 10:00 a.m. to 11:00 a.m. Traffic volumes at study area intersections analyzed are not expected to change as a result of the Linden Place improvements.

7. **Comment:** Please provide detailed existing and proposed schematics for the intersection control device and parking modification recommended for College Point Avenue at 31<sup>st</sup> Avenue in the North Shore Converted MTS build with Mitigation condition.

**Response:** There are no proposed changes to the signal control devices and parking for mitigation purposes at the intersection of College Point Boulevard and 31<sup>st</sup> Avenue.

8. **Comment:** Please have the consultant provide the No build assignment maps for the soft sites identified at the following Converted MTS:

- Southwest Brooklyn;
- Hamilton Avenue;
- East 91<sup>st</sup> Street;
- West 59<sup>th</sup> Street, and
- East 132<sup>nd</sup> Street.

**Response:** There are no soft sites that affect traffic at the study intersections for the Southwest Brooklyn Converted MTS or East 132<sup>nd</sup> Street Transfer Station. The consultant has provided NYCDOT with soft site no-build maps for the Hamilton Avenue, East 91<sup>st</sup> Street, and West 59<sup>th</sup> Street Converted MTSs.

9. **Comment:** Please have the consultant confirm the status of the American Stevedoring project and its scheduling relationship to the Solid Waste Management project.

**Response:** The American Stevedoring project is a privately undertaken project and is not directly related to the Draft New SWMP.

10. **Comment:** Please have the consultant present the traffic analysis for the Review Avenue Truck to Rail Transfer Station. The justification presented for not conducting the analysis is not acceptable since the CEQR screening of 50 vehicles per hour is related to the project-generated trips and not on intersection vehicular thresholds.

**Response:** The project-generated PCEs are 54, slightly above the 50 PCE screening threshold. A traffic analysis has been completed for the Review Avenue Transfer Station site and will be provided to the NYCDOT, and included in the FEIS. There are no unmitigatable significant adverse traffic impacts from this facility.

11. **Comment:** Please have the consultant provide additional information regarding the “safety conditions on the bike path...” with regard to the West 59<sup>th</sup> Street Converted MTS. If the bike path is physically located within parkland, then the reference is correct, if it is located on a city street the consultant should reference NYCDOT and NYC Department of City Planning. If the responsible agency includes NYCDOT, please provide detailed drawings for the existing condition and the proposed improvement.

**Response:** This segment of the Hudson River Greenway (Route 9A bikeway) is particularly narrow and surrounded by active industrial operations and transportation facilities, resulting in a generally low-quality visual environment. In the vicinity of the West 59<sup>th</sup> Street MTS, the path is adjacent to the elevated Miller Highway columns to the east and the Consolidated Edison pier (at 58<sup>th</sup> Street) and the existing MTS to the west along the water. There is a stop sign on the path at the West 59<sup>th</sup> St. intersection

and a sharp westward turn as one travels north toward 60th Street, where the waterfront opens up to view and the southernmost portion of Riverside Park South is under construction. (See Sections 22.2: Land Use and 22.5: Open Space.) Any Commercial Waste export facility that might be developed at the site as a result of the investigation and procurement processes that DSNY initiates in the future would be subject to environmental review at a later date. When DSNY receives specific proposals for development of this site, DSNY will consult with NYCDOT, and NYCDPR, as applicable, on the interface between the bike path and the proposed facility.

- 12. Comment:** Please have the consultant provide a Signal Warrant Analysis for the intersections of Metropolitan Avenue at Scott Avenue. If the proposed signalization is not feasible, the consultant should present the traffic analysis for the rerouting of trucks to the alternate route.

**Response:** This intersection pertains to the Meserole Street Truck to Rail Transfer Station that is not part of the Proposed Action. If it is selected as part of the New SWMP, a Signal Warrant Analysis or the analysis of an alternate route will be included in a supplemental environmental review, as required.

#### 40.3.4 Comments on Commercial Waste Study

##### *40.3.4.1 Analysis of Department of Sanitation Commercial Waste Management Study by Organization of Waterfront Neighborhoods (OWN) and New York Lawyers for the Public Interest (NYPI)*

The report that follows in this section was prepared by the Organization of Waterfront Neighborhoods (OWN) after the release of the Commercial Waste Management Study (Study) in March of 2005. It critiques the methodology and findings in Volume I of the Study, Private Transfer Evaluations: Four Study Areas with Transfer Stations in Geographical Proximity. Section 40.3.4.2 provides a response to the OWN critique.

*hand insert OWN REPORT*  
*-61 pages*

*40.3.4.2 DSNY Response to Organization of Waterfront Neighborhoods (OWN)  
Comments on Commercial Waste Study*

*40.3.4.2.1 Introduction*

This document responds to the comment document in the preceding section prepared for the Organization of Waterfront Neighborhoods and the New York Lawyers for Public Interest by ARC Engineering et al and EA Engineering (undated), that addressed Volume I of the six volume, March 2004, Commercial Waste Management Study (CWMS) prepared by Henningson Durham & Richardson Architecture & Engineering P.C. (HDR) and its subconsultants (the HDR Team) for the New York City (City) Department of Sanitation (DSNY). The subject document will be referred to herein as the “OWN comments” and the commenting organizations will be collectively referred to as “OWN.”

The CWMS was prepared under DSNY’s direction in response to Local Law 74 of 2000 (LL74), which required a study of the environmental and public health effects of the relatively high numbers of commercial waste transfer stations in some areas of the City. Many of the specific comment responses below necessarily address certain of the mischaracterizations of the CWMS purpose, and are not intended to constitute a complete response to all of OWN’s comments. The responses below focus on the OWN comments as they relate the CWMS analysis and its findings.

*40.3.4.2.2 General Responses to OWN Comments*

The vast majority the OWN comments reflect significant misconceptions and/or mischaracterizations by the commenters about the purpose of the CWMS. The following are summary statements of an OWN comment, followed by the response:

- 1. Comment:** The OWN document extensively (approximately 100 times) cites City Environmental Quality Review (CEQR) requirements as if they apply to the CWMS, and critiques the study for being in “violation” of these requirements.

**Response:** The OWN document improperly evaluates the CWMS as if it were a permitting exercise or an environmental review for a proposed “project” or action. The OWN comments use the word “project” in quotes several times, implying that the commenters understand that the CWMS is not, in fact, a proposed project. The OWN comments inappropriately critique the CWMS for not applying methods and criteria that are applicable to single-facility or “project” actions, thus concluding that the CWMS was a seriously flawed study.

CEQR requirements do not apply to the CWMS since the CWMS does not evaluate an action subject to CEQR such as the siting of a new project in the City or a programmatic action – rather, it evaluates existing privately owned and operated transfer stations. Since this was a unique study, when feasible CEQR methodologies were used as a means to analyze the potential effects of these existing transfer stations (for example, a 3 dBA increase for noise was used as a threshold for perceived impacts when the study area analyses modeled existing facilities, and then the contribution of multiple facilities on a sensitive receptor in relation to the background monitored levels at that receptor since that is a recognizable threshold), but to cite any inconsistencies with CEQR as “violations” is inappropriate.

Once the CWMS is placed in its proper context, as a study rather than an environmental review of a new project or action, most of the OWN comments are not applicable. The analytical approach used for the CWMS was a reasonable attempt to quantify the cumulative, overlapping impacts on neighborhoods and sensitive receptors from the effects of multiple transfer stations in a geographic area. The CWMS Scope, issued for public comment, described this approach and the comments received on the Scope were favorable.

2. **Comment:** The OWN comments state that DSNY claimed credit for future modifications at Transfer Stations in the analysis and that DSNY believes it has the authority to implement “some” of the changes recommended in the CWMS.

**Response:** Credit for future facility modifications were not claimed for the analysis. The methodologies for noise analysis indicated that, if significant effects were identified at a receptor as a result of the detailed stationary noise modeling, attenuation measures would be modeled. Since no significant effects were identified, these mitigation measures were not applied. If areas of overlap were identified for potential effects from odors under the conservative assumption that none of the facilities had odor control measures, the study applied reductions due to the known presence of odor control systems at certain facilities. If facility modifications were approved and underway at the time of the study, the modifications were included in the analysis, as appropriate, as in one instance, where an extensive environmental review with extensive community involvement had been conducted. It should be noted that DSNY has proposed changes to its transfer station rules that contain operational and design changes that, when implemented, will improve conditions at and around the transfer stations.

3. **Comment:** The OWN comments indicate that no analysis was presented for potential land use, community facilities and socioeconomic effects and that the neighborhood character analysis excluded the majority of residential areas and community facilities.

**Response:** As noted, the CWMS was undertaken to comply with Local Law 74 and to assist in the development of the new comprehensive SWMP. The study scope was expanded during the publicly-reviewed scoping process and the topics considered in the final study reflect this. The environmental studies conducted, however are not required under CEQR, and consequently do not specifically represent every topic considered in a CEQR environmental review. For example, the neighborhood character component of the CWMS was performed according to the accepted final scope of work for the CWMS, based on general land use, population characteristics, urban design/visual quality, parks and other community facilities prevalent in the study areas. The neighborhood character evaluation served two purposes: it informed the technical studies (air, odor, traffic, and noise), and it provided the opportunity to characterize any adverse effects which the air, odor, noise and traffic analyses demonstrated were due to the Transfer Stations' cumulative presence and operations. Because these technical analyses found no adverse effects that could be attributed to the combined effects of Transfer Stations, no adverse effects to neighborhood character were identified as well.

40.3.4.2.2 Specific Comments and Responses

4. **OWN Comment:** On pages 17-18, in a critique of the replacement trip generation (RTG) component of the CWMS, OWN makes the comment that the CWMS “simply makes the assumption - - without justification - - that the areas are zones manufacturing and that, therefore, future uses will be manufacturing ones.”

**Response:** The assumption that, absent transfer stations, the future land use of the Study Area sites would be manufacturing is reasonable. The analysis cannot assume a non-industrial land use different from what the City has mandated for a manufacturing zoned parcel, especially since many other adjacent businesses depend on that zoning.

5. **OWN Comment:** On the bottom of page 18, OWN says that the DSNY did not analyze the impacts of each individual transfer station especially at “receptors” immediately adjacent to individual stations.

**Response:** DSNY agrees with this statement. LL74 directs that the CWMS evaluate the effects of multiple transfer stations concentrated in a geographic area . Putting receptors on or near fence lines and reporting these results would do nothing to inform the public and city officials regarding the “aggregate” effects of the facility groupings, and how these groupings affect the neighborhood. Rather, such receptors would reflect effects that are either totally or almost entirely caused by the one facility on whose fence line the receptor is placed. Such analysis is appropriate for individual facility permitting actions and individual facility environmental analyses, and for enforcement of permitting and zoning standards, but is not helpful in evaluating aggregate effects of facilities in geographic proximity on a neighborhood scale.

6. **OWN Comment:** On page 22-23, in critiquing the size of the Study Areas defined for the CWMS, OWN says that the “analysis of environmental impacts should be based on the projected distance of the impacts from the project.”

**Response:** The Study Areas are, in fact, large enough so that the areas encompassed the locations of highest combined effects due to multiple facilities for on and off site noise, air quality, odor and traffic so that the predicted parameters (noise levels, pollutant concentrations) were clearly decreasing to well below the peak predicted levels at the edges of the Study Areas.



7. **OWN Comment:** The paragraph beginning on page 27 and continuing on page 28 of OWN's comments critiques the use of a 100-meter setback (the setback is responded to under Comment #5 above) for the air quality analysis of aggregate effects of the transfer station groupings. This paragraph then refers to Table 1, which is a listing of residential areas and community facilities supposedly excluded from the air quality analysis.

**Response:** This OWN comment implies that the listed facilities in "Table 1" are within the 100-meter setback and were thus excluded from the air quality modeling analysis. This is misleading because while the listed residential areas and community facilities are not within the air quality modeling domains selected for analysis, the vast majority of these are in fact well beyond 100 meters from the facilities studied, and are in fact outside the Study Areas modeled.

For example, Thomas A. Edison Vocational and Technical High School is listed by OWN as a community facility excluded from the Jamaica Study Area air quality analysis. A review of City maps confirms that this school is in fact outside the Jamaica Study Area, is over two (2) miles northwest of the nearest commercial waste transfer station in this study area, and is across a major freeway (Van Wyck Expressway) from the Jamaica Study Area. Such potential receptor locations are rightly excluded from analysis, especially because they are well outside the modeled area, which was large enough to easily encompass areas of maximum aggregate effect from the subject Study Area facilities.

8. **OWN Comment:** On page 31 of OWN's comments, a critique is made of the size of the air quality modeling domain (Study Area) for the CWMS, with a comparison to the modeling domain sizes used in the MTS EIS analyses. OWN says that that MTS analyses were completed in accordance with CEQR criteria, which are acceptable to OWN. OWN cites the MTS analyses as using a grid that extended at least 500 meters in all directions beyond facility fence lines.

**Response:** The air quality modeling grids used for the CWMS extend approximately 500 meters beyond (North, South, East and West) the transfer station facility locations that bounded the group of transfer stations in each Study Area. Therefore, OWN's critique is unfounded.

9. **OWN Comment:** On the bottom of page 34 of OWN's comments, they state that CEQR requires a "worst-case" analysis of the "project's operations," which DSNY's CWMS did not accomplish.

**Response:** The CWMS did include a reasonable worst-case analysis of air quality impacts for annual averages even though a worst-case analysis is more appropriate for permitting and environmental reviews for proposed projects, while the CWMS is not a "project" (i.e., it does not deal with a single facility or a proposed action), it is not a permitting action, and it is not subject to CEQR review.

The goal of the CWMS was to estimate potential effects of the relative concentration of existing commercial waste transfer stations in the Study Areas, rather than to permit new ones. Based on information obtained from the private transfer station operators and DSNY, average and peak facility operations were estimated for each type (putrescible, non-putrescible and fill material) of facility. Average operations were assumed over 16 hours for putrescible transfer stations, 12 hours for non-putrescible transfer stations and 10 hours for fill material transfer stations. Peak hour operations were assumed to be 24 hours per day for putrescible waste and non-putrescible waste transfer stations and were assumed to be 12 hours per day for fill material transfer stations since operations do not occur 24 hours per day at this type of transfer station. Therefore, a worst-case analysis was used to evaluate existing conditions for air quality analyses, particularly on a short-term basis.

10. **OWN Comment:** Beginning on page 42, OWN contends that "air quality impacts of the NAAQS pollutants are severe and should have been judged significant and adverse." They state on page 43 that "A more appropriate standard for assessing whether air quality impacts are significant and adverse is the Significant Impact Levels (SILs) established

pursuant to the Clean Air Act to assess the significance of impacts of a facility's proposed air permit.”

**Response:** The statement that air quality impacts exceeding federal SILs are “significant and adverse” is an incorrect interpretation of the meaning of the SILs. The federal SILs are used to determine when impacts are insignificant, not adverse. Impacts above the SILs do not necessarily represent adverse impacts, but rather, indicate that such impacts above the SILs should be added to background (existing) concentrations to determine total pollutant concentrations. The total concentrations are then compared to the NAAQS to determine whether a proposed individual source could contribute to exceedance of the NAAQS. As noted in the preceding sentence, the federal SILs are also not applied to groups of facilities, but rather, to one facility at a time.

The dispersion modeling analysis shows, for pollutants other than PM<sub>2.5</sub>, that background concentrations plus modeled impacts are below NAAQS. For 24-hour PM<sub>2.5</sub>, the analysis shows that background plus modeled concentration do not exceed the NAAQS. For annual PM<sub>2.5</sub>, some existing monitored concentrations already exceed the NAAQS, and EPA recently designated the New York City area as “nonattainment” with respect to PM<sub>2.5</sub> as a result. The analysis accurately presents the estimated (modeled) portion of existing PM<sub>2.5</sub> levels that are due to operation of each group of commercial waste transfer stations.

For areas where monitors indicate that NAAQS are being exceeded, it is appropriate to consider which emissions sources should be further regulated to bring the area into compliance. The analysis shows that commercial waste transfer stations collectively are a relatively small (< 10%) contribution to the total monitored concentrations in each Study Area, and that even complete elimination of such emissions would not bring about attainment of the annual PM<sub>2.5</sub> NAAQS in these areas. Also, as noted in the CWMS, EPA's national programs to apply more stringent emission limits to existing and new power plants, new on-road and non-road engines, and its mandated reductions in sulfur content used in the transportation sector, will continue to bring about further reductions in PM<sub>2.5</sub> levels in the future, beyond the reductions in the City's PM<sub>2.5</sub> levels that have occurred in the past two decades.

- 11. OWN Comment:** On page 45, OWN critiques the CWMS for not evaluating effects of “air toxic” pollutants, which are being evaluated in the MTS EIS.

**Response:** The evaluation of air toxics in New York is generally performed in accordance with NYSDEC policy; it is not mandated by rule or law. The NYSDEC policy defining procedures for air toxics review stipulates that these procedures are applicable to a facility seeking a Permit to Construct or a Certificate to Operate. These procedures do not apply to groups of facilities or their aggregate effects, which was the subject of the CWMS.

Also, it is important to understand that air toxics, by necessity, are evaluated on an incremental risk basis. This is the case in New York and in many other states that have air toxics policies or air toxics rules. In other words, no attempt is made in the NYSDEC policy to evaluate “background” risk from emission sources other than the one seeking the permit, or from other “risk” factors that might constitute a portion of an exposed individual’s risk of, for example, lung cancer. The “background” cancer risk, that attributable to other sources, and especially to indoor air pollutants, cigarette smoke, etc, is likely to be many orders of magnitude higher than the “one-in-a million” target risk limit for an individual source seeking a permit under the NYSDEC policy.

- 12. OWN Comments:** On pages 48 and following, OWN critiques the CWMS for its approach to odor impact analysis, complaining about the “overlapping” effects approach, the basis for odor emission factors, which was sampling conducted at four putrescible waste facilities, and the “novel” type of emission factor, on a mass per tons stored basis.

**Response:** The evaluation of odor effects from the groups of facilities analyzed was consistent with LL74, which mandated that the study consider the aggregate, overlapping effects of the groups of facilities, rather than individual facility effects.

The basis for the emission factors, including multiple samples at each of four facilities, is considered to be quite sound, and also fairly conservative, in that the highest emission factor obtained for any sample was used for estimating emission rates for model input. Using the highest emission factor likely caused overestimation of the number of times per

year when a particular receptor would perceive a given level of odor. In addition, it was conservatively assumed that no odor control system was in operation, when in fact odor control is mandated.

With respect to the “novel” type of emission factor, expressed on a mass per tons stored basis, there is no industry standard or acceptable regulatory approach in establishing units for odor emission factors for solid waste processing operations. The HDR Team evaluated the sampling data with two potential sets of units for emission factors, those being a mass per ton processed, and a mass per ton stored basis. Because the waste movements (unloading, transfer) at the commercial waste facilities tend to be more in a batch than a continuous mode, the mass per waste stored basis seemed more reasonable for these facilities. However, in terms of modeling results, either type of emission factor basis would provide similar results.

- 13. OWN Comments:** On page 51, OWN says that the CWMS failed to truly evaluate health impacts, and simply made reference to the air quality and odor analyses. OWN makes the statement that the study should have documented the asthma and respiratory illness rates in the Study Area communities and should have assessed the respiratory health risks due to PM<sub>2.5</sub> emissions from the transfer stations.

**Response:** Since risks to health are a function of amounts of exposure, health risk assessments properly compare amounts of exposure from a specific source to health-based standards or guidelines: when such amounts of exposure range from very small to insignificant, risks to health are expected to be proportionately small or insignificant. This was found to be the case for airborne impacts due to the PM<sub>2.5</sub> emissions from the transfer stations analyzed.

In general, fine particulate matter concentrations of PM<sub>2.5</sub> in ambient air are somewhat smaller now than they were when systematic monitoring began (in 1999), and perhaps 30% lower than estimates from the 1970's and 1980's (see, for example, <http://www.epa.gov/airtrends/pm.html>). Thus, although PM concentrations have decreased over the past several decades (in the City and in the U.S. as a whole), reported

asthma rates have increased during this same time period. National regulations are continuing to further reduce airborne concentrations of diesel particulate matter (DPM), due to reductions in the sulfur content of diesel fuel, engine redesigns, and pollution control devices, such as catalytic converters. More generally, DPM levels in New York are smaller than DPM levels in comparable European cities, given the heavy reliance on diesel-powered cars in Europe. The weight of scientific and clinical evidence on asthma and other respiratory illnesses fails to support the hypothesis that PM<sub>2.5</sub> emissions from the transfer stations at issue would aggravate or otherwise exacerbate these illnesses.

#### *40.3.4.3 Other Comments and Responses on Commercial Waste*

- 1. Comment:** One commenter had numerous questions concerning the Commercial Waste Management Study (CWMS), which was referred to in some of the analyses in the DEIS. Specifically, they wanted to know why the 7 AM to 6 PM time period was the most appropriate time for evaluating local traffic impacts. They believed that the impacts of the private waste transfer stations should have been based on their permitted capacity. They questioned how the “worst-case” intersections were chosen, since one intersection did not have a single waste truck pass through it. Additionally, the off-site noise impacts utilized a “noise impact spread sheet” which was developed for the FEIS for the 2000 plan. This spreadsheet should be included in the DEIS. The CWMS lacked information to determine if the intersections evaluated were the most conservative choices.

**Response:** Chapter 3 of the DEIS and this FEIS presents the methodologies used for evaluating potential impacts. For traffic, a.m., facility and p.m. peak traffic was analyzed to represent the reasonable worst case time periods – when either background traffic or project-generated traffic volumes are highest. These time periods varied depending on a particular site, but generally, the facility peak hour occurred after the a.m. peak hour when background traffic volumes were higher.

A CEQR-level analysis of potentially significant adverse impacts related to processing Commercial Waste at the Converted MTSs is included in the Commercial Waste Management Study (CWMS)– Volume III, which was prepared in response to the

mandates in LL74, is included as Appendix I to this FEIS, and was also included in the Draft New SWMP. The analysis of potential noise impacts in that analysis is updated and refined in this FEIS.

CEQR requirements did not apply to the evaluation of existing commercial waste transfer stations located in geographic proximity (Volume I of the CWMS). The CWMS did not evaluate an action subject to CEQR such as the siting of a new project in the City or a programmatic action – rather, it evaluated existing privately owned and operated transfer stations. Where appropriate, CEQR methodologies were used as a means to analyze the potential effects of these existing transfer stations, for example, a 3 dBA increase for noise was used as a threshold for evaluating perceived noise impacts in the study area analyses of the contribution of multiple facilities at a sensitive receptor in relation to the background monitored levels at that receptor, because a 3 dBA increase is a recognizable threshold.

2. **Comment:** The substandard conditions at commercial transfer stations and their concentration in certain communities is not adequately addressed, and there are no concrete plans for reducing capacity in communities overburdened by them. The new Siting Regulations may prevent further degradation in specific areas of the Bronx and Brooklyn, but will not ameliorate existing burdens. The City needs to develop a strategy to strengthen operational and siting rules that would result in the closure of or a diminished number of land based facilities, including a timeline for achieving this goal. How will the City enforce its regulations, including the usage of designated truck routes by private haulers?

**Response:** Following recommendations in the Commercial Waste Management Study, DSNY has promulgated new operating rules for private transfer stations that include stricter requirements for odor and dust control and facility maintenance. DSNY is committed to reducing permitted putrescible capacity in the communities with the greatest number of transfer stations once the Converted MTSs open. DSNY will work with the industry, the Council and community groups to achieve this reduction in capacity. If DSNY is unable to obtain the cooperation of the industry, DSNY will work

with the Council on legislation that will clarify DSNY's authority to reduce permitted capacity at transfer stations. DSNY has proposed revisions in its Siting Rules that impose more stringent requirements on the siting of new transfer stations. DSNY's Permit and Inspection Unit and the Police Department are responsible for enforcing tuck limits on designated truck routes. If a truck route does not provide direct access to a destination, trucks are permitted to use local streets to reach their destination.

- 3. Comment:** The Converted MTSs are designed to process commercial waste without an adequate study of the resultant impacts. Referring to the CWMS is not sufficient to analyze the impacts. Commercial haulers will not be subject to DSNY regulations for emissions, odors, or noise, therefore impacts will be greater. The City needs to develop a better system to handle commercial waste that won't place such heavy burdens on residential neighborhoods, and needs to be more specific about the use of the MTSs for commercial waste.

**Response:** A CEQR-level analysis of potentially significant adverse impacts related to processing Commercial Waste at the Converted MTSs is included in the Commercial Waste Management Study (CWMS)– Volume III, which was prepared in response to the mandates in LL74, is included as Appendix I to this FEIS, and was also included in the Draft New SWMP. The analysis of potential noise impacts in that analysis is updated and refined in this FEIS.

Each Chapter in the DEIS and this FEIS that reviews a Converted MTS has a section summarizing that more detailed CEQR level analysis in the CWMS – Volume III (see Section X.18 of each Converted MTS chapter). On-site operations were analyzed assuming 24-hour operation. For example, for the noise analysis, it is assumed that the facility is operating all of its equipment during the quietest background hour, which, given the amount of commercial waste that might actually be processed during this period, is conservative. Neighborhood character is assessed based upon, among other things, a compilation of all of the on and off-site analyses in the DEIS and this FEIS, which analyze the acceptance of commercial waste at certain levels between 8:00 p.m. and 8:00 a.m. As discussed in the DEIS and this FEIS, a restriction on the number of



Commercial Waste vehicles delivering waste to the Southwest Brooklyn, Hamilton Avenue, East 91<sup>st</sup> Street and North Shore Converted MTSs during certain hours will mitigate estimated off-site noise impacts at receptors along the routes to these facilities between 8:00 p.m. and 8:00 a.m.

The DEIS and this FEIS analysis assumed a City metro area-specific mix of ages for diesel powered waste collection vehicles, which would include commercial waste hauling vehicles. Because DSNY's fleet of waste collection vehicles is newer than the average for the City area, the DEIS and this FEIS air quality analysis is already quite conservative, because newer diesel engines are subject to lower emissions standards than the existing fleet average. Additionally, the on-site and off-site air quality analyses were revised for this FEIS using the most current approved New York State Department of Transportation (NYSDOT) Mobile 6.2 emission factors, which accounts for the even lower emissions produced by DSNY's newer fleet. Also, it should be emphasized that new diesel powered vehicles purchased today are subject to emissions standards far lower than engines manufactured 20 years ago, and that starting in 2007, new diesel engine emission standards for particulate matter and nitrogen oxides will drop by at least an order of magnitude from today's emissions standards. Thus, fleet-wide diesel engine emissions are dropping and will continue to drop even more dramatically with time.

Also see the response to Comment #1.

4. **Comment:** (J5) The clean fill transfer stations are not really addressed in the SWMP, but they are some of the worst run transfer stations in the City. They are very dusty, and residents in the vicinity of these facilities cannot open their windows. Additionally there is no mention of waste prevention in the Construction and Demolition waste stream. C&D could be recycled, reused and/or re-sold.

**Response:** Volume II of the CWMS, Commercial Waste Generation and Projections, evaluated the quantities of non-putrescible waste processed at the 47 facilities permitted to process non-putrescible waste, 22 of which are clean fill facilities. (See Appendix I of this FEIS for the Volume II of the CWMS.) Over the period of 2000 to 2003, the volume

of clean fill material processed at these facilities ranged between 20,000 tpd to 27,000 tpd. The bulk of non-putrescible waste was clean fill, ranging from approximately 54% to 69% of the total. Clean fill is projected to increase by approximately 39% over the period of the New SWMP, 2004-2024. These facilities provide an essential service the City's construction industry. Most of the material processed at these facilities is recycled as aggregate or fill used on new construction projects. DSNY has proposed measures as modifications to its transfer station Rules that address control of dust at fill material transfer stations. Specifically, all fill material transfer stations will be required to have paved entrance and exit areas, and to have a method of cleaning dirt from vehicle tires before exiting a facility.

- 5. Comment:** A number of speakers thought that commercial waste should be processed at all the MTSs in order to have one comprehensive waste management system, under the City's control. The commercial carters should be coaxed by franchise, financial incentives, or other means to use the Converted MTSs as well as the West 59<sup>th</sup> Street facility. There must be a meaningful discussion in the SWMP of economic flow control, how it would operate, what the tip fees might be, and what incentives and disincentives DSNY would use to ensure the redistribution of commercial waste, including milestones to achieve closure. Franchising, in particular, would have the added benefit of reducing truck miles, by not having multiple trucks from multiple firms traveling down the same block. It should also discuss the lack of incentive for integrated waste management companies to forego favorable disposal costs at their own facilities.

**Response:** The issue of what incentives or mandates may be required to attract commercial carters to use the MTSs will be addressed during City Council adoption of the New SWMP.

- 6. Comment:** Will every single commercial waste vehicle be checked to make sure that there is no asbestos, lead, or other contaminated material in the truck, prior to taking the waste to a transfer site?

**Response:** Given the resources required, it is not practical to check every single commercial waste vehicle. However, DSNY's PIU does conduct periodic inspections

and transfer stations are at risk of serious permit violations if they accept hazardous materials.

7. **Comment:** The FEIS must incorporate an analysis of the impacts of the current network of commercial waste transfer stations included in the draft SWMP. This must include the impacts of the massive volume of truck traffic impacting on the South Bronx and Brooklyn CD1. More information is needed on the methodology and analyses used to evaluate commercial waste impacts. The EIS needs to include a timetable to close existing inadequate facilities or to bring them into conformance with regulatory requirements. The existing commercial waste system as well as the proposed changes to the system should be fully analyzed. In addition, an analysis of the new commercial waste initiatives must be incorporated into the FEIS, as well as the siting regulations and the operational regulations included in the SWMP.

**Response:** This analysis was reported in the Commercial Waste Management Study, Volume I, which is included as Appendix I to this FEIS.

8. **Comment:** There are so many uncertainties surrounding the issue of commercial waste processing at the MTSs that it seems reasonable to assume that more commercial waste could end up at the Converted MTSs than predicted. Other parts of the plan may fail or “Upset conditions” might occur more than expected, resulting in more commercial waste being sent to the MTSs. Due to all these uncertainties, the environmental assessment should assume worst case scenario in terms of the amount of commercial waste processed.

**Response:** The arrangements that DSNY would enter into with private carters for delivering waste to a Converted MTS would include contractual recourse against the carter for failure to follow the agreed upon procedure. For example, the contract could stipulate that a carter who arrives before or after his appointed hour on a given night would forfeit his dumping privileges and fee for that evening. Clearly, in time, such a stipulation could cause carters to adhere to schedules set.

**9. Comment:** Although the DEIS provides the maximum tonnage of commercial waste that could be processed at each MTS without significant adverse noise impacts, there is no explanation of how these maximum tonnages were determined. Additionally, how can DSNY ensure that these caps will not be exceeded? The DEIS figure for the maximum allowable number of commercial waste vehicles is for a 12-hour period. Some hours are more vulnerable to adverse noise impacts, and this was not taken into consideration.

**Response:** See response to Comment #1, #3 and #7 above.

**10. Comment:** The New SWMP should encourage commercial waste haulers to consider exploring CNG-fueled or other alternative-fueled vehicles. The SWMP should include specifics on how that might be achieved. Most private waste haulers are reluctant to implement new fuel and emission reduction programs in the absence of requirements to do so. DSNY's CNG refuse truck initiatives can help show commercial haulers which technologies may work best on New York City's streets. The New SWMP should outline specific incentives for commercial carters to adopt CNG vehicle programs and ensure infrastructure that supports the implementation of CNG vehicles in order to achieve emission reduction goals. DSNY should review the regulatory powers of BIC to assess mechanisms that would improve emissions performance of the commercial fleets. The New SWMP should also consider methods of supporting the development of CNG infrastructure, in addition to a purchase commitment.

**Response:** The CWMS included as Appendix I to this FEIS, includes in Section 2.2 of Volume VI, Waste Vehicle Technology Assessment a discussion of the advantages and disadvantages of CNG as a fuel source for waste collection vehicles. Cost and the fueling infrastructure requirements are significant barriers to the use of this technology. Furthermore new regulations requiring use of low sulfur fuel diesel trucks and the production of substantially cleaner engines by 2007 will significantly reduce particulate emissions from these vehicles. See also Response to Comment #61 in Section 40.3.1.8.

#### 40.3.5 Transfer, Transport and Disposal Plan

This interim report was prepared as a supplement to the New York State Department of Conservation (NYSDEC) Part 360 Solid Waste Permit. Its purpose is to show that the available capacity at intermodal terminals in the New York Harbor region and the capacity of rail and/or ocean barge transport that serve these facilities are sufficient to transfer and transport containerized waste from the City's Converted MTSs as proposed in the City's Draft New Solid Waste Management Plan (Draft New SWMP). This report includes conservative estimates of the equipment requirements for the transfer, transport and disposal system. Finally, it describes the available disposal capacities in various states based on proposals received by the New York City Department of Sanitation (DSNY) in response to its Request for Proposals to Transport and Dispose of Containerized Waste from One or More Marine Transfer Stations (MTS Containerization RFP) issued in December 2003.

The City's Draft New SWMP proposes to develop four Converted MTSs—two in Brooklyn, one in Manhattan and one in Queens—that on a daily<sup>11</sup> average basis would containerize a total of approximately 5,770 tons per day (tpd) of DSNY-managed Waste. Depending upon the arrangements that may be decided upon between DSNY and the City Council during the Draft New SWMP adoption process, the Converted MTSs could also containerize a total of up to 3,880 tpd of Commercial Waste delivered by private carters operating in the City.

In response to the MTS Containerization RFP, DSNY received proposals from proposers in February of 2004 and has since short-listed four of these proposers for contract negotiations. These proposers are:

- TransRiver (American Ref-Fuel);
- Onyx Waste Services;
- IESI Corporation; and
- Waste Management, Inc.

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<sup>11</sup> Calculated on a 302-day per year basis (six operating days per week excluding holidays).

The proposals offered a variety of transfer, transport and disposal scenarios, and identified the MTSs that would be served, the intermodal facilities that would be used, the mode of transport (rail or coastal barge), and the disposal facilities that would dispose of the waste. DSNY is currently in negotiations with the short-listed proposers with the objective of entering into 20-year Transport and Disposal Contracts with one or more of them. Accordingly, the specific elements of the waste transport and disposal system have not yet been finalized. The final arrangements could involve various combinations of the facilities described herein. When contracts are finalized, a final Transfer, Transport and Disposal Plan (TTDP) will be developed.

This report is based on the responses to the MTS Containerization RFP, information gathered during the ongoing negotiation process and independent investigations.

#### *40.3.5.1 System Requirements*

Table 40.3-5<sup>12</sup> shows the assumed average daily system throughput of the four Converted MTSs, inclusive of both DSNY-managed and Commercial Waste. The DSNY-managed Waste is estimated to average a total of approximately 5,770 tpd for the four Converted MTSs. There is also a total of approximately 3,900 tpd of capacity potentially available at these four Converted MTSs for use by commercial carters. All system requirement estimates provided within this report are based on average daily throughputs. Factors, such as contingencies or spare factors have been included in the analyses to account for peak throughput events. To establish system requirements for the number of railcars, barges and containers, this TTDP assumes that the Commercial Waste would be integrated into the MTS waste system over a four year period, as shown below in Tables 40.3-6 and 40.3-7. This four-year period is referred to as Phases 1 through 4, corresponding to the years 2007 through 2010.

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<sup>12</sup> Adapted from the 2004 Draft Solid Waste Management Plan (Draft New SWMP), Table 3.4-1, Converted MTS Average Throughputs.

**Table 40.3-5  
Converted MTS Average Throughputs<sup>(1)</sup>**

<b>Converted MTS Location</b>	<b>(1) DSNY Average (tpd)</b>	<b>(2) Commercial Waste (tpd)</b>	<b>(3) Total (Sum of Columns 1 and 2) (tpd)</b>
<b>Hamilton Avenue</b>	1,900	1,274	3,174
<b>Southwest Brooklyn</b>	950	828	1,778
<b>East 91<sup>st</sup> Street</b>	720	780	1,500
<b>North Shore</b>	2,200	1,000	3,200
<b>Totals</b>	5,770	3,882	9,652

**Note:**

<sup>(1)</sup> Column 1 is the average tons per day (tpd) derived from historical data for DSNY-managed Waste generated in the specific MTS wastesheds that DSNY has designated in the Draft New SWMP for each of the four Converted MTSs. Column 2 is the quantity of Commercial Waste that could be processed during the 8:00 p.m. to 8:00 a.m. time period, based on the analysis presented in the Draft New SWMP FEIS. Column 3 presents the total capacity that can be used at each facility between 8:00 a.m. and 8:00 p.m. for processing DSNY-managed Waste and between 8:00 p.m. and 8:00 a.m. for processing DSNY-managed Waste and Commercial Waste.

**Table 40.3-6**  
**Phasing of Commercial Waste into Converted MTS System Waste Stream**  
**Average Daily Tonnage**

Waste Type	Phase 1	Phase 2	Phase 3	Phase 4
	tpd	tpd	tpd	tpd
DSNY-Managed Waste Tonnage (Average)	5,770	5,770	5,770	5,770
Commercial Waste Tonnage (Average)	0	1,294	2,588	3,882
<b>Total</b>	<b>5,770</b>	<b>7,064</b>	<b>8,358</b>	<b>9,652</b>

**Table 40.3-7**  
**Phasing of Commercial Waste into the Converted MTS System**  
**Daily Containers Requirements**

Waste Type	Phase 1	Phase 2	Phase 3	Phase 4
	Cont/day	Cont/day	Cont/day	Cont/day
DSNY-Managed Waste Containers (Average)	263	263	263	263
Commercial Waste Containers (Average)	0	59	118	177
<b>Total</b>	<b>263</b>	<b>322</b>	<b>381</b>	<b>440</b>

**Note:**

<sup>(1)</sup> Container requirements are calculated assuming the net payload of waste per container is 22 tons.



#### 40.3.5.2 Harbor Barge and Container Requirements for In-City Harbor Container Transfer

Containers of waste would be moved by barge from the four Converted MTSs to waterfront intermodal facilities located in the region of New York Harbor. To calculate the number of barges and containers required for in-City harbor barge transport during the first four years of operations, the following assumptions were used.

- Containers from each of the four Converted MTSs would be towed to the intermodal terminal in the New York Harbor region that is the greatest distance by barge from that Converted MTS (to conservatively estimate barge requirements);
- Each harbor barge would transport 48 containers, with a net payload of 1,056 tons<sup>13</sup>;
- The round-trip cycle time<sup>14</sup>, inclusive of barge handling at both the departing and receiving locations would be a maximum of 10 hours<sup>15</sup>;
- Except during barge-switching operations, there would be two barges moored at each Converted MTS at all times; and
- The spare factor for barges would be 20 percent.

Tables 40.3-8 through 40.3-11 provide estimates of the number of barges required for in-City harbor barge transport from the four Converted MTSs to the intermodal terminal(s) during each of the four phases of the program. Over this period, the number of barges required would grow from 16 to 25, including spares.

Assuming 48 containers per barge, between 768 and 1,200 containers, inclusive of spares, would be required, taking into account the cycle time between the intermodal facility and the disposal facility(ies). Note that these containers are a subset of the system-wide containers that would be required.

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<sup>13</sup> According to the MTS Containerization RFP, harbor barge dimensions would be 150 feet in length and 46 feet wide.

<sup>14</sup> Cycle time includes an allowance for the time required to load/unload full/empty containers at the end-of-route terminals

<sup>15</sup> Only intermodal facilities in New York Harbor were considered for this analysis.

**Table 40.3-8  
In-City Harbor Barge Requirements Phase 1**

<b>MTS</b>	<b>Tonnage (tpd)</b>	<b>(Full) Barges<sup>(1)</sup></b>	<b>(Empty) Barges</b>	<b>(Full &amp; Empty) Barges</b>	<b>Spares</b>	<b>Total Barges (Rounded)</b>
Hamilton Avenue	1,900	1.8	1.8	3.6	0.7	5
Southwest Brooklyn	950	0.9	0.9	1.8	0.4	3
East 91 <sup>st</sup> Street	720	0.7	0.7	1.4	0.3	3
North Shore	2,200	2.1	2.1	4.2	0.8	5
<b>Totals</b>	<b>5,770</b>					<b>16</b>

**Table Note:**

- <sup>(1)</sup> Because the barge requirement calculations are shown on an average ton per day basis, fractional units of barges are shown in these tables. This is done only to explain the calculation, as all barges moved within the harbor would carry 48 containers.

**Table 40.3-9  
In-City Harbor Barge Requirements Phase 2**

<b>MTS</b>	<b>Tonnage (tpd)</b>	<b>(Full) Barges<sup>1</sup></b>	<b>(Empty) Barges</b>	<b>(Full &amp; Empty) Barges</b>	<b>Spares</b>	<b>Total Barges (Rounded)</b>
Hamilton Avenue	2,325	2.2	2.2	4.4	0.9	6
Southwest Brooklyn	1,226	1.2	1.2	2.3	0.5	3
East 91 <sup>st</sup> Street	980	0.9	0.9	1.9	0.4	3
North Shore	2,533	2.4	2.4	4.8	1.0	6
<b>Totals</b>	<b>7,064</b>					<b>18</b>

**Table Note:**

- <sup>(1)</sup> Because the barge requirement calculations are shown on an average ton per day basis, fractional units of barges are shown in these tables. This is done only to explain the calculation, as all barges moved within the harbor would carry 48 containers.

**Table 40.3-10  
In-City Harbor Barge Requirements Phase 3**

<b>MTS</b>	<b>Tonnage (tpd)</b>	<b>(Full) Barges<sup>1</sup></b>	<b>(Empty) Barges</b>	<b>(Full &amp; Empty) Barges</b>	<b>Spares</b>	<b>Total Barges (Rounded)</b>
Hamilton Avenue	2,749	2.6	2.6	5.2	1.0	7
Southwest Brooklyn	1,502	1.4	1.4	2.8	0.6	4
East 91 <sup>st</sup> Street	1,240	1.2	1.2	2.3	0.5	3
North Shore	2,867	2.7	2.7	5.4	1.1	7
<b>Totals</b>	<b>8,358</b>					<b>21</b>

**Table Note:**

- <sup>(1)</sup> Because the barge requirement calculations are shown on an average ton per day basis, fractional units of barges are shown in these tables. This is done only to explain the calculation, as all barges moved within the harbor would carry 48 containers.

**Table 40.3-11  
In-City Harbor Barge Requirements Phase 4**

<b>MTS</b>	<b>Tonnage (tpd)</b>	<b>(Full) Barges<sup>1</sup></b>	<b>(Empty) Barges</b>	<b>(Full &amp; Empty) Barges</b>	<b>Spares</b>	<b>Total Barges (Rounded)</b>
Hamilton Avenue	3,174	3.0	3.0	6.0	1.2	8
Southwest Brooklyn	1,778	1.7	1.7	3.4	0.7	5
East 91 <sup>st</sup> Street	1,500	1.4	1.4	2.8	0.6	4
North Shore	3,200	3.0	3.0	6.1	1.2	8
<b>Totals</b>	<b>9,652</b>					<b>25</b>

**Table Note:**

- <sup>(1)</sup> Because the barge requirement calculations are shown on an average ton per day basis, fractional units of barges are shown in these tables. This is done only to explain the calculation, as all barges moved within the harbor would carry 48 containers.

*40.3.5.3 System Railcar and Container Requirements for Long-Haul Transport*

The estimate of the maximum system railcar and container requirements for long-haul transport to out-of-City disposal facilities during the first four years of operations is based on the following assumptions:

Containerized waste from the four Converted MTSs would be transloaded onto railcars at intermodal terminals and transported to the proposed disposal location that is the greatest distance by rail from the City.

- Containers on rail cars would be moved in merchandise trains departing the City daily<sup>16</sup>;
- Each railcar would hold four containers;
- The net payload of waste per container is 22 tons;
- The round-trip cycle time from the City to the disposal location would be 18 days<sup>17</sup>;
- The spare factor for railcars would be 20 percent;
- The number of spare containers would be the number of spare railcars multiplied by four; and
- The four Converted MTSs would operate 302 days per year.

Table 40.3-12 presents the estimated maximum number of railcars and containers required for long-haul rail transport to the furthest proposed disposal location for the first four years of operations.

**Table 40.3-12  
Maximum Amount of Railcars and Containers Required for System**

<b>Phase</b>	<b>Tons Per Day</b>	<b>Total Railcars Required (Including Spares)</b>	<b>Total Containers Required (Including Spares)</b>
Phase 1	5,770	1,426	5,704
Phase 2	7,064	1,750	7,000
Phase 3	8,358	2,052	8,208
Phase 4	9,652	2,376	9,504

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<sup>16</sup> Given the high volumes of containers, it is possible that the railroad companies may decide to handle this operation in a manner that is more efficient than sending a separate merchandise train each day; however, for this study it was assumed that the containers would join three merchandise trains per day in order to calculate a conservative estimate of the number of railcars and containers required.

<sup>17</sup> This round-trip cycle time assumes that the disposal facilities will be able to offload the arriving containers on a continuous basis, thereby avoiding queuing of railcars. Cycle time includes both transit and loading and unloading of containers. This cycle time is an average cycle time based on proposed origins and destinations and assumes merchandise, not unit trains.

#### 40.3.5.4 *Ocean-going Barge and Container Requirements for Long-Haul Coastal Transport*

Based on the proposals received from the MTS Containerization RFP, as well as an investigation into potential barge-to-ocean-going barge facilities in the New York harbor region, the maximum throughput of waste from the four Converted MTSs that would be transported by ocean-going barge is 263 one-way containers, or all the DSNY-managed Waste. The estimate of maximum system ocean-going barges and container requirements for this long-haul transport during the first four years of operations is based on the following assumptions:

- Waste would be transloaded onto ocean-going barge at intermodal terminals and transported to the proposed disposal location that is the greatest distance by ocean-going barge from the City.
- Containers would be transported by ocean-going barges departing the City six days per week;
- Each ocean-going barge would hold 320 containers;
- The dimensions of the ocean-going barge would be approximately 86 feet wide by 350 feet long;
- The round-trip cycle time from the City to the disposal location would be 4 days<sup>18</sup>;
- One ocean-going barge would be required as a spare;
- 320 containers, i.e., sufficient to fill one ocean barge, would be required as spares;
- Barge operations at the intermodal facility would occur on three shifts; and
- The four Converted MTSs would operate 302 days per year.

Table 40.3-13 presents the estimated maximum number of ocean-going barges and containers required for long-haul coastal transport to the furthest proposed disposal location.

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<sup>18</sup> This round-trip cycle time includes the transit time and container loading/unloading time.

**Table 40.3-13  
Maximum Amount of Ocean-going Barges and Containers Required for System**

<b>Phase</b>	<b>Tonnage (tpd)</b>	<b>Number of containers per day</b>	<b>Ocean-going Barges Required (Including Spares)</b>	<b>Number of Containers Required</b>
Phase 1	5,770	263	5	1,369
Phase 2	7,064	322	6	1,604
Phase 3	8,358	380	6	1,840
Phase 4	9,652	434	7	2,075

*40.3.5.5 Rail Capacity in Northern New Jersey*

The majority<sup>19</sup> of the barge-to-rail solutions being described within this report would involve rail transport from locations in northern New Jersey. As can be seen in Attachment A, the northern New Jersey rail network is a very complex collection of lines and terminals. Adding to the complexity is the multiplicity of rail operators working within the territory. There are four major (Class 1) freight railroads operating in the territory. Additionally there are passenger operators and regional and short-line freight railroads.

The four Class 1 freight railroads operating in northern New Jersey are CPR (Canadian Pacific Railway), CSX Transportation, CR (Conrail) and NS (Norfolk Southern Railroad). CPR has a relatively limited role in the area, consisting of operating into and out of a CPR facility at Oak Island Yard. The relationship between CSX, CR and NS is more complicated and deserves some explanation. In 1999 CSX and NS purchased and split up Conrail. While in most markets the two acquiring railroads simply divided the assets, in three specific markets the rail infrastructure was so complex that a different solution set was reached. Northern New Jersey is one of those complex areas. The resultant territory is now referred to as the North Jersey Shared Assets.

Within the shared asset area in northern New Jersey, CSX and NS maintain separate routes into the terminal areas, as well as retaining certain yard facilities (NS routes and terminals are shown

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<sup>19</sup> Steel Style Shipyard would not involve rail transport through northern New Jersey, as it is located on the Hudson River Line.

in green on the map in Attachment A, CSX routes and terminals are shown in red). Other routes and facilities (shown in blue on the map in Attachment A) are maintained and operated by the residual Conrail for the benefit of both of its parents (CSX and NS).

The rail network in northern New Jersey supports three major traffic flows. To understand how the DSNY containerized waste from Converted MTS facilities will flow within the network, it is prudent to describe the current traffic flows. Section 3.1 below describes how the different traffic flows impact various components of the network, and more importantly how the combined traffic and flows helps to identify potential capacity constraints.

It should be noted that the Class 1 railroads and PANYNJ have identified a series of infrastructure improvements that, when complete, will mitigate the majority of these capacity constrain locations. The combination of these infrastructure improvements and close coordination with the Class 1 railroads will ensure that there is adequate capacity to move the proposed containerized waste from the Converted MTSs.

#### 40.3.5.5.1 Potential Congestion Due to High Traffic Volumes

Factors that affect the rail system's capacity to transport the containerized waste from the four Converted MTSs are the several other rail traffic flows in northern New Jersey, with their differing service and physical plant requirements. Each of these individual traffic flows is further complicated by the fact that some are more tightly scheduled than others. These rail traffic flows are discussed below.

#### 40.3.5.5.2 Intermodal Traffic (Domestic and International)

There is a concentration of intermodal facilities in northern New Jersey, as shown in Attachment A. These include:

- CSX at North Bergen;
- NYSW (New York Susquehanna and Western) at North Bergen;
- NS at Croxton;
- NS at E-Port Yard;

- CSX at Kearney; and
- Facilities along the Chemical Coast Secondary in Newark and Elizabeth, including Port Newark Yard, Portside Yard, Port Newark Container Terminal (PNCT) and Express Rail.

The outbound intermodal rail traffic tends to move away from New Jersey in the evening and over night, and inbound intermodal traffic arrives from mid morning through early evening. Of particular interest in regards to the movement of containerized waste from the four Converted MTSs from barge to rail, is the fact that the Port Authority of New York and New Jersey (PANYNJ)-supported facilities in Newark and Elizabeth (i.e., Maher, APM/Maersk and PNCT) as well as the New York Container Terminal on Staten Island all utilize the Chemical Coast Secondary and Oak Island Yard to access and egress the region.

#### 40.3.5.5.3 Automotive Traffic

Automotive traffic into North Jersey has historically included transporting finished automotive vehicles to Doremus Avenue Auto Unloading Facilities, auto parts to the Metuchen Auto Plant, and used automotive vehicles from NYSW. The Metuchen Auto Plant is scheduled to close. With its closure, all major automotive traffic will be confined to yards and support facilities at Oak Island Yard, which serves Doremus Avenue, and North Bergen. Inbound automotive traffic tends to move into the region in the evening so cars can be placed for morning unloading while the used automotives from NYSW move in the afternoon.

#### 40.3.5.5.4 Merchandise Traffic

Merchandise traffic is the designation given to all general freight. This traffic moves in slightly different patterns than do intermodal traffic and automotive traffic. Schedules for inbound and outbound long-haul merchandise trains as well as local freight trains are designed around operating “windows” and customer needs, so these trains tend to operate throughout the day and night as opposed to the more restrictive intermodal and automotive networks.

The merchandise traffic must be brought into yards, such as Oak Island, and re-classified for movement by various local trains to either serving yards or directly to the consignee. Therefore, while intermodal and automotive traffic have extreme impact on specific locations, merchandise



traffic tends to impact major yard structures such as Oak Island Yard because of the need to classify these railcars and then build them into local delivery trains. The return of the empty containers on local trains has similar impacts on yards and facilities. Merchandise traffic generally affects the entire rail system evenly. Unlike intermodal and automotive, which are time sensitive and operate during certain windows, merchandise traffic tends to occupy the available additional line capacity. Because of the high volume of merchandise traffic and the numerous “windows” required to move this traffic, merchandise traffic generally affects the entire rail system evenly.

#### 40.3.5.5.6 Chemical Traffic

There is significant chemical traffic (i.e. acids, gas, petroleum products, etc.) throughout the northern New Jersey area, with a strong concentration in Newark and Bayonne and additional heavy use all along the aptly named Chemical Coast Secondary.

#### 40.3.5.5.7 Warehouse Traffic

Northern New Jersey enjoys a strong base of rail-served warehouses. This traffic is delivered to and picked up from consignee locations by a number of scheduled local trains. These local trains add additional layers of congestion on the already busy northern New Jersey rail system.

#### 40.3.5.5.8 Other Traffic

Various other rail-served customers for commodities such as foodstuffs, paper, lumber and other manufactured goods exist along many of the rail lines in the region. These traffic flows overlap and utilize many of the same facilities and, therefore, place multiple stresses on the system. The rail movement of the containerized waste from the Converted MTS, whether it moves in merchandise traffic or dedicated unit trains, would be considered part of the merchandise network.

#### 40.3.5.5.9 Critical Components of the Rail System

Some of the most critical pieces of the general rail system that may impact the movement of intermodal and/or merchandise trains with waste from the four Converted MTSs are:

- The Chemical Coast Secondary between Oak Island Yard and Bayway Yard;
- The Oak Island Yard Complex; and
- The CSX River Line.

As described below in Section 4, proposed infrastructure improvements carried in the current PANYNJ capital plan will help to relieve the congestion at the locations described herein. While primarily designed to support the port intermodal traffic, these improvements will favorably impact the movement of waste from the four Converted MTSs as well.

In recognition of the congested areas cited above, inclusion of the proposed tonnages of waste from the four Converted MTSs on these lines and yards will require close coordination with the four Class 1 railroads (i.e., CP, CSX, NS and Conrail). As mentioned above, with this close coordination, the rail infrastructure will be adequate to support the proposed tonnages.

#### 40.3.5.6 Intermodal Terminal and Disposal Facility Components

This section defines the total potential operational and storage capacities of the intermodal terminals investigated, and reviews those facilities and disposal facility locations that are potentially available to the City.

##### 40.3.5.6.1 Potential Intermodal Terminal Total Operational Capacity

Phone interviews with intermodal terminal operators and site visits to the intermodal terminals referenced in this section identified the capacity potentially available to serve the four Converted MTSs. The facilities investigated include:

- All PANYNJ-owned marine container terminals;

- Intermodal facilities that were offered by proposers in their response to the MTS Containerization RFP,
- Intermodal facilities that have been identified during the MTS Containerization RFP negotiation process; and
- Marine terminals or railyard facilities, identified by New York and New Jersey rail and/or port experts that could potentially serve the needs of DSNY.

Two potential transport modes are possible for shipping waste from the four Converted MTSs from an intermodal terminal to the disposal location: rail and ocean-going barge. The harbor barge-to-ocean-going barge operation would occur at a single intermodal terminal. The harbor barge-to-rail operations would occur at either a single intermodal terminal with on-dock rail or at two different terminals in reasonable proximity to each other, one providing harbor barge loading and unloading service and the other providing railcar loading and unloading service with a short dray in between.

The intermodal facilities listed below are grouped into the three following categories:

- Marine terminals: facilities that have the capability to service harbor barges and/or ocean-going barges;
- Port-Serving On-Dock Rail facilities: railyard facilities that are adjacent to and dedicated to marine intermodal terminals and have the capability to load and unload railcars;
- Near-Port Rail facilities: railyard facilities that have the capability to load and unload railcars, are within one mile of the New York Harbor region, but are not necessarily dedicated to a marine terminal.

The evaluation of potential intermodal capacity assumed that in Phase 1 DSNY would allocate all of the DSNY-managed Waste containers from the four Converted MTS to one terminal, or allocate containers from two of the four Converted MTSs to each of two terminals. Based on this assumption and the system requirements presented above in Section 2.0, it is assumed that either 263 containers (5,770 tons) per day would be transported to one intermodal terminal, or 132 containers (2,885 tons) per day would be transported to each of two intermodal terminals. These assumptions do not purport to predict the result of the DSNY negotiations. DSNY could contract separately for each of the four Converted MTSs or award a single contract for all. These

assumptions are simply being used as a screening tool to focus the analysis on intermodal terminals with large capacity. As described below, there is sufficient intermodal capacity available to handle all Phases of tonnages as shown in Table 40.3-6.

#### 40.3.5.6.2 Survey Methodology

The phone interview format included the questions listed in Attachment B. To assess the amount of intermodal capacity available, facility operators were asked if their facilities would have the capacity to handle either 2,885 tpd (approximately 132 one-way containers) or 5,770 tpd (approximately 263 one-way containers) for a period of twenty years starting in late 2007. Information that was compiled from facilities that would not have this available capacity was recorded and filed, but is not presented in this TTDP.

#### 40.3.5.6.3 Intermodal Capacity

The intermodal terminal investigation determined that there is a sufficient intermodal capacity to handle approximately 1,582 containers per day by rail and approximately 1,185 containers per day by barge, as shown in Table 40.3-14 below. This potential intermodal capacity exceeds DSNY's Phase 4 requirements (440 containers per day) by approximately a factor of three.

**Table 40.3-14  
Intermodal Facility Capacity Potentially Available to DSNY**

Marine Terminals	Port-Serving On-Dock Railyards	Near-Port Railyards	Location	Status	Estimated Available Capacity (Barge to Rail)	Estimated Available Capacity (Barge to Ocean-Going Barge)
					Daily One-way Container Throughput <sup>(1)(2)</sup>	Daily One-way Container Throughput <sup>(1)(2)</sup>
Maier Terminals <sup>3</sup>	Express Rail	-----	Elizabeth, NJ	Planned improvements include expanding Express Rail and Corbin Street to support increasing intermodal traffic	132	132
Port Newark Container Terminal <sup>3</sup>	Port Newark Container Terminal Intermodal Yard	-----	Port Newark, NJ	Improvements planned include construction of an additional two tracks at the PNCT intermodal facility	132	
ASI at Port Newark	N/A	-----	Port Newark, NJ	Currently, this facility is a landside receiving and delivering satellite terminal for Red Hook		263
New York Container Terminal (Formerly Howland Hook) <sup>3</sup>	New York Container Terminal (Formerly Port Ivory)	-----	Staten Island, NY	Improvements planned include the construction of an intermodal yard at Port Ivory which will provide direct access to the Chemical Coast Secondary.	263	263
APM/Maersk Terminal <sup>3</sup>	Express Rail	-----	Elizabeth, NJ	Planned improvements include expanding Express Rail and Corbin Street to support increasing intermodal traffic	132	132
Newark Rail Terminal	Newark Rail Terminal	-----	Newark, NJ	Potential new facility on former oil terminal site.	263	263
Duraport	Duraport	-----	Port Newark, NJ	Currently active marine and rail facility. Both marine and rail require modifications for proposed operation	132	132
New Jersey Rail Carriers	New Jersey Rail Carriers	-----	South Kearney, NJ	Currently active railyard with remnants of former marine facilities. Planned improvements include increasing number of tracks and potentially marine facilities	132	

**Table 40.3-14  
Intermodal Facility Capacity Potentially Available to DSNY  
(Continued)**

<b>Marine Terminals</b>	<b>Port-Serving On-Dock Railyards</b>	<b>Near-Port Railyards</b>	<b>Location</b>	<b>Status</b>	<b>Estimated Available Capacity (Barge to Rail) Daily One-way Container Throughput<sup>(1)(2)</sup></b>	<b>Estimated Available Capacity (Barge to Ocean-Going Barge) Daily One-way Container Throughput<sup>(1)(2)</sup></b>
Steel Style Shipyard	Steel Style Shipyard	-----	Newburgh, NY	Piers need repair, dredging and rail improvements necessary. Site would be subject to environmental review	132	
-----	-----	EPIC Industries - at Brill's Yard	Newark, NJ	Two tracks in single-ended railyard. Planned improvements include making railyard double-ended and leasing additional track space to expand capacity	132	
-----	-----	Greenville Yard	Jersey City, NJ	Ten track railyard currently capable of serving DSNY needs. Have had negotiations with marine terminals, but no final deal has been made	132	
<b>Total Daily One-way Container Throughput</b>					<b>1,582</b>	<b>1,185</b>
<b>Total Throughput (Tons per day)</b>					<b>34,804</b>	<b>26,070</b>

**Table Notes**

- (1) The analysis assumes that DSNY would either send all of its DSNY-managed Waste to one facility or divide the waste to be barged to two facilities. Therefore, assuming 22 tons per container, the two potential throughputs are 132 daily one-way containers, which is equivalent to approximately 2,885 tpd and 263 daily one-way containers, which is equivalent to approximately 5,770 tpd.
- (2) If a facility is shown to have both barge-to-rail and barge-to ocean-going barge available capacity, this should be interpreted to mean that the facility could do either barge-to-rail OR barge-to ocean-going barge, (i.e., these are mutually exclusive).
- (3) PNCT, Maher, APM/Maersk and NYCT Terminal are heavily dependent on the build-out of Corbin Street to relieve the pressure of building trains on the Chemical Coast Secondary.

#### 40.3.5.6.4 Intermodal Terminal Storage Capacity

The MTS Containerization RFP requires proposers to provide a sufficient number of containers to handle the volume of waste in the system offered in its proposal, taking into account cycle time, maintenance, peak event and transport contingencies. The investigation of potential container storage capacity at intermodal terminals indicated that all facilities listed in Table 40.3-15 have sufficient capacity to store the empty containers for a two-day buffer-period in the event of disruptions in transport service. The facility operators that were contacted for this assessment indicated that DSNY's operation would require storage of approximately one or two days of empty containers. This amounts to storage of between approximately 132 and 263 containers for half the DSNY-managed waste (approximately 2,885 tons per day) and between 263 and 526 containers for the entire DSNY-managed waste stream from the four Converted MTS (approximately 5,770 tons per day).

#### 40.3.5.6.5 Marine Terminal Capacity

The information presented below appears by marine terminal facility. In addition to being based on interviews with marine terminal operators and site visits, it is based also on reviewed PANYNJ reports, including the Comprehensive Port Improvement Plans. Attachment C to this report provides a map that locates these facilities, as well as the Port-Serving On-Dock Rail facilities and Near-Port rail facilities discussed below.

##### 40.3.5.6.5.1 Maher Terminal

The Maher Terminal is a 445-acre site located in Port Newark/Elizabeth in northern New Jersey. The berth length at Maher Terminal is approximately 8,900 feet with more than nine effective berths. The berth depths average between 35 to 50 feet. This facility has more than 20 container cranes that operate the barge and container-ship loading and unloading process. The terminal facilities at Maher Terminal have undergone a \$200 million upgrade program recently with the objective of increasing its current capacity from 300,000 lifts per year to 750,000 lifts per year by 2010. The upgrade consolidated Maher's Fleet Street and Tripoli Street Terminals into one

contiguous facility with on-dock rail provided by Express Rail. Maher operators indicated that approximately 1,000 feet of berth space would be available for DSNY harbor barges, and that the marine facilities at this site could handle a daily throughput of 132 containers from two of the four Converted MTSs for either barge-to-ocean-going barge transport or barge-to-rail transport, which is discussed below in Section 4.1.5.1.

#### 40.3.5.6.5.2 Port Newark Container Terminal (PNCT)

The PNCT is a 176-acre site located in the Port Newark/Elizabeth area of northern New Jersey with a total wharf length of 4,400 feet. The PNCT operator indicated that two adjacent underutilized berth spaces (Berths 51 and 53) with a total length of 600 feet and a 33 foot draft would be available to handle the barges from DSNY. These berth spaces are underutilized because they are of insufficient length to berth large container ships, but would be sufficient for berthing the harbor barges that were specified in the MTS Containerization RFP.

PANYNJ has planned site improvements for the marine facilities at PNCT. According to the terminal operator, PANYNJ funding is in place for these improvements, but the schedule has not yet been finalized by PANYNJ. The terminal operator expects these improvements to occur within the next one to two years (2005 - 2006). Currently, PNCT handles approximately 440,000 container moves per year. The PANYNJ site improvements would increase this capacity by more than 25%, to approximately 550,000 to 560,000 container moves per year. The terminal operators at PNCT indicated that the marine facilities at this site would have the available capacity to handle the container throughput from two of the four Converted MTSs, i.e., 132 containers per day for barge-to-rail transport.

#### 40.3.5.6.5.3 ASI at Port Newark

The ASI Newark Terminal is a 20-acre container/barge handling facility located in Port Newark/Elizabeth in northern New Jersey. The ASI Newark Terminal<sup>20</sup> has approximately 1,200 feet of berth space with two available berths for handling containers. ASI uses two mobile

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<sup>20</sup> ASI's Red Hook terminal in Brooklyn has only a three-year lease with PANYNJ, so was not considered in this analysis.



harbor cranes to handle containers off the barges. The berth depth at ASI Port Newark is approximately 27 feet. The terminal operators at ASI Port Newark indicated that this facility could handle the daily throughput of 263 containers from all four Converted MTSs for barge-to-ocean-going barge transport.

#### 40.3.5.6.5.4 New York Container Terminal (NYCT)

NYCT is a 187-acre site located on the northwest corner of Staten Island bordering Kill van Kull and Arthur Kill. NYCT, formerly Howland Hook, has approximately 3,000 feet of berth, and it would be able to dedicate approximately 300 to 400 feet of existing berth space to handling the barges of containerized waste from the four Converted MTSs. NYCT's operator indicated that barge-to-barge container transfer would occur with a container moved between a harbor barge and ocean-going barge moored in parallel. NYCT would be capable of operating at a sustained rate of 30 container moves per hour (accounting for breaks and barge moves) over a 20-hour workday. Therefore, NYCT would be capable of handling the 263 one-way containers per day from all four Converted MTSs for either harbor barge-to-ocean-going barge transport or barge-to-rail transport, which is discussed below in Section 4.1.5.3.

#### 40.3.5.6.5.5 APM/Maersk Terminal

The APM/Maersk Terminal is a 266-acre site located in Port Newark/Elizabeth in northern New Jersey. The berth length at APM/Maersk is approximately 6,000 feet with just under six effective berths. The berth depth averages between 35 and 50 feet. This facility has nine container cranes that operate the barge and container ship loading and unloading process. The terminal operators at APM/Maersk Terminal indicated that this facility could handle a daily throughput of 132 containers from two of the four Converted MTSs for either barge-to-ocean-going barge transport or barge-to-rail transport, which is discussed below in Section 4.1.5.1.

40.3.5.6.5.6 Newark Rail Terminal

Newark Rail Terminal is a 40-acre site located in Newark, New Jersey. The potential developers of this site indicated that there are plans to develop this site into a barge-to-rail or barge-to-ocean-going barge intermodal facility. The proposed barge dock would provide moorings for six 150-foot long harbor barges. The barge dock would be a high-level concrete platform structure measuring 635 feet by 120 feet. The off-loading and loading of containers would be accomplished through the use of two straddle-type container cranes. These two cranes would be able to off-load six barges, or approximately 6,300 tons, in about five hours.

Additionally, the facility would be capable of mooring two additional barges tied-up to mooring dolphins outboard of the proposed barge dock and bulkhead. In addition to the pier and bulkhead modifications, this site would require dredging to handle barges. The proposed water depth is 15 feet, which would require the dredging of approximately 80,000 cubic yards.

Based on the information from interviews with the potential site developers, this site could handle a daily throughput of 263 containers from all four Converted MTSs for either barge-to-ocean-going barge transport or barge-to-rail transport, as discussed below in Section 4.1.5.4.

40.3.5.6.5.7 Duraport

The Duraport Terminal is a 50-acre site located on the Kill van Kull in the southeastern Bayonne area. The terminal facilities at Duraport are currently used for barge-to-barge operations. The wharf would require rehabilitation in order to serve the needs of DSNY. The terminal operators at Duraport indicated that this facility could handle a daily throughput of 132 containers from two of the four Converted MTSs for either barge-to-ocean-going barge transport or barge-to rail transport, as discussed below in Section 4.1.5.5.

40.3.5.6.5.8 New Jersey Rail Carriers

New Jersey Rail Carriers are located on a 15-acre site on the Kearney Peninsula on Newark Bay. This site was formerly Columbia Coastal, which was a marine terminal with some rail capabilities. The current marine facility would not be adequate to handle the unloading and

loading of barges as it was designed to unload petroleum products from barge and/or ship. The marine facilities would require significant repair and modification to handle barges. If these repairs were made, it is feasible that the marine terminal at New Jersey Rail Carriers could handle approximately 132 containers per day of DSNY-managed waste from two of the four Converted MTS for barge-to rail transport.

#### 40.3.5.6.5.9 Steel Style Shipyard

Steel Style Shipyard is a 35-acre site located on the west side of the Hudson River in Newburgh, New York, approximately 25 miles north of New York Harbor. This site was formerly known as New York Trap Rock and PC Freight. The potential selection of this site by DSNY would be subject to environmental review for the necessary permit applications.

Currently, there are two piers at the site approximately 700 feet long and 70 feet wide. Some repairs to these piers would be required in order to operate a barge handling facility. The depth at the piers is approximately eight feet, so dredging would be required in order to berth harbor barges. The terminal operator at Steel Style Shipyard indicated that this facility would have the capability to handle approximately 132 containers per day of DSNY-managed waste from two of the Converted MTSs for barge-to-rail transport.

#### 40.3.5.6.6 Port-Serving On-Dock Railyard Capacity

##### 40.3.5.6.6.1 Express Rail (Serving Maher Terminal and APM/Maersk Terminal)

Express Rail is a 33-acre site in Elizabeth, New Jersey that is used jointly by Maher Terminal and APM/Maersk Terminal. All containers lifted off a barge would move directly into the Express Rail facility onto railcars via straddle carriers.

Both domestic and international containers move through Express Rail for distribution to the North American rail network. Railcars move from Express Rail to the Corbin Street and/or Oak Island Yard to be assembled into outbound trains to final destination and disposal. Rail

movement to and from Express Rail currently uses one of the two Chemical Coast Secondary tracks parallel to Corbin Street for train assembly. This affects through train operations on the Chemical Coast Secondary.

The long term plan is to increase terminal throughput from Maher and APM/Maersk by building a railyard with six 7,200-foot tracks along Corbin Street Yard to assemble complete trains. According to the terminal operators at Maher Terminal and APM/Maersk Terminal, the planned improvements at Express Rail would make it feasible for this facility to support the rail movement of the 263 containers per day from the four Converted MTSs.

#### 40.3.5.6.6.2 Port Newark Container Terminal Intermodal Yard

The Port Newark Container Terminal Intermodal Yard is a three-acre site located adjacent to Corbin Street in Port Newark, New Jersey. The site currently consists of two tracks that have the ability to handle up to 53 cars. Current operations are designed for one train per day on site. At this time the site is fully subscribed; however, it is planned that two additional tracks will be built on site. According to the operators of Port Newark Container Terminal, these two tracks could potentially support the movement of approximately 132 containers of DSNY-managed Waste from two of the four Converted MTSs.

The marine facilities and the rail facilities are not adjacent to each other. A short dray is required to move containers between the Port Newark Container Terminal and the Port Newark Container Terminal Intermodal Yard, however, a truck flyover is planned that will connect PNCT with the PNCT Intermodal Yard.

#### 40.3.5.6.6.3 NYCT (formerly Port Ivory)

The railyard at NYCT, formerly Port Ivory, is a 39-acre railyard integrated with the adjacent NYCT port terminal. Phase I of this railyard is in construction and is designed to potentially handle both international containers and DSNY containers with a five track layout, each approximately 1,500 feet long. Three of these tracks could be dedicated to DSNY. Later phases of construction would increase the track layout to eleven.

Containers delivered by harbor barge to NYCT would be loaded by rubber-tired gantry cranes (RBTGs) into drop frame platform cars on the dock, three to a car, and towed by tractor to the adjacent railyard for loading onto railcars. Reach stackers would be available as back up to the cranes. The port terminal, in combination with the three tracks in the railyard, has the capability to handle 300 one-way DSNY-container moves a day. Construction of six additional tracks would provide the capacity to move the additional DSNY containers indicated in Phase 4 of the combined DSNY and Commercial Waste program.

The NYCT railyard is adjacent to and integrated with Arlington Yard, part of the Staten Island Railroad (SIRR), owned by the New York City Economic Development Corporation. With the completion in late 2005 of the Chemical Coast Connector, SIRR will interconnect with the Chemical Coast Secondary in New Jersey on which CSX and NS, Class 1 railroads, operate. Arlington Yard is undergoing a major upgrade and expansion that will provide the capacity to support unit train movements from SIRR onto the Chemical Coast Secondary.

#### 40.3.5.6.6.4 Newark Rail Terminal

As described above in the Marine Terminals section, DSNY has received a proposal to develop this 40-acre site in Newark, New Jersey into a barge-to-rail or barge-to-ocean-going-barge intermodal facility. Potential site developers have identified a multiple use site design that would have at least two 2,000-foot-long loading tracks on site and 8,000 feet of storage tracks. In addition, the proposed site may include a 5,000-foot-long lead track that would extend to Oak Point Yard. This potential extension track to Oak Point could dramatically improve the transit times, flexibility and reliability when moving cars to and from Oak Point because Brills Yard, which is very congested, currently lies between the Newark Rail Terminal and Oak Point. The extension track would eliminate the need to move through Brills Yard.

The proposed area for loading the containers on to the railcars would be comprised of two parallel railroad sidings, each with a capacity of 25 railcars. Containers would be loaded on to the railcars through the use of rail-guided, straddle-type container cranes. Each siding would be equipped with two cranes. According to the potential developers of this site, if built, the facility would be capable of handling all 263 one-way containers per day of DSNY-managed waste from the four Converted MTSs.

#### 40.3.5.6.6.5 Duraport Railyard

As described above, Duraport Railyard is a 50 acre site located on the Kill van Kull in the southeastern Bayonne area. It is served and supported by Bayonne Yard. Currently, there are limited rail facilities on the Duraport site; however, there is a long storage track between East 5<sup>th</sup> and 2<sup>nd</sup> Streets that reaches the site. It appears that one or perhaps two more rail storage and/or staging tracks could be built to handle increased volumes of railcars out of Duraport. Additional rail intermodal tracks would also have to be built on the Duraport site. Railcars could then be loaded on site and cuts of cars assembled between East 2<sup>nd</sup> and 5<sup>th</sup> streets before moving the cars to Bayonne Yard. From Bayonne Yard, the cars would probably move to Oak Island and then to final destination for unloading and disposal. The operator at Duraport Railyard indicated that this facility would have the capability to handle approximately 132 containers per day of DSNY-managed waste from two of the Converted MTSs for barge-to-rail transport.

#### 40.3.5.6.6.6 New Jersey Rail Carriers

New Jersey Rail Carriers is a 15-acre site located in South Kearney on Newark Bay. This site was formerly a marine/rail oil terminal. Currently, the site has a warehouse, a small two-track single-ended railyard, and the remnants of a marine barge facility. Each of the two tracks is about 1,300 feet long. The operators of this site have plans to build up to five additional tracks as rail traffic increases.

This site is currently being used for the movement of outbound loaded containers on railcars. The site is served by Norfolk Southern directly via Croxton Yard, though it could potentially be served by CSX via Kearney Yard. With upgrades to the rail facilities, this site could potentially handle the 132 one-way containers per day from two of the four Converted MTSs.

#### 40.3.5.6.6.7 Steel Style Shipyard

Steel Style Shipyard is a 35-acre site located on the west side of the Hudson River in Newburgh, New York, approximately 25 miles north of New York Harbor. The potential selection of this site by DSNY would be subject to environmental review for the necessary permit applications.

The existing Steel Style facility has two short rail spurs that are located on the northern portion of the property. The CSX River Line is a single track railroad (on a double track right-of-way) as it passes the site. Just south of Steel Style, there is a double-ended passing siding on the location of the second main track. The industrial lead to Steel Style comes off the north end of the passing siding and runs north by the main gate of Steel Style to the small two-track facility on the north end of Steel Style.

At this time, it is assumed that containers would not be able to be unloaded directly from barge to railcar and that there would be a short dray to move containers between the two modes. However, to accommodate the loading and unloading of railcars by either a sideloader or gantry crane, it would be necessary to configure at least two long tracks in the facility.

According to the terminal operator, if both rail and marine improvements were made, there would be sufficient capacity to move about 132 one-way containers per day of DSNY-managed Waste by rail to and from Steel Style Shipyard to the CSX River Line for movement to the final destination.

#### 40.3.5.6.7 Near-Port Rail Facilities

##### 40.3.5.6.7.1 Epic Industries at Brills Yard

Epic Industries leases a 6-acre site from Conrail that is located between Brills Yard and the New Jersey Turnpike in Newark, New Jersey. This site, which has two tracks in a small single-ended railyard, is currently used to move outbound loaded containers on railcars. The operators of this site indicated that they have recently been expanding their railyard and have plans to make it

double ended, which would improve their ability to increase the amount of cars that are loaded daily. In addition, the operators of Epic Industries are considering leasing additional space for additional track.

While this site does not have any waterfront access, it is within close proximity to Newark Bay. Therefore, with upgrades to the on site rail facility, it is feasible that containers could be drayed to this site from one of the near-by marine facilities mentioned above. The operators indicated that there would be sufficient capacity to move about 132 one-way containers per day of DSNY-managed Waste by rail.

#### 40.3.5.6.7.2 Greenville Yard

Greenville Yard is a 27-acre site located in Jersey City, New Jersey. The New York Cross Harbor Railroad (NYCHRR) in Jersey City operates Greenville Yard, which was formerly the yard and car float facility for the Pennsylvania Railroad. Currently, NYCHRR performs both car float business from 51st Street in Brooklyn and loading and unloading of railcars at Greenville Yard in Jersey City.

According to terminal operators, this ten-track railyard would be capable of transporting approximately 132 containers per day of DSNY-managed waste from two of the four Converted MTSs. Merchandise and/or unit trains would depart from Greenville to Oak Island Yard (CSX) and then to the general railroad system of North America.

#### *40.3.5.7 Potential Disposal Capacity*

The City's disposal capacity requirements were set forth in Section 9.5.6 of the MTS Containerization RFP that required proposers to make disposal capacity guarantees to DSNY in their proposals. In effect, proposers are required to maintain five years of capacity going forward for the term of the contract. Based on the information provided by respondents and DSNY's own surveys, there is approximately 37,700 tpd of barge or rail accessible disposal capacity potentially available to the City in New York State, Georgia, North Carolina, Ohio, Pennsylvania and Virginia.



Hand insert Rail Capacity

#### 40.3.6 Enhanced Environmental Justice Public Participation Plan and Interim Implementation Report

The New York State Department of Environmental Conservation (NYSDEC) issued policy guidance on Environmental Justice and Permitting in March 2003 (EJ Policy). The EJ Policy applies to certain NYSDEC permitting actions and environmental reviews for which NYSDEC is the lead agency. The Draft and Final Scoping Documents issued in May and October 2004, respectively, described DSNY's proposed plan for implementing an Enhanced Public Participation program, consistent with NYSDEC's EJ Policy. DSNY implemented the Enhanced Public Participation program during the public processes for the environmental review of the Draft New SWMP, including both the public scoping meetings for the supporting DEIS, the public hearings on the DEIS and the preparation of this FEIS. Public hearings held in connection with the City's Uniform Land Use Review Procedures (ULURP) were also used as opportunities to convey information on the NYSDEC permit process.

Among other things, the Draft New SWMP proposes and the DEIS and this FEIS evaluates, as elements of the Proposed Action for Long Term Export, the construction and operation of the four Converted Marine Transfer Stations, the barge and/or rail export of DSNY-managed Waste from private transfer stations that would serve wasteshed in the Bronx, Brooklyn and Queens that were formerly served by the existing South Bronx and Greenpoint MTSs. The Converted MTSs require Solid Waste Management Facility Permits under 6NYCRR Part 360, Article 15/25 permits and State Facility Air Permits. Draft applications for these permits have been filed with NYSDEC. Consequently, the Enhanced Public Participation program will continue to be conducted in connection with the permit review process, including any public hearings that NYSDEC holds in connection with the permit applications, once these are deemed complete by NYSDEC.

This Plan describes DSNY's implementation activities to date, including:

- The completion of the public Scoping process;
- The publication and distribution of the Final Scoping Document;
- The public hearings on the DEIS and ULURP applications; and
- The publication of the FEIS.

The Enhanced Public Participation program was implemented in the communities identified in the project area maps, published in the Draft and Final Scoping Documents. The project area maps were prepared using the USEPA database (prescribed in the EJ Policy), to identify the census block groups with populations that meet the EJ Policy criteria (EJ community). The project area maps also identified facilities in the project area that would likely be included in an environmental burden analysis, if such an analysis were required based on a finding that the Proposed Action would cause potentially significant unmitigatable adverse impacts<sup>21</sup>. The maps provided information about the environmental review analyses that would be performed and were published in the Draft and Final Scoping Document. The project areas, in which an Enhanced Public Participation program was conducted, included all the communities that would host one of the four Converted MTSs or the private transfer stations that were elements of the Proposed Action for Long Term Export, whether or not they met the EJ Policy criteria for an EJ community.

#### *40.3.6.1 Enhanced Public Participation Program*

DSNY, as lead agency for the environmental review of the Draft New SWMP, is implementing this Enhanced Public Participation program to provide meaningful opportunities for citizens to be informed about and involved in the environmental review and the facility permitting elements of the Proposed Action (including Alternatives to the Proposed Action). The program includes enhanced outreach, document and information dissemination and community meetings accessible to each EJ project area. The proposed Enhanced Public Participation program was drafted using a combination of best practices, identified by the DSNY team, and the suggested activities detailed in the NYSDEC publication, “Tips for Preparing a Public Participation Plan.” This Enhanced Public Participation program describes activities completed through the publication of the FEIS. A final report will be submitted to NYSDEC on completion of the permit public hearing phase. This will include a written certification by DSNY that it has complied with the Enhanced Public Participation program, as proposed in the Final Scoping Document and as updated in the DEIS and thereafter.

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<sup>21</sup> The FEIS does not report any such findings.

#### 40.3.6.1.1 Advance Planning

During the Public Scoping process and prior to the publication of the Draft New SWMP, DSNY identified nine of ten potential project areas, eight Converted MTS sites and alternative facility locations that met EJ criteria. The Draft Scoping Document included a description of the Enhanced Public Participation program. DSNY elected to implement the Enhanced Public Participation program in all ten project areas, beginning with Public Scoping Meetings in locations in each of the EJ project areas. In the initial stage of implementing the Enhanced Public Participation program, DSNY identified stakeholders, met with community district managers, coordinated logistics and support for each meeting, and prepared reader-friendly outreach materials. All activities were conducted in accordance with the CEQR schedule.

#### 40.3.6.1.2 Identification of Stakeholders

Stakeholder lists were developed through online review and consultation with the District Managers of each of the ten Community Districts in which potential export facilities were located. The lists included, but were not limited to, community-based organizations, civic groups, religious groups, neighborhood housing agencies, and schools. The stakeholder lists were continuously updated through phone requests, attendee lists from public information meetings/hearings, and other sources.

#### 40.3.6.1.3 Meetings with Community District Managers

The DSNY team requested one-on-one meetings with the District Manager of each Community Board in a potential project area. These meetings introduced the potential project; described the Enhanced Public Participation program; and verified previously gathered information about the neighborhood, including area demographics, stakeholder contact information, special needs, and preferred meeting locations. Eight of 10 district managers or their representatives were able to meet with the DSNY team (refer to attached Thank You letters in Appendix H ). Two Community Board contacts were unable to meet with DSNY. As a result, web searches were conducted to gather stakeholder and demographic information for those Community Districts.

The DSNY team also met with representatives of the Hunt's Point Economic Development Corporation and held a joint meeting with the district managers of Manhattan Community Boards #4 and #7.

#### 40.3.6.1.4 Outreach Materials Prepared

Public information materials consisted of trifold flyers mailed to stakeholders in advance of the Public Scoping Meetings, a Welcome handout and fact sheets, Comment sheets and large display boards. Materials were tailored to each EJ community and project. The flyers, handouts and displays encouraged public participation, described the facility permitting activities, the design and operation of the proposed facilities, including the Converted MTSs; answered frequently asked questions (FAQs); and presented other pertinent information on the permitting process, including the location of the Public Document Repositories in each EJ project area. The Public Scoping trifold mailers are provided in Appendix H. Samples of Scoping outreach materials for the North Shore Converted MTS are also provided in Appendix H.

A Welcome handout and fact sheets provided at each of the Public Scoping Meetings, summarized information presented on the display boards. Comment sheets were available for completion at the meeting, or for submission to DSNY by mail or fax on or before July 11, 2004. Copies of the Draft Scoping Document were also available for review at the meeting and online, as well as in the two Public Document Repositories located in each EJ project area.

#### 40.3.6.1.5 Meeting Logistics and Support

Meeting venues were selected based on various criteria including familiarity and access, proximity to the proposed site, and availability. The following meeting logistics and support were provided for each location:

- Necessary permits and/or authorizations for meeting venues;
- A public-friendly layout for sign-in, display units, and a brief power-point presentation;
- Audio/visual equipment, including amplifiers, speakers, microphones, projector, screen and laptop computer;

- Speaker registration cards, attendee sign-in sheets, and comment sheets;
- A stenographer to record public comments;
- Simultaneous or consecutive interpreters where requested by the community or local representatives (it should be noted that a Spanish interpreter was available at 8 of 10 meeting venues, although not always utilized).
- Public outreach staff stationed at display boards, provided handouts, and answered questions on outreach materials or the outreach process.

#### 40.3.6.1.6 Information Dissemination Program

##### 40.3.6.1.6.1 Notices of Public Scoping

Notices of Public Scoping were published in the Environmental Notice Bulletin and the City Record on May 17, 2004, 30 days prior to the first Scoping Meeting which was scheduled on June 16, 2004. Subsequent notices were also published in these publications. A sample of the Notices of Public Scoping is provided in Appendix H .

##### 40.3.6.1.6.2 Newspaper Display Advertisements

Based upon the formal Notice of Public Scoping, similar versions of Public Display advertisements were prepared for publication in local newspapers. Two newspapers per site initially were selected through consultation with each Community District Manager, with revisions made to avoid duplication. Two weeks prior to the scoping meetings, easy-to-read, site-specific or borough-specific display ads were placed in twelve community-based newspapers; and full display ads were placed in Spanish, Korean and Chinese Newspapers. Samples of newspaper notices, including those that appeared in Korean, Mandarin and Spanish, are included in Appendix H .

##### 40.3.6.1.6.3 Document Repositories

Two accessible document repositories were established in each of the ten EJ project areas. The repositories were selected through consultation with the Community Boards, as well as review of project area maps. All project-related material, including draft and final permit applications for the MTSs, Scoping Documents, the DEIS, Public Notices or permit-related Notices, is available

for review by the public at these sites. Locations for documents include one public library; and the Community Board office for each community district in which a Proposed Action project is located. In addition, documents are available upon request from DSNY and for review at community liaison offices within pertinent state and federal agencies; borough halls; and legislative offices. A list of the public document repositories is included in Appendix H .

#### 40.3.6.1.6.4 Public-Friendly Mailings and Flyers

Written information on potential projects and related permit review processes was prepared in an easy-to-read format, and translated, as appropriate, in advance of the Scoping Meeting. A site-specific tri-fold mailing was sent to approximately 2,200 stakeholders, and extra copies mailed to repositories and Community Board offices. The flyers were mailed two weeks in advance of each meeting to maximize attendance. See Appendix H for a sample of the flyers.

#### 40.3.6.1.6.5 Toll Free Hotline

A toll-free hotline was established in May 2004 (1-888-NYC-SWMP), to receive comments and answer questions related to the project. The hotline phone number is available on the DSNY web site and was provided on all DSNY outreach and meeting/hearing materials and in public notices/display ads. Messages received via hotline are documented, substantive comments considered by DSNY, and Frequently Asked Questions (FAQs) answered. The hotline also receives requests for translation/interpretation services; special needs of residents within a particular project area; and additions to the stakeholder lists. The hotline voice message and operator offer information in English and Spanish.

#### 40.3.6.1.7 Scoping meetings

##### 40.3.6.1.7.1 Meeting Schedule

Public Scoping meetings were held between Wednesday, June 16th and Thursday, July 1st, 2004. Preferred venues identified by the Community District Managers were contacted, and where a site was unavailable on the dates requested, other nearby and easily accessible locations were selected. The Scoping Meeting schedule is provided below:

**Table 40.3-16  
Public Scoping Meeting Locations**

<b>Project Area</b>	<b>Date</b>	<b>Location</b>
West 135th Street MTS	June 16, 2004	I.S.195 (Roberto Clemente School) 625 W.133 <sup>rd</sup> Street, New York NY
Southwest Brooklyn MTS	June 17, 2004	I.S. 227 (Edward B. Shallow School) 6500 16 <sup>th</sup> Avenue, Brooklyn, NY
West 59 <sup>th</sup> Street MTS	June 21, 2004	West Side Y.M.C.A. 5 West 63 <sup>rd</sup> Street, New York, NY
South Bronx MTS	June 22, 2004	P.S. 48 (Joseph Drake School) 1290 Spofford Avenue, Bronx, NY
South Bronx MTS Alternatives	June 23, 2004	Alfred E. Smith High School 333 East 151 <sup>st</sup> Street, Bronx, NY
Hamilton Avenue MTS	June 24, 2004	Brooklyn 7 Community District Office 4201 4 <sup>th</sup> Avenue, Brooklyn, NY
East 91 <sup>st</sup> Street MTS	June 28, 2004	New York Blood Center (Auditorium) 310 E. 67 <sup>th</sup> Street, New York, NY
North Shore MTS	June 29, 2004	Union Plaza Health Care Facility 33-23 Union Street, Flushing, NY
Greenpoint MTS Alternative	June 30, 2004	Sunnyside Senior Center 43-31 39 <sup>th</sup> Street, Sunnyside, NY
Greenpoint MTS	July 1, 2004	Swinging Sixties Senior Center 211 Ainslie Street, Brooklyn, NY

40.3.6.1.7.2 Meeting Format

Each meeting began with an informal “open session” with display stations at the perimeter of each room or in an adjacent hallway, depending on the facility. The open sessions included an area for attendee sign-in and speaker registration for those attendees who wished to give testimony; a comment area; and a series of displays on the Proposed Action, EIS Topics, and Public Involvement Process. The displays remained available for review during the formal portion of the public meeting; and take-home summary handouts were also provided.



The formal portion of the public meeting took place in an auditorium style-set up. The meetings commenced with an opening statement and brief Power Point presentation made by Assistant Commissioner Szarpanski. The presentation described the Proposed Action for each site and included information about the wastesheds to be handled by the proposed facilities, renderings of the proposed Converted MTS buildings and access ramps and diagrams that depicted how waste would be containerized and loaded onto barges. A stenographer recorded the opening statement and Power Point presentation, as well as all of the comments made by meeting participants following the presentation. Copies of Assistant Commissioner Szarpanski's opening statements and presentations were made available at the end of each meeting, and a sample is provided in Appendix H.

#### 40.3.6.1.7.3 Follow up Information Dissemination and Translation Services

DSNY representatives and outreach staff were available to respond to questions at the close of each public scoping meeting. Several attendees requested specific information, including hard copies of the Draft Scoping Document; meeting transcripts, attendee sheets, and outreach activities, among other information. DSNY representatives followed up on each request to provide further information by phone or email.

In response to requests for interpretation in Spanish, these services were provided at eight out of ten meetings. After experimenting with alternating Spanish and English translation, simultaneous Spanish translation services (with United Nations style headsets) were subsequently provided at the Scoping Meetings, but were very sparsely used. To ensure that translation services are available where they are needed and that the attending public is aware of their availability in advance of the public hearings, the public outreach flyers that were distributed prior to the DEIS public hearing phase, emphasized the availability of such services upon prior request.

#### 40.3.6.1.7.4 Final Scoping Document Publication

The Final Scoping Document was published in October 2004. The Final Scoping Document contained a more than 30-page summary of Comments & Responses that addressed all of the substantive comments received during the public Scoping process. Appendix B of the Final

Scoping Document contained transcripts of the 10 Scoping Meetings and a compendium of written comments received that was also published and made available on request. The Final Scoping Document and Appendix B were placed in the public document repositories and appear on the DSNY web site at [www.nyc.gov/sanitation](http://www.nyc.gov/sanitation).

#### 40.3.6.1.8 DEIS Publication Phase

##### 40.3.6.1.8.1 Public Notices, Newspaper Display Advertisements, and Trifold Mailings

As with Scoping, a Public Notice announcing the issuance and availability of the DEIS was published in the Environmental Notice Bulletin and the City Record. During the Scoping period, Scoping Meeting attendees routinely indicated that they had not seen the multiple newspaper display advertisements placed in the EJ project area newspapers. Because of feedback that newspaper ads were an ineffective way of reaching the EJ Communities than anticipated, , display advertisements for the DEIS and Part 360 permit hearings were published in two mainstream newspapers in the EJ project areas, the New York Post and El Diario (Spanish publication), and in the Staten Island Advance, two weeks prior to those Public Hearings.

Stakeholder lists were updated with the addresses of individuals who attended the Public Scoping meetings or submitted comments; trifold mailings were sent to over 3,000 stakeholders. To keep all EJ Communities informed, Public Notice flyers that provide a schedule of all of the eight DEIS Public Hearings were mailed to all stakeholders of MTS and alternatives sites that are not proposed in the New SWMP (West 59<sup>th</sup> Street, West 135<sup>th</sup> Street, and South Bronx). In addition, the Public Notice flyer was translated into Spanish and sent to Spanish-speaking stakeholders identified by active community liaisons or groups.

##### 40.3.6.1.8.2 Public Hearing Schedule

Outreach documents continued to be distributed widely through various mailings and at the DEIS Public Hearings held within the EJ project areas for the Proposed Action facilities. Stakeholders were informed of the Hearings at least two weeks in advance.

DEIS Hearings were scheduled between Wednesday, December 1st and Monday, December 20<sup>th</sup>, 2004. Preferred venues identified by the Community District Managers were contacted, taking into account sites utilized during the Scoping process. Note that while not an EJ project area, a DEIS Public Hearing was held in Staten Island to take comments from all Staten Island communities on the New SWMP and the DEIS; the Staten Island Transfer Station previously received all required approvals and permits and is under construction. The DEIS Hearing schedule is provided below:

**Table 40.3-17  
DEIS Hearing Locations**

<b>Project Area</b>	<b>Date</b>	<b>Location</b>
Staten Island	December 1, 2004	Staten Island Community Board 2 460 Brielle Avenue, Staten Island, NY
Greenpoint/Williamsburg , Brooklyn (private facilities)	December 2, 2004	Swinging Sixties Senior Center 211 Ainslie Street, Brooklyn, NY
Port Morris area, Bronx (private facilities)	December 6, 2004	Alfred E. Smith High School 333 East 151 <sup>st</sup> Street, Bronx, NY
Queens (Greenpoint MTS area) (private facility)	December 8, 2004	Sunnyside Senior Center 43-31 39 <sup>th</sup> Street, Sunnyside, NY
Hamilton Avenue MTS	December 13, 2004	Brooklyn 7 Community District Office 4201 4 <sup>th</sup> Avenue, Brooklyn, NY
North Shore MTS	December 14, 2004	Union Plaza Health Care Facility 33-23 Union Street, Flushing, NY
Southwest Brooklyn MTS	December 15, 2004	I.S. 281 Joseph B. Cavallaro School 8787 24 Avenue, Brooklyn, NY
East 91 <sup>st</sup> Street MTS	December 20, 2004	New York Blood Center 310 East 67 <sup>th</sup> Street, New York, NY

#### 40.3.6.1.8.3 Meeting Format and Meeting Materials

The DEIS Public Hearing format was similar to the format used for the Scoping Meetings. DSNY provided a short opening statement and Power Point presentation. Display boards, handouts and comment sheets were made available. To inform the public about the NYSDEC permit review process, the Power Point presentations and handouts contained information about the NYSDEC permit applications (solid waste management facility, air and marine resources) for the Converted MTSs. (See Appendix H). The new slides provided specific information about the permit review process and details on how and when, as part of DSNY's DEIS public comment period, to submit comments on the State environmental permit applications. Fact sheet handouts expanded on the information provided during the Power Point presentation and provided specific information about the public document repository, including the location, contact person, and days/hours opened for each potentially affected community. A sample of the fact sheet handouts for the North Shore Converted MTSs is in Appendix H.

A stenographer was present to record all of the proceedings, outreach materials were translated into other languages for comprehension by non-English speaking stakeholders, and simultaneous Spanish interpreter services was provided, when requested. Copies of the DEIS and New SWMP documents were made available to the public at each of the hearing venues for their review.

#### 40.3.6.1.8.4 Follow up Information Dissemination

DSNY representatives and outreach staff were available to respond to questions at the close of each public hearing. Transcripts of the hearings and the responses to comments/questions received during the Hearing process and public comment period have been incorporated into the FEIS. The New SWMP hotline was in operation throughout the extended DEIS comment period and will remain in operation through the end of the NYSDEC permit review process.

40.3.6.1.8.5 Informational Meetings During the Extended DEIS Comment Period

During the four Public Hearings held by Community Boards on the Converted MTSs, DSNY made a presentation on the Uniform Land Use Review Procedure (ULURP) applications. DSNY's presentation included information about the NYSDEC permit review process and the availability and contents of the State environmental permit applications on file for each of the Converted MTSs. Handouts describing the permit review process that were distributed at the DEIS Public Hearings were also made available to the Informational Meeting attendees. The DSNY presentation was followed by a question and answer session. Attendees had an opportunity to ask questions about the NYSDEC permit review process and DSNY's State environmental permit applications for the Converted MTSs.

Public notices and display ads about the informational meetings held in mid-January 2005 listed in the following table were placed in local newspapers during the last week of December 2004. In addition, DSNY mailed out flyers to community stakeholders during the last week of December 2004. The flyers provided information about the DSNY permit applications, the NYSDEC permit review process, the public document repository and included an invitation to the Community Board Informational Meeting/ULURP Hearing. Samples of the invitational/project update flyers, fact sheet handouts, and public notices/display ads are attached in Appendix H.

**Table 40.3-18  
Informational Meeting/ULURP Hearing Locations**

<b>Project Area</b>	<b>Date</b>	<b>Location</b>
Hamilton Avenue MTS	January 13, 2005	Brooklyn 7 Community District Office 4201 4th Avenue, Brooklyn, NY
North Shore MTS	January 10, 2005	Union Plaza Health Care Facility 33-23 Union Street, Flushing, NY
Southwest Brooklyn MTS	January 13, 2005	I.S. 281 Joseph B. Cavallaro School 8787 24 Avenue, Brooklyn, NY
East 91st Street MTS	January 12, 2005	Hunter College School of Social Work 129 East 79th Street, New York, NY

Stakeholder lists continued to be updated throughout the DEIS public comment period (through January 2005) to include those who provided comments or attended the DEIS Public Hearings and the Permit Review Process Informational Meetings/ULURP Hearings (October 22, 2004 through January 24, 2005).

#### 40.3.6.1.9. Permit Hearing Phase

DSNY will continue to implement its public participation plan through the end of NYSDEC's permit review process. Another mass mailing is anticipated to provide project updates and inform community stakeholders about the upcoming NYSDEC permit hearings. These mailings will be sent at least two weeks prior to the scheduled permit hearing dates. Project stakeholders may continue to view the DSNY web page for project updates and use the "New SWMP" toll free hotline to ask any project or permit related questions.

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