

General Comments

First Name	Last Name	On Behalf of
Peter	Arndtsen	Columbus Amsterdam Business Improvement District
David	Biderman	(General Counsel), NSWMA
Joan	Byron, RA	PICCED
Kendall	Christiansen	Geto&deMille, Inc. PR on behalf of InSinkErator
Hope	Cohen	
Ramon	Cruz	Living Cities Program, Environmental Defense
C. Virginia	Fields	Manhattan Citizen's Solid Waste Advisory Board
Tara	Hemmer	Waste Management of New York, LLC
Gavin	Kearney	New York Lawyers for the Public Interest, Inc.
Joanna	Underwood	President, INFORM
Barbara	Warren	Consumer Policy Institute
Robert D.	Yaro	Regional Plan Association
Robert D.	Yaro	Regional Plan Association
Elizabeth C.	Yeampierre	



Harry Szarpanski
Assistant Commissioner
City Of New York Department of Sanitation
44 Beaver Street, 12th Floor
New York NY 10004

July 9, 2004

Dear Sir

I wish to register qualified support for the re-opening of the Marine Transfer Stations (M.T.S.) and concerns with the "Comprehensive Solid Waste Management Plan."

The MTS are critical for efficient sanitation operations. The present system of trucks going to New Jersey is wasteful. All stations need to be reopened for equity, including Gansvoort. Negotiations need to be made with communities for trade offs to make reopening more acceptable.

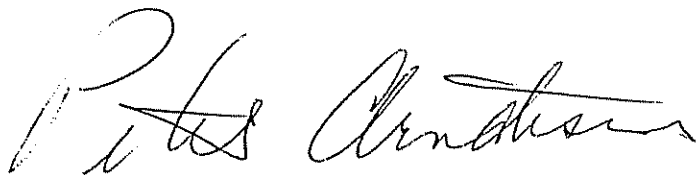
System wide all commercial waste hauling vehicles must be made cleaner and be better monitored. Exhaust from garbage trucks is significant in our area which has high asthma rates, a large population of children and many schools. Truck exhaust can turn a street that hundreds of children are walking on into a smoky corridor.

Garbage handling is a critical operation of the city and the whole operation will not be handled without resources of the city being brought to bear to solve this. Amenities and improvements must be provided for communities that are host to transfer stations. For example 135th street has both a MTS and the North River sewage treatment plant. New large developments such as Hudson Yards must plan for sewage treatment plants to relieve and spread this burden.

This is hardly a comprehensive plan as reduction and recycling are not well addressed and need to be for the viability of our city.

Finally, I am very enthusiastic about the M.T.S reopening; they are critical for handling our waste and for our budgets. I believe they could be done with minimal alterations by using a floating crane and a floating compactor unit. I would be glad to discuss with a marine engineer if you are interested in this idea. But given the short and unrealistic time frame for considering comment the review process seems unlikely to be substantive.

Yours truly,

A handwritten signature in cursive script, appearing to read "Peter Arndtsen".

Peter Arndtsen
District Manager



**LEGAL DEPARTMENT
FAX TRANSMITTAL COVER SHEET**

NUMBER OF PAGE (S) INCLUDING COVER SHEET:

DATE: July 12, 2004
TO: Harry Szarpanski
NYC Department of Sanitation
FAX NUMBER: 212.269.0788
FROM: David Biderman
General Counsel

NSWMA's Comments on Draft Scoping Document for the Draft Environmental Impact Statement.

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July 12, 2004 NATIONAL SOLID WASTES
MANAGEMENT ASSOCIATION

VIA FAX

Harry Szarpanski
Assistant Commissioner
New York City Department of Sanitation
Bureau of Long Term Export
44 Beaver Street, 12th Floor
New York, New York 10004

Re: Draft Scoping Document for the Comprehensive Solid Waste
Management Plan Draft Environmental Impact Statement

Dear Assistant Commissioner Szarpanski:

The National Solid Waste Management Association ("NSWMA") is the national trade association for private companies involved in the collection and disposal of solid waste. Our 1,700 member companies operate in all 50 states, and include companies that service New York City commercial establishments, own and operate transfer stations in New York City, and own and operate landfills that receive New York City residential and commercial waste. NSWMA's members include collectors and transporters of solid waste, operators of solid waste processing and disposal facilities; waste recyclers; and firms providing legal, financial and consulting service to the waste management industry. NSWMA appreciates the opportunity to participate in the City's planning efforts as they relate to the development of the new proposed Comprehensive Solid Waste Management Plan (SWMP).

Our members and other private companies have invested hundreds of millions of dollars in facilities, labor and equipment in connection with the collection and transportation of all of the commercial waste generated within New York City. In addition, the New York City Department of Sanitation ("DOS" or the "Department") has successfully relied on the private sector to provide transfer services to deliver more than 11,000 tons per day ("tpd") of waste collected by the Department to disposal locations outside of New York City. Hereafter, these "putrescible" waste streams are referred to as MSW.

NSWMA believes that two basic premises underlying the City's Long Term Export Program, the SWMP, and the draft Scoping Document are incorrect. In Section 1.3.2 of the draft

Scoping Document, the principal justifications for the Long Term Export Program are that “a combination of factors is causing the depletion of nearby landfill capacity and an increase in disposal price.” The proposed response is to develop “a barge/rail transport system capable of accessing” remote disposal capacity. These misconceptions – diminishing disposal capacity available to the DOS and the likely disposal costs if the Interim Export contracts were continued -- is leading the City towards the unnecessary expenditure of nearly half a billion dollars (\$500,000,000.00) to resurrect the Marine Transfer Stations (MTS’s). The MTS’s, which will merely duplicate the private sector transfer station infrastructure developed, at great expense, over the past several decades, will not achieve these stated goals. Further, it is quite ironic that the DOS is proposing to reopen the MTS’s and replacing the currently operating land-based transfer stations just months after the DOS’s own Commercial Waste Management Study concluded that these facilities are “an essential part of the City’s infrastructure that the City’s residents and businesses depend on every day to maintain the public health and attractiveness of the City.” DOS Commercial Waste Management Study, Consolidated Executive Summaries at 1 (March 2004) (DOS Study). Finally, to the extent a barge/rail transport system is desirable, it is currently developing, based on market forces.

I. Recent Increases in DOS Disposal Costs Have Been Moderate

The draft Scoping Document states recent increases in disposal costs have “resulted in an average increase of 19%” in Interim Export contract costs over the initial bid prices. It fails to note that this increase has been over a multi-year period (or identify the number of years). The increase on an annualized basis is quite modest, and the actual costs are among the least expensive of all essential services available to City residents. According to the draft Scoping Document, developing a barge/rail export system is necessary to offset inflationary increases in disposal prices at nearby landfills. A review of the DOS’s own budgetary data and the competitive disposal market in the Northeast and Mid-Atlantic states where most of the City’s waste is deposited suggests this is simply not the case.

A. DOS Budget Data

The DOS FY 2005 budget is over \$1 billion, of which about \$314 million is directed to waste disposal. The amount that the DOS has budgeted for waste exports in FY 2005 represents a comparatively modest \$5.7 million increase over FY 2004. While this is a substantial amount of money, it reflects the enormous volume of DOS waste managed by the private sector at its transfer stations, landfill and waste-to-energy infrastructure. The DOS delivers about 11,000 tons per day – 3,322,000 tons per year of waste from the City's households, public agencies and non-profit organizations – to these disposal facilities. Draft Scoping Document at 2. Sixteen transfer stations and disposal facilities, owned by eight different solid waste companies and located throughout the New York City metropolitan area, currently receive DOS waste. Draft Scoping Document at 4, Table 1.1-1. This enormous volume of waste is properly and cost-effectively handled and disposed of by the private sector in heavily regulated disposal facilities. New York City residents pay about \$39 per year for waste disposal (\$314 million divided by 8 million people) – a little more than \$3 each month. This modest expenditure pales in comparison to what New Yorkers pay for other essential services such as electricity, telephone service and heat. While the 19% increase identified in the Draft Scoping Document and recent increases in the DOS's export costs may appear large in percentage terms, their overall impact on any individual New York resident (about 60 cents per month) is very small.

B. Disposal Prices in Nearby States Are Generally Stable

Free market competition between the owners of landfills and incinerators ensures that the DOS pays a fair and competitive price for the disposal of the MSW it collects. DOS waste is currently disposed at eight different companies' transfer stations and incinerators. The transfer stations, in turn, use their own or other companies' disposal facilities for the disposition of the DOS's MSW. These transfer stations benefit from the robust competition between landfills and incinerators throughout the Northeast, Mid-Atlantic and Midwest. The DOS should not interfere with this free market approach to solid waste disposal.

II. The MTS Plan May Negatively Impact Available Disposal Capacity

NSWMA believes that retrofitting of the MTS's will not positively impact disposal capacity available to the City, and may in fact have a negative impact. Even without the MTS's,

remote disposal capacity is currently used for waste originating in New York City. For example, disposal facilities in several states more than 400 miles from New York City currently receive MSW from the City by truck. This demonstrates conclusively that it is not necessary to construct MTS's or require all outbound waste to leave New York City by rail or barge for the DOS to obtain access to remote disposal facilities.

If anything, the MTS's will reduce the amount of disposal capacity available for the City's MSW. Currently, MSW collected by the DOS moves out of the City by truck and rail, and private barge options are also being actively pursued. This robust system, taking advantage of all three transportation modes, provides competitive disposal costs for New York City. Although containerization and/or increased reliance on barge and rail shipments may allow the City to access a limited number of remote disposal locations, reliance solely on barge and rail transport will almost certainly reduce the number of disposal facilities that are available to the City, because barge and rail require container unloading facilities as well as water or rail access. A very small number of disposal facilities in the Eastern United States have water or rail access, and the vast majority of disposal facilities currently receiving City MSW do not have rail or barge access.

III. Conclusions

NSWMA is deeply concerned the DOS is pursuing the very expensive and unnecessary construction of the MTS's to address a set of problems that simply do not exist. In the process, a new set of problems may be created. There is adequate disposal capacity available to the DOS that is accessible via truck, and this capacity is subject to market forces and is competitively priced. While the DOS should examine the feasibility of containerized waste transport and efficiencies from rail and barge transport, the expenditure of nearly one-half of a billion dollars (\$500,000,000) to achieve its stated objectives, when financial resources in the City are so limited, could be redirected towards more productive areas. As NSWMA noted in its April 2003 comments on the draft scope of work for the DOS Study, history has proven that in New York City, reliance solely on government solutions regarding waste issue may not be in the public's best interest. Commercial initiatives, privately financed, and subject to market forces, have often proven to be the most cost effective means of delivering essential services. NSWMA also

questioned why the City intends to rely entirely on old-style central planning to meet what must inevitably be changing conditions in the waste industry, City land use trends, and political and regulatory conditions both within New York State – all of which affect the disposal facilities outside of New York City on which the City relies.

NSWMA believes the DOS Study is correct that private transfer stations do not pose a problem that need to be eliminated, but rather provide a vital, cost-effective and well-managed infrastructure that the City can rely on for years. DOS Study at 7. The DOS Study recognized the very limited impacts that private land-based transfer stations have on neighboring communities. And, its proposed regulatory and enforcement recommendations, if implemented, would further minimize these impacts. Whatever issues are associated with the private sector transfer stations, they are small in comparison to the economic, environmental and health impacts that would have resulted if the City had not been able to utilize the in-City transfer facilities provided by the private sector. Indeed, even if all of the MTS's are built and all commercial MSW was somehow lawfully compelled to be disposed there, the City would continue to rely on private sector landfills and other facilities for the ultimate disposal of the City's MSW.

The draft SWMP will provide the basis for future regulatory initiatives and policy formulation that will have a direct impact on the solid waste industry and its ability to continue to meet the City's waste management requirements. NSWMA members have invested hundreds of millions of dollars in New York City's solid waste infrastructure and want to insure that the SWMP's conclusions are based on sound data and analysis. NSWMA's members want to invest additional funds in their disposal facilities, including modifications that would reduce impacts on neighbors, but the uncertainty created by the MTS plan and the Long Term Export Program is deterring such investments. In addition, the MTS plan may create new problems in many City neighborhoods, and is already contributing to the challenges the industry is facing obtaining an adequate quantity of outbound transfer-trailers for City MSW, as trucking companies are hesitant to invest resources to transporting waste because they are concerned that the reopening of the MTS's will eliminate (or substantially reduce) the market for these services.


Further, NSWMA's members are committed to New York City and their business is tied directly to the health of the New York City economy. The DOS is a major and valued customer for services that our members provide. The industry wants to continue serving the City and the

DOS in the best and most cost-effective manner. NSWMA and its members are knowledgeable about the handling, transportation, and disposal of solid waste and have a contribution to make both in the planning process and in the handling of the City's waste. Barge and rail containerized shipment undoubtedly have a role in the City's planning, but NSWMA believes that a mixed system of private and public resources, transportation modes and technologies will offer the City a system that is best able to handle its waste. Moreover, diversity provides a robust system able to respond to changed conditions and uncertainties that are inevitable when attempting long term planning..

NSWMA reiterates its previous offer of its expertise, experience and perspective on solid waste planning issues to DOS, to assist in the development of the draft SWMP. We recognize waste disposal is a controversial, highly politicized issue in New York City, and that our participation along with the community/environmental groups and elected officials is essential for identifying critical issues and resolving the conflicts that are inherent in the City's planning for reliable, long-term and cost-effective waste disposal facilities in a productive manner.

If you have any questions concerning these comments, please feel free to contact me at 202-364-3743 or davidb@envasns.org.

Sincerely,


David Biderman
General Counsel

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for Community and
Environmental Development*

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**To: NYC Department of Sanitation - New SWMP Comments
c/o Ecology & Environment
90 Broad Street, Suite 1906
New York, NY 10004**

**From: Joan Byron, RA
Senior Fellow
Sustainability and Environmental Justice Initiative
Pratt Institute Center for Community & Environmental Development**

Date: July 9, 2004

**Re: PICCED's Comments on DOS Draft Scoping Document for the new Solid Waste
Management Plan - CEQR No. 03-DOS-004Y**

Submitted by fax to: 212-269-0788

The Draft Scoping Document released in May 2004 represents an increment of progress over the City's current policies for the handling of both DSNY- and commercially-managed waste, particularly in moving forward the plan to convert the City's existing Marine Transfer Stations, as has long been advocated by the Organization of Waterfront Neighborhoods, and by environmental and environmental justice groups throughout the City.

However, the Draft Scope falls short in several important respects. It fails to adequately address the environmental justice impacts of the SWMP. It also fails to provide substantive discussion of strategies for waste prevention and reduction, and for increasing the quantity and variety of materials diverted from the disposal stream, such as re-use and composting programs. Finally, by timing the release of the Draft Scope so that its comment period runs concurrently with discussion of both the Commercial Waste Study, and the proposed permanent siting regulations for private transfer stations, DOS has undermined public participation in all of these critical planning processes, and has forgone the opportunity for a serious public discussion that would address all three documents in the integrated fashion that the enormous issue of solid waste management demands.

Environmental Justice Impacts

PICCED strongly supports the position of the Organization of Waterfront Neighborhoods and its members, who have advocated for more than eight years for the conversion of the City's Marine Transfer Stations, as an interim export solution that is both more equitable and more economical than truck-based export. For the proposed conversions to in fact achieve the goal of reducing, rather than increasing the burden solid waste export places on EJ communities, the conversions MUST be linked to the phase-out of truck-based transfer stations in these same neighborhoods, notwithstanding whether those stations now process waste from commercial sources – especially in light of the probability that the converted municipal MTS will ultimately containerize both municipal and commercial waste. **We strongly concur with OWN's comments that it is imperative that DOS analyze the impacts of municipal and commercial solid waste in an integrated manner.**

The long-awaited Commercial Waste Study, released this spring and referenced in the Draft Scope, is flawed on numerous grounds, and these flaws **must** be addressed if the SWMP is to have any validity. Again, we concur with OWN's comments, particularly on the CWS' failure to adequately consider the effects of clustered commercial waste transfer stations in and near EJ communities, and to adequately consider the views of local residents and other stakeholders. The CWS as published grossly fails to meet the letter and spirit of Local Law 74. If the SWMP EIS proceeds on the basis of the flawed CWS, it is unlikely to withstand the legal challenges that will inevitably be forthcoming.

Additional Comments on CWS Projections of the Future Waste Stream

We would add, from our perspective as planners and analysts of the City's development policies, that the CWS appears not to have taken into account the impact of the many very large public and private development initiatives that are now pending. In discussing its projections for commercial waste tonnage during the study period, the CWS makes note of the economic and construction downturn that followed in the aftermath of September 11, 2001. But the study fails to make note of such major redevelopment and new development projects as the rebuilding of the World Trade Center site itself, the proposed developments of the Far West Side, Atlantic Yards in Brooklyn, and the potential 2012 Olympic venues. Further, major rezoning efforts recently adopted and those currently proposed by the Department of City Planning have the goal of stimulating the construction of tens of millions of new square feet of residential and commercial development in West Harlem, Williamsburg, Brooklyn, Long Island City, Queens, and elsewhere.

At the same time, major infrastructure and transportation projects proposed or underway include the DEP Water Filtration Plant and the major Sewage Treatment Plant expansions, the Fulton Transit Center, Second Avenue Subway, and #7 Line expansions, the Cross-Harbor Rail Tunnel, the Penn Station expansion and East Side Access projects, and the proposed JFK link — in addition to numerous highway projects throughout the City.

Notwithstanding the respective merits of each project, the availability of funding, and the various obstacles that may remain to be overcome, some combination of them will clearly go forward during the study period. Their impacts, on the volume of C & D waste the City will generate in the near term, and on the volume of commercial and residential waste over the long term, are not discussed in the CWS or in the SWMP Scope. Cumulatively, these projects underscore the imperative of moving quickly and seriously to develop alternatives to waste export, if New York City is to continue to grow, without sacrificing either the prosperity, health, or quality of life of its residents.

A "Solid Waste Export Plan"

While the introduction to the Draft Scope makes passing mention of waste reduction, prevention, and re-use, the bulk of the document speaks substantively only about waste export. This omission is unjustifiable on both environmental and economic grounds. As DOS' own Commercial Waste Study notes, landfill capacity accessible by rail or barge is inexorably depleting, and control of these landfills is concentrated in the hands of just two companies. This effective duopoly will inevitably result in increased tipping fees throughout the study period. And the development of new capacity is likely to face serious regulatory and political opposition within the host states and communities.

Continued reliance on export, however technically improved, is an inherently unsustainable and environmentally unjust foundation for New York's Solid Waste management. While export in sealed containers at the proposed converted MTS is more equitable than the current patchwork of truck-based transfer stations, even under the best operational assumptions the converted MTS will have major environmental impacts upon the communities in which they are located. Since most of the MTS sites are in Environmental Justice communities that also bear many other burdens (including private truck-based transfer stations, as well as other noxious infrastructure and truck-dependent land uses), they will continue to add to the health and environmental impacts disproportionately borne by low-income people of color. So it is imperative that DOS give far more substantive consideration to waste prevention and reduction strategies, and take seriously the goal of reducing waste export to an eventual target of zero.

By focusing on waste export, the Draft Scope also forgoes an important opportunity to address solid waste management in the context of economic development for New York City. In effect, the scope proposes that we continue to seal an increasing number of our tax dollars into containers, for shipment to the operators of remote landfills or incinerators. We could instead be investing in a diversified network of alternatives, from composting to re-use centers, which would not only reduce our reliance on export, but would create a variety of export-proof jobs for New Yorkers of every background and level of education. The long-term contracts we most likely will need to make, to induce remote disposers to build and operate the capacity we require to export the majority of our solid waste, will lock New York City into commitments that will give us little incentive and little means to develop alternatives.

PICCED strongly supports the report recently issued by the New York City Zero Waste Campaign, and urges DOS to incorporate a serious examination of the Campaign's recommendations into the new SWMP Scope.

Please do not hesitate to contact me if PICCED can provide any additional information or clarification of our comments.

Cc: Assistant Commissioner Henry Szarpanski, New York City Department of Sanitation

December 16, 2002

by mail and by fax

The Honorable Harry Szarpanski
Assistant Commissioner
Department of Sanitation
44 Beaver Street – 12th floor
New York, New York 10004

Dear Commissioner Szarpanski:

I am writing on behalf of the Plumbing Foundation of New York City to respectfully request that the Scope of Work for the Department of Sanitation's study of commercial waste-related matters include the comprehensive examination of issues related to food waste generated by the city's commercial and institutional sectors. To that end, please regard this letter as responsive to the Department of Sanitation's request for public comment about this study, as it moves from its preliminary to its full-scale phase.

The purpose of this request is to identify and assess alternate methods for the management of food waste generated by commercial and institutional facilities so as to achieve a significant set of economic and environmental goals, including:

- Reducing the environmental impacts of food waste at various points in its generation-chain, from storage inside food service establishments, to its set-out on city streets, to leakage in collection trucks and at transfer stations, and disposal in anaerobic landfills;
- Stabilizing and/or reducing the cost of carting services for commercial and institutional generators by reducing and/or eliminating the collection of wet and heavy food waste by collection vehicles;
- Reducing the weight and volume of solid waste necessary to be collected by carting trucks, and therefore to be transferred, consolidated for export and transported to distant landfills; and,
- Capturing for beneficial re-use organic waste, via either composting or conversion to sludge at the City's wastewater treatment plants.

Specifically, the modified study would:

- Provide a comprehensive and detailed examination of the relative presence of food waste in the overall composition of commercial and industrial waste, especially in the restaurant and eating establishment sub-sectors;
- Assess various methods for diverting food waste from conventional collection, transfer and transport of food waste, including, but not limited to:
 - Onsite compaction, including methods for extracting liquids;
 - Dedicated collection of source-separate food-waste for use as feedstock for livestock, and/or composting operations; and,

- The use of food waste disposers that pulverize food waste into particles that can be safely flushed into the sewer system.

The study also should examine any and all questions identified by the City's Department of Environmental Protection that are related to the prospective use of commercial food waste disposers as an alternate means of disposing of food waste prior to conventional collection of solid waste. Their questions include, but should not be limited to the following:

- Nature of restaurant sewer discharge prior to installation:
 - volume
 - composition analysis
 - wastewater treatment impacts
- Nature of restaurant sewer discharge following installation:
 - additional water usage/discharge
 - composition analysis
 - wastewater treatment impacts
- Experience of other cities that experience significant levels of usage of commercial food waste disposers in restaurants re the above factors.
- Experience in other cities in levying "sewer system surcharges" that target restaurants and/or institutional food service facilities.
 - how surcharges are structured
 - what facilities/uses are targeted
 - how discharge assessment/analyses are conducted
 - other relevant information (when imposed; annual revenue generated; etc.)
 - historical review of New York City's experience with sewer system surcharges
- The analysis should provide for various levels of market penetration over specified time periods (e.g., 10% of 21,000 restaurants in year one, etc.)

In structuring and conducting this aspect of the entire study, the Department of Sanitation's consultant should consult directly with DEP officials to fully understand their questions, issues and concerns related to the diversion of food waste into the City's sewers and wastewater treatment systems.

The report issued at the completion of the study shall directly assess the public benefits associated with the diversion of food waste through various means, including economic payback analysis for various scenarios.

I would be pleased to answer any questions you may have about this request, and look forward to discussing it with you.

c: The Honorable Chris Ward, Commissioner, Environmental Protection
The Honorable Jose Maldonado, Commissioner, Business Integrity Commission
The Honorable C. Virginia Fields, Manhattan Borough President
The Honorable Michael McMahon, City Council
The Honorable James Gennaro, City Council

July 8, 2004

TO: *New SWMP Comments*
c/o Ecology and Environment, Inc.
90 Broad Street – Suite 1906
New York, New York 10004

FROM: Kendall Christiansen
On behalf of InSinkEerator

SUBJECT: Comments regarding the Draft Environmental Impact Statement
(DEIS) in support of the New Solid Waste Management Plan for New
York City

These comments largely reiterate those forwarded by the Plumbing Foundation of New York City in its letter of December 16, 2001 (see attached), to the Department of Sanitation to request that the proposed Scope of Work for the Department of Sanitation's study of commercial waste-related matters include the comprehensive examination of issues related to food waste generated by the city's commercial and institutional sectors.¹

This matter remains timely and relevant to the DEIS, and its consideration of alternatives to the proposed action, namely the MTS conversion program.

The additional question that should be addressed by the Draft EIS and New SWMP is this:

How best to manage the food waste component of both the residential and commercial wastestreams – clearly the most problematic component of solid waste – so as to reduce its negative impacts, and capture its waste reduction, recycling and reuse benefits.

¹ [Letters endorsing the Foundation's initial request were sent to the Department of Sanitation by the New York State Restaurant Association and the Food Industry Alliance of New York State.]

Both the EIS and the New SWMP should thoroughly, comprehensively and rationally assess the benefits and impacts of diverting food waste from truck-based collection, transfer, consolidation and export for disposal to collection via the expanded use of food waste disposers, which pulverize and liquefy food waste, diverting it into the City's existing sewer system, and its collection, treatment and processing at wastewater treatment facilities where food waste is converted to biosolids and/or compost.^{2,3}

Recent History

In 1997 the City Council and Mayor Giuliani enacted a local law that fully permits the installation of food waste disposers in all New York City residences.⁴ A report issued by the City's Department of Environmental Protection early in 1997 concluded that the City's wastewater infrastructure could accommodate the use of food waste disposers with only *de minimus* impacts in most cases – as is the case in every other city, town and village in the U.S.⁵

At that time, the City and the Plumbing Foundation agreed to focus on the residential use of food waste disposers because of the significant public benefits that could be achieved in the era of "life after Fresh Kills."⁶ Food waste is, after all, approximately 15% of residential waste, but composed on average of 70% water, and so eliminating or reducing food waste from expensive and environmentally harmful collection, transfer and disposal was regarded by the Council as a significant advantage to be gained by the adoption of Local Law.^{7,8}

² Residential food waste disposers are a well-established appliance, first introduced in the 1930's, that use rotating hammers to compress food waste against a serrated wall, reducing it to particle size so that it can be flushed through wastewater pipes. Approximately 50 million are in use, with 5 million sold annually. They range from 1/3 hp to 1 hp; commercial disposers range up to 10 hp, and are designed for use in food service establishments. A separate device, food waste pulverizers extract excess water from food waste, leaving food waste solids for truck collection.

³ Significant correspondence on this topic between DSNY Commissioner Emily Lloyd and DEP Commissioner Al Appleton paralleled the development and adoption of the City's initial Comprehensive Solid Waste Management Plan in 1992, as the City sought an effective means to manage food waste, which eventually led to the negotiations over conduct of a pilot project.

⁴ Local Law 74 of 1995 required the City to conduct an extensive pilot test of residential disposers, and to issue a report of its findings – which led to full legalization; prior to that time, disposers were permitted only in certain low-density areas of the city served by more modern sewers that collected sanitary and stormwater separately.

⁵ Actual installation of residential disposers has been modest, given that the City provides free garbage collection service to residences, thereby obviating any direct financial incentive for their use in reducing the volume and weight of residentially-generated solid waste.

⁶ This agreement respects the City's bi-furcated system of municipal collection of residential and institutional waste, and private collection of waste generated by commercial establishments.

⁷ In national studies, food waste is generally found to be approximately 7% of residential waste; New York City's waste composition studies find higher amounts, with the difference principally explained by the commonplace use of food waste disposers elsewhere in the U.S.

The City's efforts to test the potential for source-separate collection of residential food waste (separate from its leaf and yard waste collection efforts) have yielded findings that it would be both exorbitantly expensive to collect and highly contaminated in its composition, and that food waste disposers offer significant benefits as an environmentally sound and cost-effective method for managing that portion of the waste stream.⁹

In 2001, the Plumbing Foundation initiated a discussion with DEP about the use of commercial food waste disposers – now increasingly common in restaurants, supermarkets, and other types of food service establishments across the nation.¹⁰

In that discussion, DEP staff proposed a set of questions to be studied, as follows:

- Describe the nature of restaurant sewer discharge prior to installation, including:
 - Volume
 - Composition analysis
 - Wastewater treatment impacts
- Describe the nature of restaurant sewer discharge following installation, including:
 - Additional water usage/discharge¹¹
 - Composition analysis
 - Wastewater treatment impacts
- Describe the experience of other cities that experience significant levels of usage of commercial food waste disposers in restaurants with respect to the above factors.
- Describe how system costs are determined, allocated and recovered by commercial establishments that choose to install disposers.

⁸ In May 2002, a pilot project in two FDNY firehouses found that food waste disposers reduced the weight of solid waste collected by DSNY by over 21% within just a few weeks of installation.

⁹ See "Composting in New York City", published by the Department of Sanitation, which noted both the difficult to overcome challenges of managing source-separate residential food waste, and the inherent benefits of expanded use of food waste disposers.

¹⁰ At least one major city – Philadelphia – requires the installation of food waste disposers in restaurants, as a condition for obtaining a permit for a dumpster. Industry estimates suggest that more than 250,000 are installed annually in the U.S.

¹¹ While previously a concern, newer commercial disposers dramatically reduce water consumption via the use of sensors.

The EIS would be the best possible means of answering these questions, so as to inform further discussions about pilot projects, eventual use of commercial size food waste disposers, and expanded use of residential disposers.

Proposed Legislation Under Consideration:

Notwithstanding the initial discussions between DEP and the Plumbing Foundation, a consortium of businesses that generate food waste requested explicit permission – initially from DEP, and now from the City Council – to install commercial-size food waste disposers. Legislation – **Intro 220** (see attached) – was introduced, with more than thirty (30) Council Members as sponsors. Following the initial hearing, the Council and the Office of the Manhattan Borough President requested that the Independent Budget Office commence an analysis of the potential benefits and negative impacts of that legislation. To date, the IBO's analysis has been stymied by the lack of detailed information and analysis provided to it by the DEP.¹²

Intro 220 is premised on two considerations:

First, that the storage and management of solid waste is a growing problem for businesses, especially small and medium-size establishments, both as an operational and an economic matter, as a direct consequence of:

- The City's decision in 2002 to enforce "Operation Dumpster," the ban on storage of solid waste in containers on sidewalks prior to collection, thereby forcing indoor storage of solid waste.
- The City's decision in mid-2003 to institute a two-tiered rate system for contracts between businesses and private carters, which for the first time distinguished between light and heavy waste, rather than relying solely on volume.

Second, that installation of commercial food waste disposers would not be rapid nor widespread, and therefore could be accommodated without significant impact:

- Commercial disposers – unlike residential disposers – are relatively expensive to install, and require space that may otherwise not be available in space-constrained establishments.

¹² As a corollary to Intro 220, its advocates are considering the first step of conducting one or more pilot projects that would assess the benefits and impacts of commercial disposers – the same deliberate process undertaken in the mid-1990's with respect to residential disposers.

- That only certain types of food service establishments – e.g., certain sizes of restaurants, cafeterias, etc. – are likely to benefit sufficiently from disposers to warrant their installation.¹³

At the same time, the City Council is considering **Intro 100** (see attached) – which would mandate the installation of food waste disposers in new residential construction, and potentially in residences undergoing major renovations involving the replacement of a kitchen sink.

Intro 100 is premised on four considerations:

First, in order to achieve the public benefits of food waste disposers (i.e., the diversion of significant volumes of food waste from truck-based collection), a critical mass of disposer installations must be achieved.

Second, dozens of other U.S. municipalities have local laws or regulations requiring food waste disposers, precisely for the purpose of diverting food waste from the collection of solid waste.

Third, under the current voluntary system, disposer installations in NYC have been substantially below the thresholds suggested by the DEP study. DEP projected that it could tolerate as many as 30,000 disposer installations each year, while actual sales ranged from 5,000 to 10,000 annually.¹⁴ New residential construction in New York City during that period has ranged between 10,000 and 15,000 units annually.

Fourth, the lack of a direct financial incentive for disposer installation has stymied sales and use, and inhibited achievement of public goals.¹⁵ Firms involved with the construction and management of new residential buildings routinely cite the City's provision of "free" waste collection services as a major disincentive when considering the installation of disposers.¹⁶

¹³ Conversely, certain types of establishments, such as fast-food restaurants, are highly unlikely to install disposers.

¹⁴ In the seven (7) years since disposers were fully legalized, the "gap" between what DEP suggested its system could tolerate (30,000 per year, or 210,000 over the period) and actual sales/installations (perhaps 50,000) is more than 150,000 disposers.

¹⁵ Both the State and City have recognized disposers as an appliance that may be included in calculations regarding capital investments eligible for benefits under the J-51 and Individual Apartment Improvement programs.

¹⁶ Notwithstanding the absence of direct or even indirect disincentives, food waste disposers are now required under the progressive Residential Environmental Building Guidelines issued by the Battery Park City Authority for the development of its last four residential buildings. The New York City Housing Authority also is in the midst of its first broad scale-installation of approximately 1,500 disposers, following a successful pilot project.

Both bills are premised on three significant facts:

First, that the City is in the midst of a major challenge with respect to the efficient and environmentally responsible management of solid waste generated by all sectors, accelerated by the premature and unexpected closure of the Fresh Kills Landfill.

Second, that the concept of integrated solid waste management makes it possible to consider different strategies for distinct components of solid waste, versus regarding it as a monolithic conglomeration for which only a single management approach is possible.

Third, that the City has successfully invested in the expansion, management and operations of its massive wastewater treatment system, including the transition from ocean-dumping of sewage sludge to the production of high quality biosolids suitable for beneficial reuse in a wide range of agricultural purposes.^{17,18}

In other words, food waste that is collected in the City's solid waste system is environmentally problematic at every step of its management:

- Food waste, when stored in kitchens and other indoor spaces, creates odors, attracts vermin, and causes other problems;
- Food waste, when placed for collection at curbside, creates odors, attracts vermin and causes other problems;
- Food waste, when collected in trucks, creates odors, attracts vermin and causes other problems – including leakage of putrescible fluids on to city streets;
- Food waste, when dumped at transfer stations, creates odors, attracts vermin and causes other problems; and,
- Food waste, when transported to distant landfills, creates odors, attracts vermin and causes other significant environmental problems – including conversion into leachate and methane gas.

¹⁷ Under Federal law and other mandates, NYC's dumping of sewage sludge into the ocean finally ended in 1992. In recent years, approximately 75% of city-generated biosolids met Class A standards, with the remainder meeting Class B standards – both of which are sufficient to support beneficial re-use. Unlike solid waste management, costs for managing biosolids have remained remarkable stable.

¹⁸ For more information about biosolids generally, visit www.biosolids.policy.net -- the Web site of the National Biosolids Partnership, of which NYC is a member.

In addition, because food waste achieves its considerable weight through a high percentage of water, the solid waste managing system is, in fact, collecting and transporting significant quantities of water, which adds unnecessarily to system costs.

In significant contrast, food waste diverted into the City's wastewater treatment system is nearly guaranteed to be recovered and converted into a compost quality fertilizer product, with stable markets for its use.

Developments Elsewhere:

National, regional and local attempts to better manage food waste are taking a variety of forms, especially in areas where food waste disposers are not commonly used – as is the case in the U.S. In some locales, initiatives to truck-collect source-separated residential food waste are being attempted.¹⁹

In a particularly striking development, the European Union is considering how to achieve the gradual reduction (and eventual elimination) of the landfilling of food waste.

In a statement dated February 2003, the Chartered Institution of Water and Environmental Management (CIWEM), an independent professional body representing over 12,000 managers, and other professionals, in all sectors, who are responsible for the stewardship of environmental assets in England, examined supposed concerns re food waste disposers, and finds them unfounded. In addition to citing New York DEP's study, it noted these two examples:²⁰

- "In Sweden the town of Staffanstorp has been studied and concluded that in several cases FWD provide a very good solution to the waste problem. No accumulation in drains or sewers was found, neither was there a change in water consumption. The change in wastewater treatment, biogas and biosolids offset the solid waste collection. The nutrients from the ground food waste improved biological phosphate removal."
- "There have been similar conclusions in other studies, for example in the Netherlands, Germany and Israel. Approximately 33% of ground organic kitchen waste solids were solubilised and the remainder were transported evenly as bed load and as suspended solids even at low flow velocities and in the low sewer gradients common in the Netherlands. There was no impact on fat accumulation. It enhanced biological nutrient removal and increased

¹⁹ See footnote 9.

²⁰ See <http://www.ciwem.org.uk/policy/policies/food/index.asp>

biogas production at wastewater treatment works and reduced the amount and moisture content of municipal solid waste."

Furthermore, under "Key Issues", the CIWEM statement says:

1. It appears that regulatory restrictions on the use of FWD have been the result of prejudiced opinion rather than objective assessment and that where impacts have been assessed objectively there has been shown to be no case for such restrictions.

Political Considerations:

In addition to all of the arguments advanced in this memorandum as to the environmental and economic benefits of food waste disposers that should be examined in the course of the EIS, it also is the case that one of the principal political concerns expressed by communities that host solid waste management facilities – including transfer stations and landfills – is the constant presence of putrescible waste, and all of its attendant negative impacts.

Conversely, an aggressive campaign to expand the use of food waste disposers would send a compelling political message that reducing the quantity and impact of putrescible waste is a primary goal of the new SWMP, thereby easing the acceptance of such facilities.

Conclusion:

The nature and severity of New York City's solid waste management crisis, and the vital opportunity represented by the consideration of a "new" comprehensive plan for the coming decades, must compel new, sophisticated and out-of-the-box thinking about all of the ways in which New York's solid waste can be more effectively managed, both as a practical matter and in consideration of the well-accepted hierarchy for the management of solid wastes that stresses recovery and recycling above landfilling.

This new thinking must include consideration of how City agencies other than just the Department of Sanitation can contribute to the accomplishment of the city's overall goals – including the effective use of existing infrastructure managed by agencies other than Sanitation.

Thank you for your consideration of this request.

CRAIN'S

NEW YORK BUSINESS

Editorials

WHY SMALL FIRMS FEEL TRASHED

Published on October 13, 2003

Considering that garbage is always a smelly business in New York, the request by the owners of small food stores and restaurants to install garbage disposals is perfectly reasonable. The Bloomberg administration's opposition to the proposal goes a long way to explaining why so many small businesses think the mayor and his top officials don't care about them.

The issue began churning because of a change in how businesses will be charged for trash collection. The administration is allowing carters to charge bodegas, restaurants and similar companies by trash weight rather than by volume. The change was necessary because it was simply too expensive for trash companies to serve these businesses, but it will be very costly for firms that produce a lot of food waste.

The food stores and restaurants want to offset the higher costs by installing garbage disposals. Businesses in other cities can do so, and several years ago, even New York agreed that disposals could be installed in homes and apartments.

The city's Department of Environmental Protection, however, says commercial disposals can't be allowed because the city needs to reduce nitrogen in the sewer system. If

the city has too much nitrogen in the system, it will be forced by federal directives to spend \$1.5 billion on an upgrade.

DEP admits that many factors cause nitrogen and has testified that the introduction of commercial disposals would necessitate only \$15 million in specific infrastructure changes.

DEP's position is understandable. It is protecting its budget. But someone in the Bloomberg administration should have a broader perspective.

In addition to allowing a sharp increase in carting costs, the administration has imposed an 18.5% property tax increase that has been a particular burden for small businesses like bodegas and restaurants. It has sharply raised fees and fines. It is widely believed to have launched a wave of inspections and raids designed to raise revenue. Small businesses in New York believe they are under attack by city government.

Prohibitions on commercial garbage disposals are anachronistic. The DEP's warnings seem exaggerated. And the mayor could benefit from giving a sign to the small business community that he hears its complaints.

The City Council should pass a bill legalizing the disposals. The mayor should sign it.

Proposal to Mandate the Installation of Food Waste Disposers in New and Renovated Residential Buildings

Introduced into the Council of the City of New York – February 2004

Intro 100

By Council Members McMahon, Brewer, Jackson, Koppell, Liu, Martinez and Gerson

**A Local Law to amend the administrative code of the city of New York,
in relation to the installation of food waste disposals in residential buildings.**

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 24-518.1 of the administrative code of the city of New York, as amended by local law number 71 for the year 1997, is amended to read as follows:

b. [Food waste disposals] Every kitchen sink that is installed in a dwelling unit in a private or multiple dwelling shall be equipped with a food waste disposal for the discharge of putrescible food wastes [from dwelling units] and a food waste disposal may be installed in private dwellings and in multiple dwellings, provided that:

1. all putrescible food wastes discharged to a sanitary sewer are discharged in fluid form and at a reasonably uniform rate so as to prevent clogging or stoppage of the drain line or sanitary sewer; and

2. the installation of such food waste disposals is approved by the department of buildings and is in compliance with all applicable provisions of the administrative code. However, where more than one sink is installed in a kitchen, only one of such sinks must be equipped with a food waste disposal.

§2. Table RS16-5 MINIMUM NUMBER OF PLUMBING FIXTURES REQUIRED of Reference Standard 16 of Title 27 of the Administrative Code of the City of New York, is amended by adding at the end of the column titled "Other Fixtures" for the line beginning "Dwellings – one- and two-family", new text to read as follows:

Other Fixtures

Where more than one sink is installed in a kitchen, only one of such sinks must be equipped with a food waste disposal.

§3. Table RS16-5 MINIMUM NUMBER OF PLUMBING FIXTURES REQUIRED of Reference Standard 16 of Title 27 of the Administrative Code of the City of New York, is amended by adding at the end of the column titled "Other Fixtures" for the line beginning "Dwellings—multiple or apartment", new text to read as follows:

Other Fixtures - Where more than one sink is installed in a kitchen, only one of such sinks must be equipped with a food waste disposal.

§4. This local law shall take effect immediately.

A Bill to Permit the Installation of Food Waste Disposers in Commercial and Institutional Food Service Establishments

Introduced into the Council of the City of New York – February 2004

INTRO 220

By Council Members Rivera, McMahon, Brewer, Comrie, Dilan, Fidler, Gentile, Liu, Monserrate, Quinn, Recchia, Jr., Reed, Serrano, Stewart, Weprin, Addabbo, Provenzano, Martinez, Seabrook, Gerson, Lopez, Katz, Clarke and Nelson

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the installation of food waste disposals in commercial establishments where the sale of food is a significant portion of the business activities.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 24-518.1 of the administrative code of the city of New York is amended by amending paragraph four and by adding a new paragraph five to read as follows:

4. The term "[putrescible solid] food waste" shall mean putrescible solid waste containing organic matter, derived almost exclusively from food products, having the tendency to decompose with the formation of malodorous by-products.

5. A "food establishment" is any commercial establishment that is lawfully authorized to sell food independent of other services provided by such establishment, whether or not such food is prepared, packaged or repackaged on the premises, where the sale of such food is the principal commercial activity of such establishment and the operator of such establishment is required by law to dispose of any food waste generated at the establishment.

§2. Subdivision two of section 24-518.1 of the administrative code of the city of New York, is amend to read as follows:

b. Food waste disposals for the discharge of putrescible food wastes from dwelling units may be installed in private dwellings and multiple dwellings and may also be installed in food establishments, provided that:

1. all putrescible food wastes discharged to a sanitary sewer or to a combined storm and sanitary sewer are discharged in fluid form and at a reasonably uniform rate so as to prevent clogging or stoppage of the drain line, sanitary sewer or combined storm and sanitary sewer; and

2. the installation of such food waste disposals is approved by the department of buildings and is in compliance with applicable provisions of the administrative code.

§3. This local law shall take effect ninety days after its enactment into law, except that, the commissioner shall take all measures necessary for its implementation, including the promulgation of rules, prior to such effective date.

Plumbing Foundation – City of New York

Dedicated to safe and environmentally sound plumbing practices

For Immediate Release
Monday, March 12, 2001

Contact:
Kendall Christiansen
Geto & de Milly Public Relations
212.686.4551
kchristiansen@getodemilly.com

TAX REBATES APPROVED FOR INSTALLATION OF FOOD WASTE DISPOSERS

**Disposers Help City Reduce Cost of Waste Collection
and Disposal, and Eliminate Food for Rats**

New York

Kitchen food waste disposers (*aka* garbage grinders, installed under a kitchen sink) – *approved for use in all New York City residences in late 1997* – now are eligible for a tax rebate under the City's J-51 real property tax exemption and abatement program.

Building owners are eligible to receive tax abatements for disposer installation at \$300 per unit, according to a notice posted in the November 20, 2000, *City Record*.

"This determination by the City's Department of Housing Preservation and Development, with support from the Department of Environmental Protection and the Department of Sanitation, underscores the public interest in encouraging the installation of food waste disposers," said Stewart O'Brien, Executive Director of the Plumbing Foundation.

"With disposers, food waste is best collected through the city's sewer system where it is turned into environmentally beneficial bio-solids that are used to improve agricultural land, rather than being collected by garbage trucks and exported to distant landfills at great expense to the city. And, food waste disposers help keep food away from rats – in building trash rooms and on the sidewalks – which also is of great concern to the city."

The preparation of a new Solid Waste Management Plan (SWMP) for the City of New York offers an important and exciting opportunity to decide what kind of environment and infrastructure we want to have for the next two decades and beyond. Unfortunately, the SWMP, as currently envisioned by the draft scoping document for the DEIS, provides essentially minor adjustments to our current approach to solid waste management.

Fundamentally this document assumes:

- that New York City will continue to draw a distinction between residential and commercial waste, even though the real challenge to environment and infrastructure is the **total** production and disposal of solid waste
- that residential waste will be transported out of the city, and the only real questions are "from where in the city" and "in what manner."

Thus the scope of the DEIS needs to be broadened to consider:

- reduction of the total waste stream (i.e. both residential and commercial) by means of conservation, reuse, recycling, and innovative technologies
- alternatives to extra-city transport of a reduced waste stream.

In particular, the DEIS should explore the possibility of constructing local waste-to-energy transformation facilities throughout the city. Modern waste-to-energy transformation technologies offer clean and efficient means of solving two major infrastructure challenges at once:

- reducing the quantity of solid waste that must be transported throughout and outside the city, and the environmental and cost problems associated with such transport
- increasing local generation of electricity (demand for which is steadily growing) without increasing our demand for fossil fuels or nuclear power, both of which come with many additional problems of their own..

Please do not waste this unique opportunity to develop a holistic and innovative approach to a system essential to the habitability of our city.

**ENVIRONMENTAL DEFENSE**

finding the ways that work

MEMORANDUM

To: Harry Szarpanski, Assistant Commissioner
Department of Sanitation
44 Beaver Street, 12th Floor, New York, NY 10004

From: Ramón J. Cruz, Policy Analyst
Living Cities Program, Environmental Defense

Date: July 9, 2004

Re: Draft Scoping Document for the Draft Environmental Impact Statement
for the NYC Comprehensive Solid Waste Management Plan

Environmental Defense, a national environmental organization with over 50,000 members and activists in New York, is pleased to comment on Draft Scope of the Draft Environmental Impact Statement (DEIS) for the NYC Comprehensive Solid Waste Management Plan:

Impacts of the Proposed Action

The evaluation of impacts from the proposed long-term plan should include an assessment of dioxins emitted from diesel trucks, tugs, material-handling equipment and the Newark waste-to-energy facility, which would impact air quality in New York City because of prevailing westerly winds.

Long Term Export - Proposed Action and Alternatives

If done responsibly and taking into consideration community concerns, all potential sites for waste export, old as well as new ones, should be evaluated using the same criteria. The basic criteria that is necessary for physical operation of a site, according to the Department's Commercial Waste Study is: a footprint of approximately 2.8 acres, location in a manufacturing zone, and access to truck routes. Sites should not be eliminated from consideration at this stage because they are in M-1 zones, are within a certain proximity to parks, or have legislative restrictions. The existing Manhattan MTS sites include locations in M-1 zones and are adjacent to parks. An MTS system could operate in mixed-use areas using environmentally responsibly designs.

The DEIS should include an evaluation of the impacts from the handling of DSNY-collected waste and recyclables at more than the three former Manhattan sites. Tonnages should be re-distributed among a greater number of locations and the impacts of lower-tonnage scenarios should be computed accommodating these changes.

The DEIS should also include an assessment of the impacts from the handling of some amount of commercial waste at more than three sites. That assessment should take into account the traffic, air-quality and noise impacts associated with the change in routing for collection trucks for commercial waste, together with the environmental cost savings of no longer needing to transfer commercial waste into long-haul trucks.

MTS Conversion Program – Proposed Action

While containerization is a good idea, we believe that it does not have to happen in each MTS. Instead it could occur in some MTSs only. Since DSNY is studying the possibility of having commercial waste transfer through the MTSs and Manhattan has a disproportionate amount of commercial waste, we believe that the capacity of Manhattan MTSs could be maximized if these take as much refuse as possible and then barge it to other places in the city. Other MTSs outside the borough of Manhattan might have the footprint to receive waste and containerize other area's waste restricting operations in enclosed facilities on the waterfront. This would ultimately decrease the amount of truck traffic in the city, contributing to an enhanced air quality as well.

Alternatives to the Proposed Action: EBUF

Environmental Defense supports evaluation of EBUF options, which could avoid the need for expensive reconstruction of the MTSs and expansions to their footprint. However, we request that evaluation of possible EBUF sites not to be limited to sites located outside of NYC. Suitable sites in NYC with the appropriate industrial waterfront zoning and barge/rail access should be evaluated. The economic development consequences, including potential job creation of such facilities, should be included in that evaluation.

Recycling Program - Proposed Action and Alternatives

The DEIS needs to study alternative scenarios that go beyond export of our garbage and the 20-year contract for recycling. Building a comprehensive waste prevention program entails the siting of re-use/recycling facilities. Further, we should encourage industries that create jobs by recycling and re-using materials that have been recovered from our waste stream. The DEIS should also look at a pilot program instituting quantity-based

user fees, and evaluate the impacts of such a program on waste quantity and the recycling stream.

Environmental Defense views the DEIS as an opportunity to study the positive environmental impacts of waste prevention, re-use and recycling programs: avoided trucking and disposal, economic development and reduction of the amount of toxic materials in our waste stream as examples. If we want to engage in comprehensive solid waste management planning we need to look at the environmental impacts of the above-mentioned programs and study their economics comparatively with the currently outlined scenarios.

We strongly support the evaluation of new and existing MTSs for additional recyclables export. Since recyclables such as paper, metal, glass and plastic are not considered putrescible waste, the siting criteria for such facilities are not as stringent as for transfer stations handling solid waste, and a scenario of creating new MTS sites in Manhattan that would handle recyclables exclusively should be evaluated.

Commercial Waste Management -- Proposed Action and Alternative

DSNY should consider revisiting some of the conclusions of the Commercial Waste Management Study. In particular, those regarding impacts of the land-based transfer stations and the Manhattan transfer station siting report.

It is very difficult to accept the conclusion that there are no NAAQS exceedances predicted in the areas with major clustering of these stations. Likewise, the conclusion that the land-based transfer stations, in aggregate, do not appear to be important determinants of air quality for any of the pollutants regulated by the USEPA might be misleading because of the way it was evaluated. We believe that the studied impacts should include the aggregate impacts of collection trucks and long haul trucks that queue in front of these stations.

Environmental Defense believes that the conclusions of the Commercial Waste Study should not serve as the basis for rejecting any export site alternatives for evaluation in the DEIS. The Commercial Waste Study examined only those sites previously rejected in the EIS for the 2000 SWMP Modification. Nowhere in the Commercial Waste Study does the report say why other locations were not evaluated, much less rejected.

Converted MTS - Design

Through careful consideration of building infrastructure, landscaping, water habitat and natural resources, marine-based facilities can provide innovative methods of education

that can be a lasting example of how well-designed, functional systems can co-exist in an urban environment. The design that DSNY is currently developing should include more efficient and "greener" features such as ramps to enable sufficient queuing on site, automated system in these ramps to stop idling of engines, garage and maintenance area on site, air filtering and odor control system, energy maximization and rooftop photovoltaic systems, wetlands and plants for wastewater treatment, and an architectural design that emphasizes an aesthetic appeal. Also, these facilities should include public viewing areas for public education purposes, and consideration of rooftop uses for the public.

MANHATTAN CITIZENS' SOLID WASTE ADVISORY BOARD

**Office of
Manhattan Borough President
C. Virginia Fields
One Centre Street, 19th floor
New York, NY 10007**

TO: New SWMP Comments
c/o Ecology and Environment Inc.
90 Broad Street, Suite 1906
New York, NY 10004

FROM: Manhattan Citizens' Solid Waste Advisory Board

RE: Comments on the Draft Scoping Document for the Draft Environmental
Impact Statement for the NYC Comprehensive Solid Waste Management
Plan

The Manhattan Citizens' Solid Waste Advisory Board (MCSWAB) submits the following comments on the Draft Scope of the Draft Environmental Impact Statement (DEIS) for the NYC Comprehensive Solid Waste Management Plan:

WASTE PREVENTION, RE-USE AND RECYCLING

The DEIS fails to adequately examine the impact of enhanced waste prevention, re-use and recycling efforts. Intro #174 before the New York City Council would require the adoption of a Zero Waste Management Plan. "Reaching for Zero", a report by the NYC Zero Waste Campaign and the Consumer Policy Institute/Consumer Union, outlines central elements of reaching a zero-waste future. Much of that report should be incorporated into the proposed SWMP.

The DEIS needs to study alternative scenarios that go beyond export of our garbage and the 20-year contract for recycling. Building a comprehensive waste prevention program entails the siting of re-use/recycling facilities. Further, we should encourage industries that create jobs by recycling and re-using materials that have been recovered from our waste stream.

The DEIS should also look at a pilot program instituting quantity-based user fees, and evaluate the impacts of such a program on waste quantity and the recycling stream.

The MCSWAB views the DEIS as an opportunity to study the positive environmental impacts of waste prevention, re-use and recycling programs: avoided trucking and disposal, economic development and reduction of the amount of toxic materials in our waste stream as examples. If we want to engage in comprehensive solid waste management planning we need to look at the environmental impacts of the above-mentioned programs and study their economics comparatively with the currently outlined scenarios.

LONG-TERM EXPORT

The DEIS should include an evaluation of the impacts from the handling of DSNY-collected waste and recyclables at more than the three former Manhattan sites. Tonnages should be re-distributed among a greater number of locations and the impacts of lower-tonnage scenarios should be computed.

The DEIS should also include an assessment of the impacts from the handling of some amount of commercial waste at more than three sites. That assessment should take into account the traffic, air-quality and noise impacts associated with the change in routing for collection trucks for commercial waste, together with the environmental cost savings of no longer needing to transfer commercial waste into long-haul trucks.

The final scope also needs to detail the commercial waste export scenarios that will be evaluated in the DEIS.

Selection of new sites for evaluation should be made using the basic criteria that appear necessary for physical operation of a site, according to the Department's Commercial Waste Study: a footprint of approximately 2.8 acres, location in a manufacturing zone, and access to truck routes. Sites should not be eliminated from consideration at this stage because they are in M-1 zones, are within a certain proximity to parks, or have legislative restrictions. The existing Manhattan MTS sites include locations in M-1 zones and are adjacent to parks, and we believe that all potential sites should be evaluated according to the same criteria.

For several years, the MCSWAB Export Committee has been performing outreach to local Manhattan communities and conducting its own site research. While the results of this work are in no way definitive or comprehensive, it is clear to us that the conclusions of the Commercial Waste Study should not serve as the basis for rejecting any export site alternatives for evaluation in the DEIS. The Commercial Waste Study examined only those sites previously rejected in the EIS for the 2000SWMP Modification. Nowhere in the Commercial Waste Study does the report say why other locations were not evaluated, much less rejected.

EBUF

We support evaluation of EBUF options, which could avoid the need for expensive reconstruction of the MTSs and expansions to their footprint. However, we request that evaluation of possible EBUF sites not to be limited to sites located outside of NYC. Suitable sites in NYC with the appropriate industrial waterfront zoning and barge/rail access should be evaluated. The economic development consequences, including potential job creation of such facilities, should be included in that evaluation.

RECYCLABLES EXPORT

We strongly support the evaluation of new and existing MTSs for additional recyclables export. Since recyclables such as paper, metal, glass and plastic are not considered putrescible waste, the siting criteria for such facilities are not as stringent as for transfer stations handling solid waste, and a scenario creating new MTS sites in Manhattan that would handle recyclables exclusively should be evaluated.

EVALUATION OF POLLUTION IMPACTS FROM THE PROPOSED ACTION

The evaluation of impacts from the proposed long-term plan should include an assessment of $PM_{2.5}$ particulates, NO_x , VOCs and dioxins emitted from diesel trucks, tugs, material-handling equipment and the dioxins, furans, NO_x and mercury emissions from the Newark waste-to-energy facility, which would impact air quality in New York City because of prevailing westerly winds.

FACILITY DESIGN

Through careful consideration of building infrastructure, landscaping, water habitat and natural resources, marine-based facilities can provide innovative methods of education and can be a lasting example of how well-designed, functional systems can co-exist in an urban environment. This can be done through: plants and natural growth along outside walls and on the roof area, public viewing areas for public education purposes, and consideration of rooftop uses for the public.



WASTE MANAGEMENT OF NEW YORK, LLC

123 Varick Avenue
Brooklyn, New York 11237
(718) 533-5583

July 6, 2004

**VIA FAX (212) 269-0788 AND UPS
THREE (3) PAGES**

Mr. Harry Szarpanski, P.E.
Assistant Commissioner
Bureau of Solid Waste Management and Engineering
New York City Department of Sanitation
44 Beaver Street – 12th Floor
New York, NY 10004

Re: Comments on the Draft Scoping Document for the New SWMP and DEIS

Dear Mr. Szarpanski:

Thank you for the opportunity to review and comment on the Draft Scoping Document for the New SWMP and DEIS. We understand the City of New York has a monumental task in developing a 20-year plan for the solid waste management transport and disposal needs of the City, especially ensuring the plan is sustainable and can meet the ever-changing needs of the dynamic City of New York.

As a result, it is important the SWMP and DEIS incorporate and evaluate every available alternative to determine if these alternatives are feasible based upon the four criteria identified in the Draft Scoping Document: timing, use of alternate transportation modes such as barge and rail, cost savings, and comparative economics. Based on our review of the Draft Scoping Document, there are several alternatives that are missing and require evaluation using these criteria. The missing alternatives are discussed below.

Greenpoint Avenue MTS Wasteshed: The wastesheds formerly delivered to the Greenpoint Avenue MTS included deliveries from both Brooklyn and Queens wastesheds. As part of the analysis of the feasibility of reconstructing the Greenpoint Avenue MTS, the same wastesheds are assumed to be delivered to the MTS including waste from both Brooklyn and Queens. However, in the alternatives analysis for this MTS, Brooklyn waste must go to a private transfer station within the appropriate Brooklyn community board districts and Queens waste must go to a private transfer station within the appropriate Queens community board districts. While the analysis of these alternatives is important; why was the use of a private transfer station in Brooklyn or Queens for the entire Greenpoint Avenue MTS wasteshed excluded? This type of alternative must be evaluated, as it will provide the benchmark by which the redevelopment of the MTS should be measured. For example,

- Transfer station capacity exists on both the Queens and Brooklyn sides of the Newtown Creek for the development of a private transfer station to accept the entire Greenpoint Avenue MTS waste shed

- Developing one private facility to accept all of the waste will mirror the comparison of redeveloping one MTS for all of the Greenpoint Avenue wasteshed
- Economies of scale can and would be realized by developing only one facility and coordinating transportation out of the one facility.

This alternative must be evaluated if the SWMP and EIS are to adequately represent all of the alternatives available to the City on a 20-year basis.

East 91st Street MTS: The East 91st wasteshed, through interim contracts, is currently driven between 15 and 30 miles outside of the City for either transfer at transfer stations or to waste to energy facilities in New Jersey. In the City's Draft Scoping Document, there is only one action to be analyzed, and that is the retrofit of the existing MTS. Other alternatives exist, including sending DSNY trucks over the Willis Avenue Bridge to the Harlem River Yard (HRY) Transfer Station in the Bronx. The travel distance within the Bronx is less than ½ mile on authorized truck routes, passing no homes. As I know you are aware, the HRY facility is the only purpose-built transfer station within the City of New York for the transfer of solid waste by rail. Furthermore, we are the only facility successfully shipping ALL of the waste accepted at the facility by an alternate transportation mode. Capacity exists at this facility to accept the East 91st Street wasteshed by truck, and the City should analyze this alternative to adequately represent all of the alternatives available to the City on a 20-year basis.

In-City Intermodal Transfer Sites: The Scoping Document only includes three in-city intermodal transfer sites to be analyzed; however, several other locations exist that must be analyzed if the City is to have a dynamic SWMP that will meet the changing solid waste management needs of the City. Included below are, to name a few, several locations that should be included in the SWMP as potential barge and/or rail intermodal transfer points.

- *Maspeth Yard:* The Maspeth Yard located in Maspeth, Queens is operated by the New York & Atlantic Railway and has capacity to handle up to 60 railcars per day. The infrastructure is already in place and the facility could be up and running immediately for containerized waste transfer.
- *Red Hook Marine Terminal:* The Red Hook Marine Terminal is an existing, operating container terminal in Red Hook, Brooklyn that is capable of accepting containerized waste by barge or truck and is capable of shipping waste out of the City of New York by barge. It is located directly off of major highways (the BQE) and could begin accepting containerized waste almost immediately. The operating lease with American Stevedoring is being renewed and the facility is expected to continue as a viable container port.
- *South Brooklyn Marine Terminal:* This marine terminal is a largely vacant piece of land in Sunset Park Brooklyn that is centrally located and could be developed into

an operating container terminal for the transfer of containerized waste to barges. The omission of this site, particularly in light of the SWMP's 20-year planning term, is short-sighted.

- *Howland Hook Marine Terminal:* The Howland Hook Marine Terminal in Staten Island, has been developing additional port capacity over the last several years and is clearly a growing port. The City's own Economic Development Corporation has been funding projects at this location to spur the continued growth at this facility including the connection with the Arlington Yards and the soon to be refurbished rail bridge connecting Staten Island with New Jersey. The use of this port for the transfer of containerized waste should be included in the SWMP in light of the rail and barge benefits.

With the inclusion of these many alternatives in the Final Scoping Document and the Draft EIS, the City can be assured of analyzing options that can and will serve the long-term solid waste management goals that are trying to be achieved through this process.

Should you have any questions or comments on these points please do not hesitate to contact me at 718-533-5308 or themmer@wm.com. We look forward to continuing to serve the solid waste transfer, transport, and disposal needs of the City of New York.

Very truly yours

Waste Management of New York, LLC



Tara Hemmer

Market Area Engineer

cc: John Morris, Market Area Manager
David Tooley, Eastern Group Governmental Affairs



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FAX COVER SHEET

Please deliver this fax: Commissioner SZARANSKI

Company: DSNY

Fax Number: 212 269-0788 Date: 7/9/04

From: GAVIN KEARNEY

This page is one of 6 pages.

Message: SEE ENCLOSED COMMENTS ON THE

DRAFT SCOPE FOR THE SWMP DRAFT EIS

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July 9, 2004

Assistant Commissioner Harry Szarpanski
Department of Sanitation of New York City
44 Beaver Street, 12th Floor
New York, NY 10004

Submitted by Fax

RE: Comments on the Draft Scoping Document for the New Comprehensive Solid Waste Management Plan Draft Environmental Impact Statement

Dear Commissioner Szarpanski:

New York Lawyers for the Public Interest (NYLPI), on behalf of the Organization of Waterfront Neighborhoods (OWN), submits the following comments and questions on the Draft Scoping Document for the New Comprehensive Solid Waste Management Plan Draft Environmental Impact Statement. The Organization of Waterfront Neighborhoods (OWN) is a citywide coalition of community-based groups from low-income neighborhoods and communities of color established 8 years ago in response to the critical need for an economic, environmentally sound, and equitable solid waste management plan for New York City. OWN represents neighborhoods that are disproportionately impacted by the existing solid waste management system with over 80% of the citywide waste stream handled through land-based transfer stations in three of its neighborhoods. NYLPI is a not-for-profit civil rights law firm that provides technical and legal assistance to OWN. NYLPI's staff attorneys, community organizers, and advocates engage in advocacy and impact litigation in the areas of environmental justice and community development, disability rights, and access to health care.

Comments on the Draft Scope:

Conversion of the Marine Transfer Stations

- 1) The draft scope does not indicate whether selection of the proposed action, Conversion of the Marine Transfer Stations, would lead to the closure of the land-based private transfer stations that comprise the No-Build alternative. OWN and NYLPI support the conversion of the Marine Transfer Stations as an equitable alternative to the current discriminatory system, which overburdens a few low-income neighborhoods of color

with the majority of New York City's waste transfer station. This support is conditioned, however, on the presumption that any new system, including the Converted Marine Transfer Stations, will be accompanied by the closure of a significant number of the private land-based transfer stations currently in operation in our neighborhoods. To the extent that MTS Conversion may occur without closure of land-based transfer stations, the impacts of the proposed action must be assessed as the impacts of both the Converted MTSs and the impacts of the private land-based transfer stations.

Linking the Conversion of the Marine Transfer Stations with the closure of existing land-based facilities is consistent with the regulatory requirements for solid waste management plans. Specifically, state regulations require that such plans determine the "appropriate sizing of solid waste management facilities, based on projected quantities and composition of the solid waste to be treated, stored, or disposed of within the planning unit." Conversion of the more equitable, less impactful MTSs should result in closure of existing land-based facilities that will be unnecessary to address current and projected quantities of solid waste. Similarly, under these regulations, any plan adopted by the city must be "based on projected quantities of waste" and cannot result in excessive capacity at unneeded transfer stations.

- 2) SEQRA also requires that the evaluation of the range of alternative actions consider issues of timing. (6 NYCRR Part 617.9(b)(5)(v)(e)) For this plan to be equitable, all of the Marine Transfer Stations must be brought on line at the same time, or those MTSs in the least impacted neighborhoods must be brought on line first, so that the amount of waste sent through OWN neighborhoods is significantly reduced. The final scope must identify issues of timing with the proposed action, discuss whether staggered opening of MTSs is contemplated and/or probable given the resources necessary to convert multiple MTSs simultaneously, and must address variations in impacts based on the timing and succession of MTS conversions.

Impact Assessment of Existing Land-Based Transfer Stations

- 3) It is critical that the environmental impacts of the current private waste transfer system (the "Future No-Build alternative") be assessed as fully as the environmental impacts of the alternative actions listed in the Scope. Doing so is consistent with the goals of scoping, which include "to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant." (6 NYCRR Part 617.8(a)) It is also consistent with the required contents of an environmental impact statement, which include "a description and evaluation of the range of reasonable alternatives to the action that are feasible... at a level of detail sufficient to permit a comparative assessment of the alternatives discussed." (6 NYCRR Part 617.9(b)(5)(v))

Furthermore, unlike the analysis of land-based transfer stations in the Commercial Waste Study, the assessment of impacts for the SWMP must be a full Environmental Impact Assessment that meets the requirements of CEQR and SEQRA and is consistent with the methods of assessment used to evaluate the other alternative actions. The fundamentally

flawed "geographic proximity" analysis found in Volume I of the CWS cannot be incorporated into the SWMP EIS. Among its many deficiencies, this analysis:

- Defines study areas in a manner that ignores numerous sensitive receptors (homes, schools, parks, etc.) affected by adverse transfer station impacts
- Uses one narrow study area for all types of impact, rather than study areas tailored to the full range of each impact.
- Averages in the assessment of the impact of clustering even though the CEQR Technical Manual clearly states that worst case scenarios are to be used to assess projected impacts.
- Bases its assessment of clustering on the impact of a fictional "prototypical" transfer station, rather than an evaluation of the transfer stations actually in operation in our neighborhood.

Proper Contents of the SWMP

- 4) The final scope must incorporate the proposed transfer station siting regulations and the forthcoming transfer station operational regulations and these must also be included in the Solid Waste Management Plan. State regulations require that a Solid Waste Management Plan describe a jurisdiction's "integrated system" for waste management and that this integrated system include "the solid waste management program selected in the plan to manage the planning unit's solid waste, included, but not limited to its minimization at point of generation and its collection, storage, processing, energy recovery and disposal of materials." (6 NYCRR Part 360-15.2(b)) Regulations related to how transfer stations within the city are sited and operated are clearly part of this integrated system of waste management.

Excluding the siting and operational regulations in the final scope and in the SWMP will also improperly segment these actions. Under NYSDEC regulations, segmentation is defined as "the division of the environmental review of an action such that various activities or stages are addressed ... as though they were independent, unrelated activities, needing individual determinations of significance" 6 NYCRR 617.2. Segmentation is disfavored for two reasons. First, by considering related actions separately, a decision involving review of an earlier action may be 'practically determinative' of a subsequent action. City of Buffalo v. New York State Dept. of Environmental Conservation, 707 N.Y.S.2d 606 (2000). Second, by breaking up a project into two or more component parts, a project that would otherwise have a significant effect on the environment, individually, would not be as significant or, indeed, one or more aspects of the project might fall below the threshold requiring any review. Matter of Concerned Citizens for Env't. v. Zagata, 672 N.Y.S.2d 956. Segmentation, therefore, improperly separates related actions to minimize their adverse environmental impacts for the purpose of circumventing detailed review under SEQRA. As dependent and reasonably related actions to any long-range Solid Waste Management Plan for New

York City, DSNY's proposed siting regulations and upcoming operating regulations must be reviewed and analyzed as part of the SWMP.

In addition to the proposed siting and operational regulations, the final scope and the SWMP EIS must also consider alternative regulations for the siting and operating of transfer stations and evaluate the relative impacts of these alternatives. Alternative plans that do not rely on private transfer stations (such as a plan that relies on DSNY-managed MTSs and closes the private land-based transfer station) must also be evaluated.

- 5) A solid waste management policy must "provide for the management of all solid waste within the planning unit." (6 NYCRR Part 360-15.9) This includes commercial waste. To the greatest extent possible, the SWMP should provide for the processing and containerization of commercial waste at the MTSs. The final scope and the DEIS should include in the evaluation of the impacts of the various alternatives the extent to which they will result in the containerization of commercial waste and the impacts of doing or not doing so.
- 6) The Commercial Waste Study (CWS) evaluates 4 potential alternative MTS sites in Manhattan and concludes that all of them face barriers to feasibility. The criteria that the CWS uses to identify potential sites are overly restrictive, however, and some of the reasons offered for rejecting sites are surmountable. The draft scope makes no mention of the 4 potential MTS sites in Manhattan. The scope should re-evaluate the feasibility of additional MTS sites in Manhattan and should critically examine whether the criteria employed in the CWS for identifying and evaluating sites are necessary and valid for the SWMP. In particular, the SWMP and the Scope should consider Manhattan sites that would process less than 1,000 tpd (a threshold criteria in the CWS).
- 7) The final scope, and the SWMP, should also consider systems for carting and transferring waste that minimize impacts through, among other things, limiting the Vehicle Miles Traveled (VMTs) of waste collection and transport vehicles. Examples of such systems include borough self-sufficiency plans and other plans that would ensure that the distance traveled between where waste is picked up and the transfer station that it is taken to is as short as possible. Another example of such a system is a franchising system for commercial waste in which individual carters contract for waste pick up in specific neighborhoods to minimize the unnecessary truck traffic that is created when multiple carters serve the same neighborhood.

Questions on the Draft Scope:

OWN and NYLPI also request that the final scope answer the following critical questions that are unaddressed by the draft scope:

- 1) Will the SWMP EIS evaluate the impact of the current land-based transfer stations with the same methods that it will use to evaluate the MTSs and proposed alternative actions? If not, why not?

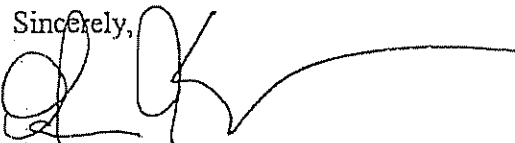
- 2) Will the proposed transfer station siting regulations and the forthcoming transfer station operational regulations be considered as part of DSNY's overall Solid Waste Management Plan? If not, why not?
- 3) The Draft Scope states that the MTS alternatives will be assessed in terms of timing, increased rail or barge transport of waste, cost savings, and comparative economics. Will they also be assessed in terms of their environmental impacts relative to the MTSSs, specifically in terms of their impact on already burdened EJ communities?
- 4) According to the Scope, "DSNY has determined that many of [the Commercial Waste Study's] recommended actions [for the improved operation of transfer stations] can be implemented under its existing regulatory authority." Specifically, which actions does DSNY believe it can implement under existing authority and which does it plan to include in the forthcoming operational regulations? For those that can be implemented, does DSNY plan to apply them to all existing and new transfer stations or just to new ones?
- 5) To the extent that some the proposed alternatives would handle only a portion of New York City's waste stream, what is the relationship among the various alternatives and to what extent are any of them considered mutually exclusive? In particular, the draft scope states:

Should the Proposed Action for Long Term export not include converted MTSSs at certain MTS sites, the use of the existing MTS facility to receive commercial waste and load it into hopper barges that would be towed to an out-of-City containerization facility will be evaluated in the DEIS as an Alternative to the Proposed Action for commercial waste.

The scope does not indicate whether this means that in some neighborhoods the SWMP could recommend that DSNY-managed waste go through the RFP alternatives and/or the private land-based system remains in place, AND the MTSSs operate, without the retrofitting, to handle commercial waste. The final scope should explicitly state the relationship between these various alternatives and the extent to which any or all of them are considered to be mutually exclusive.

Thank you for your consideration of our comments and questions, please contact me if you would like to discuss them further. We also request that the comments be submitted in to the record

Sincerely,



Gavin Kearney
Staff Attorney
New York Lawyers for the Public Interest

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July 9, 2004

Assistant Commissioner Harry Szarpanski
City of New York Department of Sanitation
44 Beaver St., 12th Floor
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Dear Assistant Commissioner Szarpanski,

I am writing you in my capacity as the President of INFORM, a national environmental non-profit organization based in downtown New York that has been researching and evaluating alternative fuel transportation technologies for more than 15 years. In the past two decades, INFORM's reports have recognized the potential of natural gas and hydrogen vehicles years before these technologies achieved widespread prominence. More recently we anticipated and helped to catalyze the ongoing trend towards the use of natural gas in transit bus fleets (more than 10% of transit buses nationwide are now fueled by CNG, including 702 buses in New York City alone), and in 2002 we conducted the country's first in depth study of the state of the art for refuse trucks.

INFORM's report, *Greening Garbage Trucks: New Technologies for Cleaner Air*, analyzed the environmental and health impacts of refuse hauling fleets in the US, which we found to be one of the most fuel inefficient and heavily-polluting vehicle fleets operating today. In fact, this study formed the basis of the Department of Sanitation's recent review, in its commercial waste study, of the viability of natural gas as a vehicle fuel for waste hauling vehicles. In contrast to the heavily-polluting, aging diesel trucks that make up the vast majority of refuse truck fleets nationwide, INFORM found natural gas trucks to be up to 94 percent less polluting as well as up to 98 percent quieter than their diesel counterparts. We found about 750 refuse trucks nationwide burning natural gas at the time of our report (the end of 2002). However, our continued tracking of refuse truck practices has found that the number of these trucks running on natural gas has increased dramatically, to more than 2,000 nationwide today.

As New York City evaluates the environmental impact of its solid waste management plan, it should not neglect to consider fully the impact of the emissions from DSNY and commercial refuse trucks on air quality, nor should it miss an excellent opportunity to compare these emissions to those that would be generated using natural gas vehicles.

While the current draft scope of work for the environmental impact study of the new solid waste management plan is certainly impressive in its scope in tackling a very

a member of



Earth Share

100% post-consumer, PCF non-deinked


complex sector, we believe it can be improved in this respect. The current draft does not sufficiently analyze the impact that diesel-fueled refuse trucks have on air quality and noise levels in our City related to the proposed DSNY project. In the analysis of impacts from the converted marine transfer stations that will be handling Department-collected waste, the draft rightly calls for an analysis of the environmental impacts on the neighborhoods in which the new transfer stations would be situated. Beyond this, however, an analysis of the impact of these vehicles on the overall City air quality deserves to be added, as does a comparative evaluation of the effects on air quality of the emissions from these diesel-fueled trucks versus the emissions from trucks powered by natural gas. An analysis of truck noise levels for diesel versus natural gas trucks would also be a valuable addition. It is certainly worth noting that the proposed conversion and expansion of the marine transfer stations might provide an ideal opportunity to install natural gas refueling facilities, thus easing the transition.

As we understand it, the proposed scope of work includes no analysis at all of the environmental impacts of the refuse trucks that are part of the system for handling commercial waste, despite a proposal to increase enforcement of the city's air quality regulations. INFORM's research suggests that a thorough analysis of the commercial waste hauling sector could greatly benefit the city planning process as well. According to the Department's own Commercial Waste Study, commercial waste haulers handling only the putrescible portion of the commercial waste stream (10,000 tons per day out of a total 35,000 tons per day) travel over nine million miles a year. We would suggest a broader look at their emissions' impact on the City's overall air quality, as well as a comparison to the potential impact of natural gas truck emissions. This analysis would not replicate the recent commercial waste study analysis, which only compared the contribution of transfer stations against industrial activity that would occur at these locations absent the stations. We would suggest a noise pollution analysis here as well.

Inasmuch as vehicles running on natural gas emit fewer nitrogen oxides, particulates, and carbon monoxide than diesel-fueled vehicles, and the City continues to suffer from high levels of air pollution, the analyses we propose could provide the City with the highest quality of data as it proceeds to determine the best system for handling its solid waste.

We strongly encourage you to expand the current plan for the environmental impact study to include the air quality impact of refuse truck emissions. In doing so, we will gain a much more complete picture of the environmental impact of the city's Solid Waste Management Plan as well as a clearer view of ways in which we can reduce this impact.

Sincerely,


Joanna D. Underwood
President, INFORM

Consumer Policy Institute

Consumers Union

July 8, 2004

Assistant Commissioner Harry Szarpanski
City of New York Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: Draft Scoping Document for the City of New York Comprehensive Solid Waste
Management Plan Draft Environmental Impact Statement, May 2004

Dear Assistant Commissioner Szarpanski,

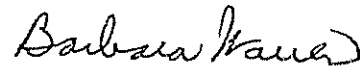
The Consumer Policy Institute of Consumers Union is pleased to offer the following comments on the Draft Scoping Document for the Comprehensive SWMP and EIS. We have been involved in New York City solid waste issues for over 8 years, serving as a technical advisor to the Organization of Waterfront Neighborhoods (OWN) and preparing the 2000 OWN/CPI report, *Taking out the Trash: A New Direction for New York City's Waste*. In June of this year we released a proposed 20 year Zero Waste Plan for New York City. Please see *Reaching for Zero: The Citizens Plan for Zero Waste In NYC*, a copy of which is enclosed along with the earlier 2000 report.

We have sent both reports with our written comments because they contain important points that should be considered as you prepare the Draft SWMP and EIS. In addition we hope that you will adopt large segments of our Zero Waste Plan.

If you or your consultants have any questions, please feel free to call me at 845-754-7951 or 718-984-6446.

Thank you for your attention.

Respectfully,



Barbara Warren
Project Director

**Written comments of the Consumer Policy Institute on the Draft
Scoping Document for the City of New York Comprehensive Solid
Waste Management Plan Draft Environmental Impact Statement,
CEQR No. 03-DOS-004Y May 2004**

I A Comprehensive Solid Waste Management Plan should be presenting a plan for the next 20 years, that complies with state waste management policy and prioritizes waste reduction, reuse, recycling and composting. The draft scope does not reflect such a comprehensive plan, but instead an outline for an export program.

The Introduction to the Draft Scope appropriately describes the action as the preparation of a Draft EIS to support the adoption of the City's Comprehensive Solid Waste Management Plan for the next 20 year planning period. From this point on the document makes a serious and fundamental mistake – it focuses on a narrow component of what is supposed to be a COMPREHENSIVE SWMP; it focuses on long term export alternatives and the facilities needed to prepare the City's waste for shipment.

It is entirely possible, completely reasonable and even required by NYS Law and state implementing regulations for the City to produce a 20 year Comprehensive Solid Waste Management Plan, which covers all aspects of current and future solid waste management including alternatives to disposal—waste prevention, reuse, recycling and composting—while simultaneously evaluating the facilities needed for long term export.

We applaud the fact that the City is finally proposing to containerize trash at the City's existing marine transfer stations and transport containers to rail or ship in order to accomplish cost-effective disposal. We agree that this plan achieves several important objectives: more equitable distribution of waste handling facilities, more environmentally sound transportation of the waste by barge, rail or ship, and greater City control of the transport infrastructure by keeping converted MTSs under public ownership.

However, a Comprehensive Solid Waste Management Plan should contain a Section dealing with Long Term export and many other sections that thoroughly cover waste diversion strategies as well as the detailed steps and necessary infrastructure the City proposes for the next 20 years. Instead this scope reflects a plan for the next few years to reconstruct facilities that are needed only to enable long term export.

A 20 –year Solid Waste Management Plan can and should comprehensively deal with waste diversion options and analyze overall or generic environmental impacts for the entire 20 year plan, while also planning for the immediate reconstruction of MTS facilities and completing specific Environmental Impact Statements for the proposed facilities. The scope or outline presented however does not represent a Comprehensive Solid Waste Management Plan but merely a component of an export plan.

For support of our position, we reference the following from documents attached to the Draft Scope:

- *"The New SWMP will chart New York City's solid waste management efforts for the next twenty years. In addition to continuing programs designed to reduce, reuse, prevent, recycle and compost solid waste, a key component of the proposed New SWMP is the development of state of the art Marine Transfer Stations constructed at up to eight of DSNY's existing MTS sites." Letter from Commissioner Doherty to elected officials, involved agencies and interested parties, NYC New Comprehensive Solid Waste Management Plan SEQRA/CEQR Notice of Determination (Positive Declaration) May3, 2004. (Bolding for emphasis is ours)*

This notice of determination tells us clearly that the New SWMP we should expect is a comprehensive one and that the plan to develop state of the art Marine Transfer Stations is a component only of that comprehensive plan. The notice of determination should not tell us one thing and then be accompanied by a Scoping Document that fails to have any chapters devoted to waste diversion strategies. We expect that the New Comprehensive SWMP, in accordance with the SEQRA/CEQR Notice of Determination will thoroughly cover existing programs to reduce, reuse, prevent, recycle and compost solid waste and also contain detailed recommendations for expanding existing programs, including the needed infrastructure for composting, reuse and recycling facilities. Some of this needed infrastructure is long overdue, having been promised in the 1992 SWMP.

- The name of the proposal is the "*New Comprehensive Solid Waste Management Plan*". CEQR Environmental Assessment Statement p. 1.

In the EAS, the proposal is not listed as either "Development of state of the art Marine Transfer Stations" or a "Long term Export Plan." Therefore the City needs to be completing a *New Comprehensive Solid Waste Management Plan*.

- The EAS references the NYS Department of Environmental Conservation as necessary for Solid Waste Management Plan approval.

The most important legal authority and requirements for a proposal described as a "*New Comprehensive Solid Waste Management Plan*" are contained in New York State's environmental conservation law and the implementing regulations for solid waste management plans, 6 NYCRR 360-15. In brief a "plan must take into account the objectives of the State's solid waste management policy set forth in section 27-0106 of the ECL and provide for the management of all solid waste within the planning unit for at least a 10-year period. It also must reflect and employ sound principles of solid waste management, natural resources conservation, energy production and employment-creating opportunities." As drafted the Draft Scope contains none of the elements of the state's policy for sound solid waste management. It talks only about a long term recyclable processing contract, failing to examine the full range of alternative waste options.

II We recommend the following Scope or Outline for a Comprehensive Solid Waste Management Plan:

Chapter 1 Existing Conditions

Current Waste Management in the City of New York, residential, institutional and commercial
 Waste Composition
 Facilities, Processing, Transportation for all types of waste
 Waste prevention, reuse, recycling and composting—tonnage or percentage of the waste stream each method could potentially handle, existing programs and the amounts handled under existing programs

Chapter 2 Setting a Zero Waste Goal for the Long term – the next 20 years

Review of recommendations advanced by public interest organizations and City officials over recent years, especially *Reaching for Zero: The Citizens Plan for Zero Waste in NYC(2004)*, but also each of the Borough Plans and the City Council Plan from 1997.

The City and DSNY are welcome to adopt any of the detailed recommendations contained in *Reaching for Zero*. It was written as a Solid Waste Management Plan with detailed implementation steps listed for each year and each period—Near Term through 2009, Intermediate Term through 2014 and Long Term through 2024.

Chapter 3 Investing in Waste Prevention, the least expensive waste management method

Detailed implementation steps for expanded waste prevention and reduction programs

Chapter 4 Tackling Reuse in a Serious Way

Detailed implementation steps for expanded reuse programs and facilities

Chapter 5 Improving Recycling and Making it more efficient

Detailed implementation steps for expanded recycling programs and facilities

Chapter 6 Expanding Composting in NYC

Detailed implementation steps for expanded composting programs including state of the art composting facilities

Chapter 7 Ancillary Benefits of Waste Diversion

Economic Development

Analysis of the economic benefits of investing in zero waste programs in NYC—keeping dollars within NYC, creating industry and new jobs.

Chapter 8 Improving the Commercial Waste System in NYC

This chapter would delineate the City's plan to correct long standing problems with this private waste system and its facilities, ie., siting regulations, operational regulations

Chapter 9 Long Term Export

Options for Long Term Export including look at what other jurisdictions are doing
 Costs and Benefits of Various Export Options
 Proposed Export Plan & Conversion of MTS sites
 Use of MTSs for commercial waste handling and the closure of existing substandard private waste transfer stations
 Measures to prevent or mitigate environmental impacts

Chapter 10 Draft Environmental Impact Statement

Generic EIS for the overall 20 year SWMP
 Generic EIS for the overall Export Plan
 Site-Specific EISs for all of the City facilities in the Plan ie., Converted MTSs

III Also critical to an adequate analysis of various options for managing NYC's solid waste is a set of important criteria or objectives from which to conduct the comprehensive evaluation. Unfortunately, the current scoping document contains no such set of criteria or objectives.

Failure to identify such criteria and to evaluate all SWMP proposals including those for export with these in mind could result in substantially higher costs for the City. These costs include direct monetary costs, the loss of important benefits, such as those from economic development, energy costs, environmental costs, social equity and community quality of life costs. Without a set of criteria for evaluating the SWMP and its detailed proposals, the Department could end up producing a document with a set of disconnected analyses that enlighten no one.

Both *Taking out the Trash: A New Direction for New York City's Waste* (OWN/CPI 2000) and the just released *Reaching for Zero: The Citizens Plan for Zero Waste In NYC* (NYC Zero Waste Campaign/CPI, 2004) discussed the set of criteria or objectives that should be a critical component of the review of any solid waste management plan in NYC. We enclose both documents to be made a part of the record. However, critical criteria, discussed in these documents, include the following:

- Providing for a waste system for the long term that is sustainable- economically, environmentally and socially (For example, the cost of interim export has increased 91% since 2000; these cost increases are clearly unsustainable)
- Maintaining critical City infrastructure in municipal hands
- Pursuing multiple options for waste management rather than putting all the "eggs in one basket" (The failed Linden EBUF proposal is an example of this.)
- Ensuring that adequate competition is present, which is important given the consolidation in the waste industry

- Correcting the inequitable burdens of solid waste in NYC; ensuring social equity for both burdens and benefits of the overall solid waste system and the SWMP
- Ensuring that the plan and its components are environmentally sound; including giving preference to waste prevention, reuse, composting and recycling as preferred solid waste management methods.
- Preventing environmental impacts to the greatest extent possible in all areas, but particularly for NYC's most serious environmental problems—air quality, traffic and solid waste impacts
- Evaluating cost effectiveness thoroughly across all options including existing and future costs and trends
- Providing a long term disposal plan that will allow the City flexibility to improve its waste diversion programs and preserve landfill capacity rather than lock us into wasting far into the future
- Prioritizing investment within NYC in alternative waste infrastructure and programs (waste prevention, reuse, recycling and composting) for economic development and jobs.
- Planning for converted MTS facilities that will allow flexibility for the City to use them for the movement of recyclables and compostables
- Prohibiting an expansion of waste handling capacity in NYC as a result of any proposed movement of commercial waste and recyclables through converted MTSs; instead linking commercial use of MTSs to reduced capacity in the private system.
- Improving substantially the substandard conditions of the commercial waste system and its transfer facilities and the inequitable burdens to some communities with real, comprehensive solutions that the City intends to implement (See *Taking out the Trash* p. 35-36.)
- Advancing specific plans to address the Manhattan problem—the creation of large volumes of commercial waste, little infrastructure for waste handling, traffic congestion and severe air pollution (See *Taking out the Trash* p. 34-35.)

The ultimate plan with its facilities and programs must reflect the above criteria at a minimum.

IV The scope of the Long Term Export Plan and EIS is deficient, failing to adequately analyze a number of important options.

- **The City should be seeking to purchase a total amount of landfill capacity** rather than a contract to take a certain amount of garbage every day. The contract should enable the City to use the capacity over a very long time period—50 years. This would also enable the City to invest in programs that significantly divert waste because the benefits in preserved landfill capacity would be quite clear.
- **When evaluating the MTS sites, the City should be looking at all available adjacent and nearby city land, and not constrain what is possible at the sites by limiting the land boundary and buildings available.**

A number of the City's MTS sites have adjacent City property and facilities, that could be located elsewhere. The proposed analysis of the MTS sites fails to include this available land, thereby constraining the analysis of options to a more limited site boundary. Each MTS site needs to be more closely examined and consideration given to moving some of the other facilities to accommodate the equipment needed for compaction and containerization. For example the North Shore Queens MTS, has a large DSNY garage across the street from the MTS location. This garage could be moved elsewhere. The Southwest Brooklyn MTS has an incinerator, a garage facility, salt storage shed and a self-help site. The Hamilton Ave. MTS has a closed incinerator and a DOT asphalt plant immediately adjacent.

Commissioner John Doherty has testified that the cost of rebuilding the marine transfer stations is in the same range as construction of a Sanitation garage—at about \$50 million. The Department reported in the 1996 SWMP that the Department's ten year Adopted Capital Plan contained \$475 million for projects to rehabilitate the MTSSs. To our knowledge most of this money has never been spent. Reconstructing the MTSSs is of sufficient importance that the Department should not constrain the land area to be examined. Former incinerator buildings, garages and other property can be used for compaction equipment, with garage facilities moved elsewhere.

- **The City should include an analysis of compaction at the MTSSs in the EIS.** At a minimum the cost implications of compacting versus not compacting garbage should be thoroughly examined.
- **The City should not once again rest its entire export plan on the construction of an unconstructed and unpermitted facility as it did in 2000 with the plan for an EBUF in Linden, NJ.** The construction of a fully permitted, out-of-City enclosed barge unloading facility is mentioned in a single sentence in the Draft Scope. The City made this mistake once. It should not do so again. Pursuing bad ideas has cost us a minimum of eight years of delay. In *Taking out the Trash* we recommended against EBUFs partly because they require the double-handling of waste and thus add to costs. Finally, if the EBUF proposal is arising out of perceived land constraints in Manhattan, we recommend that the City do everything possible to overcome those constraints. While constraints in Manhattan exist, they are not insurmountable. Further, the City must provide for the more rational movement of waste and recyclables out of Manhattan, since this is where the vast majority of the City's waste is generated. The need for marine transfer stations in lower Manhattan was made crystal clear in coping with the movement of millions of tons of waste from the World Trade Center. (See *Taking out the Trash* p. 34-35.)
- **The Environmental Impact Statement should comprehensively study air quality issues associated with vehicles and non-road equipment in one section of the EIS.**

The planned scope has two separate places where air quality issues are addressed—under Air Quality and under Public Health impacts. To avoid missing important impacts or failing to adequately cover the topic we recommend putting all traditional air pollutants and health effects, like asthma, together under air quality. In addition attention should be paid to ultrafine particles of less than 0.1 microns in size, which have recently been found to contribute to cardiac deaths and morbidity. The analysis should include measures to reduce VMT or vehicle miles traveled, to use alternative fuels and to add pollution control devices to trucks, barges and other nonroad equipment.

The public health section should adequately cover vermin, odors and noise.

CT
NJ
NY

Regional Plan Association

July 9, 2004

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Mr. Harry Szarpanski
Assistant Commissioner
City of New York Department of Sanitation
44 Beaver Street, 12th Floor
New York, NY 10004

Re: New Comprehensive Solid Waste Management Plan
CEQR: 03-DOS-004Y

Dear Assistant Commissioner Szarpanski:

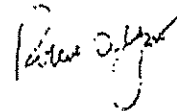
Regional Plan Association supports the Department of Sanitation's efforts to implement a cost-effective and environmentally responsible plan for the management of solid waste generated in the City of New York for a twenty-year period. The Department's overall direction for improving interim efforts to manage, process and transport solid waste through long-term export, recycling and commercial waste consolidation is a step in the right direction.

However, a long term waste management plan such as the one being considered should acknowledge the interdependencies that New York has with its neighboring communities. In particular, the plan must address regional coordination of waste transport to nearby and remote disposal landfills.

Coordination with municipalities in the region that lie along the rail alignments or waterways of waste transport operations is essential. Such a barge/rail transport system should be confronted not only with its benefits to the city but to the areas that it could possibly impact. Significant impacts on these localities in the New York Metropolitan Area should be incorporated into a full assessment of the proposed action.

We would welcome the opportunity to discuss these ideas with you, and look forward to working with you in this exciting process.

Sincerely,



Robert D. Yaro
President
Regional Plan Association



Scoping Comments for the City of New York's 2004 Solid Waste Management Plan

Founded in 1964, UPROSE is Brooklyn's oldest Latino community-based organization. UPROSE addresses education, health and environmental and social justice. UPROSE works to address local and regional inequities through education, organizing, and activism. Our efforts have the common aim of generating grassroots involvement in the conception, planning and carrying out of a new, more just, and more democratic planning platform for the community.

The focus of DSNY's work to date has centered upon the export of solid waste from NYC. At this point the City appears to be headed toward re-utilizing the City's Marine Transfer Stations (MTSs) as part of a plan for the containerization and barge or rail export of the City's waste. Currently, the City utilizes private waste transfer stations, which rely on trucking and are primarily located in low-income communities of color, as well as several facilities located in New Jersey. The MTS approach, which would reduce truck dependence, was originated by community-based organizations in the neighborhoods impacted by the truck-based waste transfer stations, and advanced through a citywide coalition known as the Organization of Waterfront Neighborhoods (OWN).

In the scoping of the SWMP, the City has failed to put forward a plan for the closure of the private truck-based transfer stations, referred to above, which sprang up over the past 15-20 years. The waste transfer stations were originally created in response to the City's increased tipping fees at its MTSs in the late '80's. This action was meant to prolong the life of the Fresh Kills landfill, which was legislated in 1996 for closure and closed in 2001. The City failed to conduct a Full Environmental Impact Study to consider the impacts that raised tipping fees would have; consequently the City never considered the full impact of their changes.

Pursuant to Local Law 74 of 2000 in conjunction with a SWMP modification from the 1992 SWMP, the City was required to conduct a study of commercial waste locally. The recently completed study includes an entire volume on the private waste transfer stations in the City. The City admitted in City Council testimony on June 21, 2004 that they failed to utilize State Environmental Quality Review Act (SEQRA) standards uniformly throughout the multi-volume study and in fact did not hold the volume on the aforementioned private waste transfer stations up to the same SEQRA standards. Years

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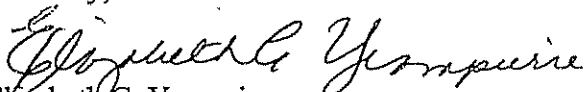
of living with and fighting over the siting of truck-based waste transfer stations as well as the clear increase in asthma and other upper respiratory problems have led to the unequivocal belief that the heavily truck-dependant waste transfer stations in the City are likely to be a prime contributor to this public health crisis. The federal government has consistently held the City in non-attainment of air quality measures over the entire time that these facilities have existed.

The draft scoping document for the SWMP raises a series of questions for us - Will the proposed transfer station siting regulations and the forthcoming transfer stations operational regulations be considered as part of DSNY's overall SWMP? If not, why not? The siting regulations and the forthcoming transfer station operational regulations must be considered as part of the overall SWMP - this should include consideration of both the health and environmental impacts of these facilities, including but not limited to fine particulate matter (PM 2.5).

What are DSNY's intentions for operations of a 52nd St barge staging area in the Sunset Park community of Brooklyn? Please explain what type of materials will be handled by these barges and whether they are intended to be staged while empty or full - keep in mind the current planning process for a waterfront park to be sited between approximately 43rd Street and 50th Street and consider what impacts such staging would have upon that park. What are DSNY's intentions for the 65th Street intermodal facility? Are there any plans to utilize this facility in a manner that would lead to a large amount of vehicular traffic?

UPROSE fully supports the work of OWN and in fact was a founding member of OWN in 1996. UPROSE, in conjunction with OWN's citywide organizing work, has demanded that the City plan for the closure of truck-based waste transfer stations in the City as the lynchpin of a broader SWMP that includes aggressive waste prevention, reuse, recycling and organics recovery planning and programs. UPROSE encourages the City to proactively consider waste collection franchising and flow control opportunities in conjunction with tighter waste transfer station siting regulations and implementation of sunset provisions on the entire permit category of putrescible waste transfer stations - similar sunset provisions have been implemented within our nation's capitol, the District of Columbia.

Sincerely,


Elizabeth C. Yeampierre
Executive Director