

## CHAPTER 1 PROPOSED ACTION

### 1.1 Introduction

The New York City (City) Department of Sanitation (DSNY) is proposing a New Comprehensive Solid Waste Management Plan (New SWMP) for the next 20-year planning period. As lead agency principally responsible for undertaking the action, DSNY has caused this Draft Environmental Impact Statement (DEIS) to be prepared in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617) and City Environmental Quality Review procedures (CEQR) set forth in Executive Order 91 of 1977, as amended, and Rules of Procedure for CEQR found in Section 6, Title 62 of the Rules of the City of New York (RCNY). The DEIS is intended to support the adoption of the New SWMP and its related approvals, which together constitute the Proposed Action. As further discussed below, the New SWMP incorporates elements of the existing SWMP and includes major changes to the City's Long Term Export Program for DSNY-managed Waste,<sup>1</sup> to the City's Recycling Program, and to management of Commercial Waste<sup>2</sup> in the City.

A Draft New SWMP, published in October 2004, describes the Proposed Action that, in summary, is to:

- Improve DSNY's Curbside Recycling Program through the award of a 20-year processing contract and the development of a new in-City Recyclables processing facility as well as a Manhattan Recyclables acceptance facility.
- Implement the City's Long Term Export Program through: the development of four Converted Marine Transfer Stations (Converted MTSs); award up to five contracts with private transfer stations for barge or rail export of DSNY-managed Waste for disposal; and, enter into an intergovernmental agreement to dispose of a portion of Manhattan's DSNY-managed Waste at a waste-to-energy (WTE) facility in Newark, New Jersey.

---

<sup>1</sup> DSNY collects and disposes of Putrescible and Non-Putrescible Waste from all residences in the City, institutions, not-for-profit organizations, lot cleaning operations, and other City, state and federal agencies (DSNY-managed Waste).

<sup>2</sup> Commercial Waste is those wastes, including recycled material, generated in the City by business establishments and construction activity and collected by private carters that are respectively defined in DSNY's Rules as Putrescible Waste and Non-Putrescible Waste. Most, but not all, Commercial Waste generated is processed through the City's putrescible and non-putrescible transfer stations.

- Provide the capacity for barge export of Putrescible Commercial Waste from the City at one existing Manhattan MTS as well as the four Converted MTSSs.

Sections 1.3, 1.4 and 1.5 describe the Proposed Action for Long Term Export, Recycling and Commercial Waste Management, respectively, as well as the reasonable Alternatives that were considered.

The SEQRA/CEQR environmental review process is intended to ensure that the protection and enhancement of the environment, and human and community resources be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on the Proposed Action. The DEIS provides a means for agency decision makers and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. The DEIS facilitates the weighing of social, economic and environmental factors early in the planning and decision-making process.

## **1.2 Purpose and Need**

In accordance with the requirements of New York State's Solid Waste Management Act (New York Environmental Conservation Law, Section 27-0707) and implementing regulations (6 NYCRR Subpart 360-15), the City's first Comprehensive Solid Waste Management Plan, approved in 1992 (1992 SWMP) established the framework for its solid waste management and recycling programs over a 10-year period. Approved modifications to the 1992 SWMP (1996 SWMP Modification) focused on further expansion of recycling. In 2000, further approved amendments to the SWMP (2000 SWMP Modification) were made, which principally focused on the City's plan to address the closure of the Fresh Kills Landfill on Staten Island. The 1992 SWMP, as amended (Existing SWMP), expires at the end of October 2004. The City and the City Council have requested that the New York State Department of Environmental Conservation (NYSDEC) extend the Existing SWMP to cover the period between the submittal of the Draft New SWMP to the City Council and its adoption and the approval of the adopted Draft New SWMP by NYSDEC.

Each day, the City's 8.1 million residents, commuters, visitors, businesses and residential and commercial construction activity generate very large and diverse quantities of solid waste material. The Draft New SWMP sets forth a plan for the long-term management of the City's solid waste in a cost-effective and environmentally responsible manner and, in addition to the Proposed Action, incorporates by reference the Existing SWMP to support Existing Programs, including the New Initiatives described in the Draft New SWMP. These Existing Programs and New Initiatives approved pursuant to the Existing SWMP are therefore not part of the Proposed Action that is subject to environmental review in this DEIS.

The City's existing solid waste management system:

- Recycles or disposes of approximately 14,000 tons per day (tpd) or 4,240,000 tons per year (tpy) of DSNY-managed Waste currently generated in the City;
- Recycles or disposes of approximately 10,000 tpd (3,000,000 tpy) of Putrescible Commercial Waste that is generated, and approximately 20,000 tpd to approximately 27,700 tpd (6 million to 8.3 million tpy) of Non-Putrescible Commercial Waste that is currently generated; and
- Provides for the management of Biosolids, Medical Waste and Dredge Spoils and Fresh Kills construction and end use.

### **1.3 Proposed Action – Long Term Export**

#### **1.3.1 Existing Conditions/No Action**

Since delivery of waste to the Fresh Kills Landfill ceased in 2001, the City has relied on interim export contracts for disposal (Interim Export). Under these existing Interim Export contracts, all DSNY-managed Waste is: (i) tipped at in-City, private transfer stations and transferred primarily by trailer (except for approximately 1,800 tpd transferred by rail from the Harlem River Yard in the Bronx) to out-of-City disposal sites; or (ii) direct-hauled in collection vehicles to out-of-City transfer stations or disposal facilities. For purposes of environmental review, Interim Export constitutes Existing Conditions/No Action. Table 1.3-1 lists both the in-City and out-of-City transfer stations or disposal sites that receive waste delivered by or on behalf of DSNY and the maximum capacity available at each facility under current Interim Export contracts.

**Table 1.3-1  
Facilities Utilized for Interim Export**

<b>Borough Served</b>	<b>Facility Name/Operator</b>	<b>Facility Address</b>	<b>Maximum Capacities Available for DSNY-managed Waste (tpd)</b>
<b>Bronx</b>	<b>Waste Management/ Harlem River Yard</b>	98 Lincoln Street, Bronx, NY	1,800
	<b>Waste Services</b>	920 East 132 <sup>nd</sup> Street, Bronx, NY	1,500
<b>Brooklyn</b>	<b>Waste Management of NY</b>	215 Varick Street, Brooklyn, NY	1,400
		485 Scott Avenue, Brooklyn, NY	1,400
	<b>IESI NY Corp.</b>	110 50 <sup>th</sup> Street, Brooklyn, NY	1,000
		577 Court Street, Brooklyn, NY	500
	<b>BFI – Waste Services</b>	598-636 Scholes Street, Brooklyn, NY	220
	<b>Solid Waste Transfer and Recycling</b>	444 Frelinghuysen Avenue, Newark, NJ	500
	<b>LIPCo (Covanta)</b>	1499 Route 1 North, Rahway, NJ <sup>(1)</sup>	125
<b>ONYX Waste Services, Inc.</b>	301 Maltese Drive, Totowa, NJ	250	
<b>Manhattan and Staten Island</b>	<b>Waste Management of NY</b>	666 South Front Street, Elizabeth, NJ	625
		864 Julia Street, Elizabeth, NJ	635
	<b>Solid Waste Transfer and Recycling</b>	444 Frelinghuysen Avenue, Newark, NJ	200
	<b>TransRiver Marketing L.P.</b>	American Ref-Fuel, Essex County, NJ <sup>(1)</sup>	1,700
<b>Queens</b>	<b>ONYX Waste Services, Inc.</b>	30-35 Fulton Street, Patterson, NJ	1,000
		301 Maltese Drive, Totowa, NJ	480
		264 Broadway, Jersey City, NJ	350
	<b>Solid Waste Transfer and Recycling</b>	444 Frelinghuysen Avenue, Newark, NJ	1,025
	<b>Tully Environmental</b>	127-20 34 <sup>th</sup> Avenue, Queens, NY	900
	<b>TransRiver Marketing L.P.</b>	American Ref-Fuel, Hempstead, NY <sup>(1)</sup>	150
<b>Waste Management of NY</b>	38-50 Review Avenue, Queens, NY	958	

**Note:**

<sup>(1)</sup> Denotes a WTE facility.

tpd = tons per day

### 1.3.2 Long Term Export – Proposed Action

The City has long recognized the importance of moving quickly to develop a more permanent system of waste export, to address both the rising cost of nearby landfill disposal as well as the current over-reliance on a truck-dependent system. In July of 2002, Mayor Bloomberg announced a plan to establish a system that would take advantage of the City's waterways and existing infrastructure. The plan called for the physical conversion of the City's existing Marine Transfer Stations (MTSs) to enable waste to be containerized on site, making the waste suitable for out-of-City barge and rail export.

The Proposed Action for Long Term Export, described herein, builds on the Mayor's previously announced plan, but offers an expedited timeframe, a lower cost and reduced reliance on complex MTS conversions outlined initially. The Proposed Action adheres to the two main principles of the Mayor's earlier plan: the containerization of waste and the long-distance export of that waste in containers by barge or rail by primarily relying on a mix of Converted MTSs and private transfer stations with the addition of the existing Essex County Resource Recovery Facility (Essex County RRF) in Newark, New Jersey, where waste would be delivered in collection vehicles.

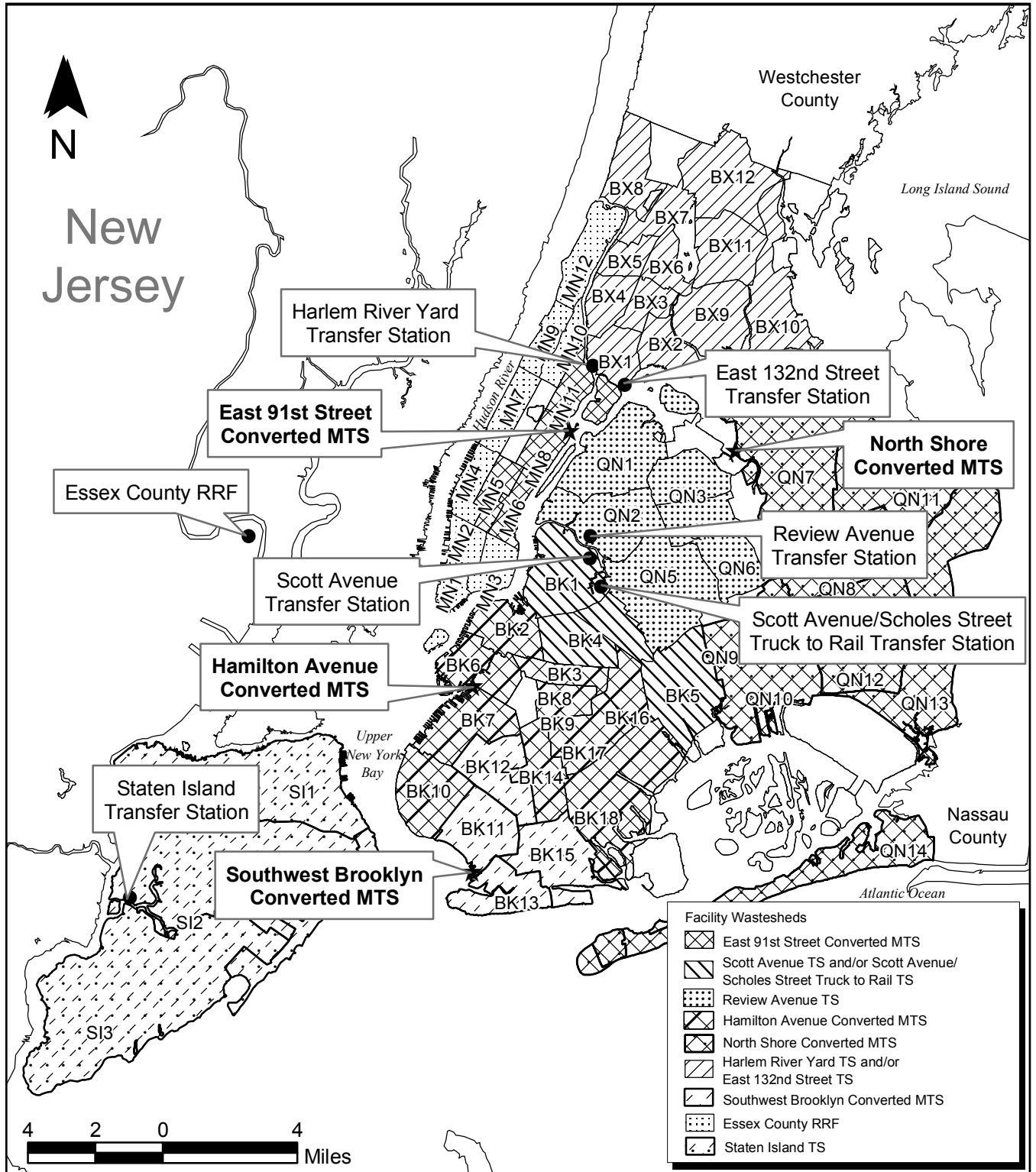
The Proposed Action for Long Term Export has the following specific elements.

- For the entire Bronx wasteshed, enter into a long-term contract with one or two private transfer station waste companies for truck-to-rail disposal for DSNY-managed Waste from the Bronx.
- For the Brooklyn wasteshed formerly served by the Greenpoint MTS, enter into a long-term contract with one or two private transfer station waste companies for truck-to-rail or truck-to-barge disposal of the DSNY-managed Waste from Brooklyn CDs 1, 3, 4, and 5.
- For the Brooklyn wasteshed formerly served by the Hamilton Avenue MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18 will be received and containerized.

- For the Brooklyn wasteshed formerly served by the Southwest Brooklyn MTS, develop a City-owned Converted MTS on the adjacent site of the former Southwest Brooklyn Incinerator, where DSNY-managed Waste from Brooklyn CDs 11, 12, 13 and 15 will be received and containerized.
- For the Manhattan wasteshed, Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12, enter into a long-term service agreement with the Essex County RRF in Newark, New Jersey to receive and process DSNY-managed Waste delivered in City collection vehicles.
- For the Manhattan wasteshed formerly served by the East 91<sup>st</sup> Street MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Manhattan CDs 5, 6, 8 and 11 will be received and containerized.
- For the Queens wasteshed formerly served by the Greenpoint MTS, enter into a long-term contract with a private transfer station for truck-to-rail or truck-to-barge disposal of the DSNY-managed Waste from Queens CDs 1 through 6.
- For the Queens wasteshed formerly served by the North Shore MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Queens CDs 7 through 14 will be received and containerized.
- For the four wastesheds served by Converted MTSs, enter into 20-year service agreements with one or more waste management companies, for transport of containerized waste by barge directly from an MTS to disposal facilities or to intermodal facilities for transloading to railcars or a larger barge, and for disposal at an appropriately permitted out-of-City facility.

Figure 1.3-1, Locations of Draft New SWMP Long Term Export Facilities and Wastesheds Served, identifies the boroughs and CDs that would be assigned to specific facilities.

Table 1.3-2 lists the potential Long Term Export facilities proposed in the Draft New SWMP. In the Bronx and Brooklyn CDs 1, 3, 4 and 5, noted in Table 1.3-2, the decision as to whether DSNY contracts for export of DSNY-managed Waste generated in these wastesheds with one or two potential transfer stations will be determined by upcoming negotiations with the proposing companies.



**Figure 1.3-1**  
**Long Term Export Facilities and Wastesheds**

**CITY OF NEW YORK**  
**DEPARTMENT OF SANITATION**



This page intentionally left blank.



**Table 1.3-2  
New SWMP Long Term Export Facilities and Potential Contractors**

<b>Facility Type</b>	<b>Owner, Facility Name, and Address</b>	<b>Community District</b>	<b>Wasteshed Served – Community Districts</b>
Converted MTS <sup>(1)</sup>	DSNY, Hamilton Avenue Converted MTS, Hamilton Avenue at Gowanus Canal, Brooklyn	Brooklyn 7	Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18
Converted MTS <sup>(1)</sup>	DSNY, Southwest Brooklyn Converted MTS, Shore Pkwy at Bay 41 <sup>st</sup> Street, Brooklyn	Brooklyn 11	Brooklyn CDs 11, 12, 13 and 15
Converted MTS <sup>(1)</sup>	DSNY, East 91 <sup>st</sup> Street Converted MTS, East 91 <sup>st</sup> Street and York Avenue, Manhattan	Manhattan 8	Manhattan CDs 5, 6, 8 and 11
Converted MTS <sup>(1)</sup>	DSNY, North Shore Converted MTS, 31 <sup>st</sup> Avenue and 122 <sup>nd</sup> Street, Queens	Queens 7	Queens CDs 7 through 14
Truck-to-Rail TS	Waste Management, Harlem River Yard, 98 Lincoln Avenue, Bronx	Bronx 1	Bronx CDs 1 through 12
Truck-to-Rail TS <sup>(2)</sup>	Allied Waste Services, East 132 <sup>nd</sup> Street Transfer Station, Bronx and Oak Point Rail Yard, Oak Point Avenue and Barry Street, Bronx	Bronx 1	Bronx CDs 1 through 12
Truck-to-Barge TS	Waste Management, 485 Scott Avenue, Brooklyn	Brooklyn 1	Brooklyn CDs 1,3, 4 and 5
Truck-to-Rail TS	Allied, 72 Scott Avenue-598 Scholes Street, Brooklyn	Brooklyn 1	Brooklyn CDs 1, 3, 4 and 5
Truck-to-Rail/Barge TS <sup>(3)</sup>	Waste Management, 30-58 Review Avenue, Queens and the LIRR Maspeth Rail Yard, Maspeth Avenue and Rust Street Queens	Queens 2	Queens CDs 1 through 6
Waste-to-Energy Facility <sup>(4)</sup>	Port Authority of New York and New Jersey, Essex County RRF, Newark, New Jersey,	NA	Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12

**Notes:**

- (1) From among the selected proposers responding to DSNY's MTS RFP, DSNY will award one or more contracts for the acceptance, transport and disposal of containerized waste from the Converted MTSs.
- (2) This facility would include use of an off-site intermodal rail yard, as noted in the Table, where containers would be loaded onto railcars.
- (3) Pending the outcome of negotiations between DSNY and Waste Management, the Review Avenue Transfer Station would be modified to operate as either a truck-to-barge or a truck-to-truck-to-rail facility. If operated in a truck-to-rail mode, an off-site intermodal rail yard, as noted in the Table, would be required, where containers would be loaded onto railcars.
- (4) The Essex County RRF is a permitted and operating WTE facility in Newark, New Jersey. DSNY-managed Waste would be delivered in collection vehicles to this facility or via hopper barges from the existing MTSs, if an enclosed barge unloading facility (EBUF) were to be developed in the vicinity of the Essex County RRF some time in the future.

LIRR = Long Island Rail Road

Development of the Converted MTSs will also require support facilities such as a barge staging area and intermodal facilities for transloading containerized waste to railcars or larger barges that are subject to review in this DEIS. Rail export from certain of the private transfer stations in the Proposed Action would require use of off-site intermodal facilities.

Currently, Interim Export contracts provide for disposal of all DSNY-managed Waste. The principal features of Interim Export are:

- DSNY contracts with 21 private transfer stations (located both within and outside the City) or out-of-City disposal facilities, to provide sufficient capacity to dispose of approximately 12,500 tpd on an average daily basis.
- 48% of DSNY-managed Waste is moved to out-of-City disposal sites by transfer trailers.
- 14% of DSNY-managed Waste is moved to out-of-City disposal sites by rail.
- 38% of DSNY-managed Waste is moved to out-of-City disposal sites in DSNY collection vehicles.<sup>3</sup>

The following considerations guided the formulation of the Long Term Export Program:

- Reducing the City's dependence on transport by transfer trailer to disposal sites is a priority. Some 93% of all truck-transferred DSNY-managed Waste is disposed in landfills and most of the landfills under contract are within a radius of 200 miles of the City. A combination of factors is causing the depletion of this capacity and an increase in disposal price. The recent re-bidding of some Interim Export contracts that rely on truck transport to landfills has reflected an average increase of 19% over the initial contract prices.
- Remote disposal capacity remains available, but truck-based transfer is not economically viable.
- Developing a barge/rail transport system capable of accessing this remote capacity could offset potential increases in disposal costs.
- Developing a long-term solution that is equitable to the greatest extent possible.
- An alternative to long-distance transport, the delivery of DSNY-managed Waste in collection trucks to regional WTE facilities, achieves an approximately 75% reduction in the volume of waste (ash residue and non-processible waste) disposed in landfills, and reduces the potential impact of landfill price inflation. A long-term disposal contract with a WTE facility can provide a buffer against inflationary price increases that are likely to affect regional landfill capacity.

---

<sup>3</sup> Includes Interim Export from Manhattan and Staten Island.

The proposed Long Term Export Program is a comprehensive plan that balances the City's need to export waste over the long term with the environmental benefit of significantly reducing the transfer trailer traffic associated with Interim Export. Its major advantages include the following:

- DSNY-managed Waste delivered to private transfer facilities in the Bronx, Brooklyn and Queens will be exported by barge or rail and, depending on the outcome of negotiations, the Commercial Waste processed at these facilities may also be exported by barge or rail.
- The in-City facilities proposed would be developed on either existing MTS or private transfer station sites.
- The proposed combination of facilities provides the City with redundancy in the DSNY-managed Waste system that accommodates future increases in waste generated in the City as a function of population growth. Occasional conditions that may affect certain components of the system will not disrupt future waste export.
- Use of existing private transfer station and Essex County RRF capacity: (i) allows some components to be implemented on a faster timetable; and (ii) avoids City investment in new capital projects.
- The Converted MTSs will provide capacity that could be available to containerize Commercial Waste for barge/rail export. (This advantage is addressed in more detail in Section 1.5.2.)
- The projected economics of the Proposed Action are less costly to the City than four alternative scenarios that were evaluated (see Chapter 34) and the Mayor's original plan.

Table 1.3-3 lists the support facilities that may be required for the implementation of the Long Term Export Program. These facilities include: (i) the 52<sup>nd</sup> Street Barge Staging Facility that would be used as a temporary mooring facility for flat bed barges being routed to maintenance facilities; and (ii) several in-City intermodal facilities that are potential locations, depending on the outcome of the City's negotiations with selected waste management companies, for providing services and facilities to transload containerized waste between barges shuttling to/from the Converted MTSs and railcars or larger ocean-going barges. This DEIS also presents an environmental review of these facilities, as applicable.

**Table 1.3-3  
New SWMP Long Term Export – Potential Support Facilities**

<b>Facility Type</b>	<b>Owner, Facility Name, and Address</b>	<b>Community District</b>	<b>Wasteshed Served – Community Districts</b>
<b>Support Facilities</b>			
Barge Staging Area <sup>(1)</sup>	DSNY, 52 <sup>nd</sup> Street Barge Staging Area, 52 <sup>nd</sup> Street and 1 <sup>st</sup> Avenue, Brooklyn	Brooklyn 7	NA
Intermodal Barge-to-Rail Yard <sup>(2)</sup>	Waste Management, Harlem River Yard, East 132 <sup>nd</sup> Street and St. Anns Avenue, Bronx	Bronx 1	NA
Intermodal Truck-to-Truck-to-Rail Yard <sup>(3)</sup>	Oak Point Rail Yard, Oak Point Avenue and Barry Street, Bronx	Bronx 2	Bronx CDs 1 through 12
Intermodal Barge-to-Rail Yard <sup>(2)</sup>	NYCEDC, 65 <sup>th</sup> Street Intermodal Yard, 65 <sup>th</sup> Street Rail Yard, Brooklyn	Brooklyn 10	NA
Intermodal Yard Truck-to-Truck-to-Rail <sup>(3)</sup>	LIRR, Maspeth Rail Yard, Maspeth Avenue and Rust Street, Queens	Queens 2	Queens CDs 1 through 6

**Notes:**

- <sup>(1)</sup> The 52<sup>nd</sup> Street Barge Staging Area historically served the existing MTSs as a location where barge movements between individual MTSs and Fresh Kills could be staged. A replacement-in-kind of the pier structure is proposed. Its purpose in the Long Term Export Program will be more limited; principally, a supply storage facility and a location to temporarily moor barges that are scheduled for maintenance at other facilities.
- <sup>(2)</sup> Two intermodal barge-to-rail facilities at Harlem River Yard and the 65<sup>th</sup> Street Rail Yard may be constructed as transload facilities to move containers between the Converted MTSs and railheads. DSNY has instituted a ministerial process to register intermodal facilities handling containerized waste that is not subject to environmental review. However, the USACE Section 10/404 permits and the NYSDEC Article 15/25 permits pertaining to waterfront construction are subject to environmental review. Note that there are other existing intermodal facilities that may be used for intermodal transfer of containers from the Converted MTSs.
- <sup>(3)</sup> Both the East 132<sup>nd</sup> Street Truck-to-Truck-to-Rail Transfer Station in the Bronx and the Review Avenue Truck-to-Truck-to-Rail Transfer Station in Queens would dray containers between their respective transfer stations and intermodal rail yards that are in the respective project service areas but not at the same sites as the transfer stations. These intermodal yards are existing facilities that would receive non-discretionary permits from DSNY for handling solid waste and, as such, are not subject to environmental review. However, the movement of containers on tractor chassis between the transfer stations and the intermodal yard is subject to an environmental review that is reported in the DEIS section reporting the environmental review of the respective transfer station.

NYCEDC = New York City Economic Development Corporation

LIRR = Long Island Rail Road

### 1.3.3 Alternatives to the Proposed Action

Table 1.3-4 lists the Alternatives to the Proposed Action that were considered and that are also reviewed in this DEIS. These Alternatives include: (i) conversions at four other existing MTSs sites; (ii) the development of a new truck-to-rail facility in Brooklyn CD 1 that was a proposal submitted in response to DSNY's Request for Proposals (RFP) procurement for private transfer station capacity for the Brooklyn portion of the Greenpoint wasteshed; and (iii) the use of the existing MTSs, assuming substantial refurbishing of these facilities, to supply waste in open hopper barges to an enclosed barge unloading facility (EBUF) in the New York/New Jersey harbor region where it would be containerized for transport to disposal sites, although the location of such an EBUF has not been identified.

In addition to the Alternative sites referenced in Table 1.3-4, Volume V of the Commercial Waste Management Study (CWMS or Study),<sup>4</sup> Manhattan Transfer Station Siting Report, investigated four potential sites for truck-to-rail/barge transfer stations in Manhattan and concluded that three of these sites were technically infeasible, and that the fourth posed very significant land use constraints that would have to be overcome. Also, DSNY had, in the 2000 Final Environmental Impact Statement (FEIS), evaluated the technical feasibility and environmental suitability of 24 export facility options on 15 different sites, as the basis for preparing the 2000 SWMP Modification.

Chapter 2 of this DEIS provides detailed descriptions of the design features and operations of the Draft New SWMP Long Term Export Facilities, Support Facilities and Alternatives.

---

<sup>4</sup> The CWMS is available on the DSNY website: [www.nyc.gov/sanitation](http://www.nyc.gov/sanitation), in compact disk form as an Appendix to the Draft New SWMP and in print form at the Public Repositories listed in Table 1.6-1.

**Table 1.3-4  
New SWMP Long Term Export – Alternatives Considered**

<b>Facility Type</b>	<b>Owner, Facility Name, and Address</b>	<b>Community District</b>	<b>Wastashed Served – Community Districts</b>
<b>Alternatives</b>			
Converted MTS	DSNY, South Bronx Converted MTS, Farragut Street, Bronx	Bronx 2	Bronx CDs 1 through 12
Converted MTS	DSNY, Greenpoint Converted MTS, North Henry and Kingsland Avenue, Brooklyn	Brooklyn 1	Brooklyn CDs 1, 3, 4 and 5; Queens CDs 1 through 6
Converted MTS	DSNY, West 135 <sup>th</sup> Street Converted MTS, West 135 <sup>th</sup> Street and 12 <sup>th</sup> Avenue, Manhattan	Manhattan 9	Manhattan CDs 9, 10 and 12
Converted MTS	DSNY, West 59 <sup>th</sup> Street Converted MTS, West 59 <sup>th</sup> Street and Marginal Street, Manhattan	Manhattan 7	Manhattan CDs 1 through 4 and 7
Truck-to-Rail TS	IESI or TransRiver Marketing, Meserole Street Transfer Station, 568 Meserole Street, Brooklyn	Brooklyn 1	Brooklyn CDs 1, 3, 4 and 5
Existing MTS	DSNY, South Bronx MTS, Farragut Street, Bronx	Bronx 2	Bronx CDs 1 through 12
Existing MTS	DSNY, Greenpoint MTS, North Henry and Kingsland Avenue, Brooklyn	Brooklyn 1	Brooklyn CDs 1, 3, 4 and 5; Queens CDs 1 through 6
Existing MTS	DSNY, Hamilton Avenue MTS, Hamilton Avenue at Gowanus Canal, Brooklyn	Brooklyn 6	Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18
Existing MTS	DSNY, Southwest Brooklyn MTS, Shore Pkwy at Bay 41 <sup>st</sup> Street, Brooklyn	Brooklyn 11	Brooklyn CDs 11, 12, 13 and 15
Existing MTS	DSNY, West 135 <sup>th</sup> Street MTS, West 135 <sup>th</sup> Street and 12 <sup>th</sup> Avenue, Manhattan	Manhattan 9	Manhattan CDs 9, 10 and 12
Existing MTS	DSNY, West 59 <sup>th</sup> Street MTS, West 59 <sup>th</sup> Street and Marginal Street, Manhattan	Manhattan 7	Manhattan CDs 1 through 4 and 7
Existing MTS	DSNY, East 91 <sup>st</sup> Street MTS, East 91 <sup>st</sup> Street and York Avenue, Manhattan	Manhattan 8	Manhattan CDs 5, 6, 8 and 11
Existing MTS	DSNY, North Shore MTS, 31 <sup>st</sup> Avenue and 122 <sup>nd</sup> Street, Queens	Queens 7	Queens CDs 7 through 14

## **1.4 Proposed Action – Recycling Facilities**

### **1.4.1 Existing Conditions/No Action**

Through the first half of 2002, DSNY collected and recycled metal, glass and plastic (MGP) and Paper materials sufficient to divert 20% of the DSNY-managed Waste (curbside/containerized) waste stream from disposal. The program flourished in many respects, and compared favorably with the recycling programs of other major cities throughout the United States.

On July 1, 2002, the City's recycling program, having incurred budget cuts in the aftermath of the events of September 11, 2001 and the subsequent economic recession, temporarily suspended glass and plastic recycling. Diversion rates suffered; however, plastic and glass recycling programs were restored in Fiscal Year (FY) 2003 and FY 2004, respectively, and funding for composting and other services was restored in FY 2005.

### **1.4.2 Recycling Proposed Action**

Moving forward, cost-effective recycling programs are now an even greater priority. To address this priority, the Proposed Actions for recycling will commit the City to a 20-year contract for processing MGP. This long-term commitment will facilitate the development of state-of-the-art processing infrastructure in the City, which, in turn, will generate the consistent streams of materials necessary to foster reliable secondary materials markets. The 20-year contract also ushers in a new era of waterborne transportation of Recyclable materials, mirroring the transportation goals of the Draft New SWMP as a whole. Consistent with the commitment to emphasize waterborne transport as an element of the New SWMP, the City will also develop a Recyclables acceptance facility in Manhattan that would transport Manhattan Recyclables by barge to the newly proposed Recyclables processing facility in Brooklyn.

Accordingly, the Proposed Action for recycling has the following new elements.

- Develop a materials processing facility at the 30<sup>th</sup> Street Pier (in Brooklyn Community District 7) through a public-private partnership involving a 20-year service agreement with a private Recyclables processor; and
- Develop a Recyclables acceptance facility in Manhattan.

#### *1.4.2.1 Recyclables Processing Facility*

The City plans to enter into an agreement with the Hugo Neu Corporation (HNC) for the acceptance, processing and marketing of the MGP and a portion of the mixed Paper<sup>5</sup> (Curbside Recyclables) collected by DSNY. As part of the agreement, HNC will finance the development of a materials processing facility on City-owned land at the 30<sup>th</sup> Street Pier in the South Brooklyn Marine Terminal (SBMT).

In addition, HNC will use its existing regional network of waterfront acceptance facilities and its own fleet of barges to transport material to the new facility at SBMT. Recyclable material will arrive at the new materials processing facility as follows:

- DSNY trucks collecting Curbside Recyclables in the Bronx will tip this material at HNC's existing acceptance facility in the Bronx, where HNC will transfer material to barge for transport to SBMT.
- DSNY trucks collecting Curbside Recyclables in Staten Island CDs will tip this material either at the new Staten Island Transfer Station for consolidation into transfer trailers that will drive to SBMT or at HNC's existing acceptance facility in Jersey City, where HNC will transfer material to barge for transport to SBMT.
- DSNY trucks collecting Curbside Recyclables in northern Brooklyn and Queens CDs will tip this material at HNC's existing acceptance facility in Long Island City, where HNC will transfer material to barge for transport to SBMT.
- DSNY trucks collecting Curbside Recyclables in Manhattan CDs will tip this material at a Manhattan acceptance facility. Until the new acceptance facility is on line, trucks from southern Manhattan will tip at HNC's existing acceptance facility in Jersey City; trucks from northern Manhattan will tip at HNC's existing facility in the Bronx where HNC will transfer this material to barge for transport to the 30<sup>th</sup> Street Pier at SBMT.

---

<sup>5</sup> This is the portion that is not already committed to Visy Paper (NY), Inc. (Visy), for processing in its recycled paper mill on Staten Island.



- DSNY trucks collecting Curbside Recyclables in southern Brooklyn CDs will drive to SBMT and tip directly at the materials processing facility.

#### *1.4.2.2 Manhattan Recyclables Acceptance Facility*

DSNY proposes to develop a Recyclables acceptance facility in Manhattan. The West 59<sup>th</sup> Street MTS is currently the transfer site for the mixed Paper which DSNY collects in Manhattan CDs and Visy Paper, Inc. barges to its recycled paper mill on Staten Island.

As described in the Proposed Actions for Commercial Waste (see Section 1.5.2), DSNY is proposing to reserve the West 59<sup>th</sup> Street MTS to facilitate the export of a portion of Manhattan's Commercial Waste by barge. To maximize the throughput capacity required for this scenario, the truck-to-barge operation for mixed Paper would need to be relocated. To facilitate this relocation, as well as to reduce the number of vehicle miles traveled by DSNY trucks, DSNY proposes to develop a Recyclables acceptance facility in lower Manhattan. This proposal would also fulfill the goal of the Draft New SWMP to distribute waste management facilities more equitably in all five boroughs.

The most promising location for this Manhattan Recyclables acceptance facility is the former site of DSNY's Gansevoort MTS on Pier 52 in Manhattan Community District 2. The Gansevoort MTS has not been used by DSNY since 1991. For this proposed project to move forward, several issues must be resolved, such as acceptable integration of the facility design (including an environmental education center) and operation into the plans for the Hudson River Park, and amendment of the Hudson River Park Act.

Table 1.4-1 lists all of the facilities that would be elements of the Recycling Program in the New SWMP, including those that are part of the Proposed Action and reviewed in this DEIS, as well as those facilities that are elements of Existing Programs.

**Table 1.4-1  
Proposed Action Recycling Facilities**

Facility Type	Operator/Owner, Facility Name, and Address	Community District
<b>Recyclables Processing/Acceptance<sup>(1)</sup></b>	Hugo Neu Corporation, 30 <sup>th</sup> Street Pier at the South Brooklyn Marine Terminal, Brooklyn	Brooklyn 7
<b>Recyclables Acceptance<sup>(2)</sup></b>	DSNY, Former site of Gansevoort MTS, Pier 52, Manhattan	Manhattan 2

**Notes:**

- (1) This 30<sup>th</sup> Street Pier at SBMT is a complex of facilities that would be designed to receive and process DSNY Curbside Recyclables. Curbside Recyclables collected in Brooklyn would be delivered by truck to this facility. Curbside Recyclables from other boroughs would be delivered by barge. Recyclables would be transferred from this facility by barge. As a recycling facility, it is not subject to regulation as a solid waste facility. However, the waterfront construction requires USACE Section 10/404 permits and the NYSDEC Article 15/25 permits that are subject to environmental review.
- (2) The timetable for designing, permitting and constructing this facility, which would receive truck deliveries of DSNY MGP Curbside Recyclables collected in Manhattan for barge transfer to the 30<sup>th</sup> Street Pier at SBMT for processing, is approximately seven years. Accordingly, the environmental review of this facility is deferred until more detailed design information is available. However, an analysis of the potential for off-site traffic, air quality and noise impacts from directing DSNY’s Manhattan Recyclables collection vehicles to this destination was conducted.

1.4.3 Advantages of the Proposed Action – Recycling Facilities

1.4.3.1 *Recyclables Processing Facility*

The major advantages of the Proposed Action to develop a Recyclables processing facility are that it:

- Commits the City to maintain its Curbside MGP Program over the next 20-years.
- Creates a relationship in which the processor has economic incentives to expand product markets, and thereby increase the net recovery rate for MGP. Historically, DSNY has had considerable difficulty in establishing stable and cost-effective relationships with the contractors that have processed its Curbside MGP, in part due to the practice of contracting for a five-year term with a short-notice cancellation clause. This created economic uncertainty for the contractor and discouraged investments in facility upgrades to improve recovery rates. The 20-year term of the

service agreement removes these disincentives and will create a relationship in which the processor has economic incentives to expand product markets and increase the net recovery rate for MGP processed.

- Enhances the opportunity to produce and market new products by recovering materials that are now marginal. The City's Curbside MGP have high proportions by weight of glass, particularly mixed-color broken glass, a material that does not have economic markets. Better technology to be used in the materials processing facility, in addition to aggressive research and development – both afforded by a long-term contract – will address this situation.
- Secures competitive price terms for the City and stabilizes costs over the long term.
- Creates a waterborne transportation network that is consistent with the City's goal of reducing truck traffic. An estimated 85% of the Recyclable materials will be delivered to the new Recyclables processing facility via barge, and 75% will leave post-processing via barge. This is a shift that will help reduce truck traffic on City streets and improve the local environment.
- Creates significant local employment opportunities through creation of an estimated 160 construction jobs and 100 permanent jobs when facility operations commence.

#### *1.4.3.2 Manhattan Recyclables Acceptance Facility*

The major advantages of the Proposed Action to develop a Recyclables acceptance facility in Manhattan are that it:

- Eliminates the need for Recyclables collection vehicles to travel from Manhattan to acceptance or processing facilities in other boroughs or New Jersey.
- Facilitates the relocation of the recycled Paper barge operation now based at the West 59<sup>th</sup> Street MTS to Gansevoort, which will enable the West 59<sup>th</sup> Street MTS site to be potentially developed for export of Commercial Waste.
- Results in a more equitable distribution of transfer facilities among the City's boroughs.

#### 1.4.4 Alternatives to the Proposed Action

The Alternative to the Proposed Action to develop an MGP Recyclables processing facility would be the continuation of the status quo arrangement for processing MGP from Curbside

collection that would not result in the economic benefits to the Curbside Recycling Program afforded by the Brooklyn Recyclables processing facility.

The Alternative to developing a Recyclables acceptance facility at the site of the former Gansevoort MTS would be continuing delivery of Manhattan MGP to facilities in New Jersey and the Bronx or potentially using another existing MTS facility in Manhattan. The environmental review in this DEIS of the existing MTSs as Alternatives for Long Term Export evaluates the potential for significant adverse impacts associated with using the existing MTSs for Long Term Export. The potential for impacts associated with use of the existing MTSs as Recyclables acceptance facilities would be less than the impacts analyzed because of the lower number of DSNY collection vehicles associated with delivery of Recyclables to these sites, compared to those associated with delivery of DSNY-managed Waste to these sites. Therefore, no additional environmental review of this Alternative is required.

## **1.5 Proposed Action – Commercial Waste Management**

### **1.5.1 Existing Conditions**

Commercial Waste management is as complex a system as the DSNY-managed Waste counterpart. The volume of Putrescible and Non-Putrescible Commercial Waste managed in the City is even larger, accounting for nearly 75% of the City's total waste stream. Commercial Waste is managed by the private sector through a system of private carters and private transfer stations. Both elements of the systems are subject to regulation – the private carters by the City's Business Integrity Commission (BIC), and the private transfer stations by DSNY and NYSDEC.

Except for that portion of Commercial Waste carted directly out of the City, waste export occurs through a network of land-based transfer stations, points at which waste from local collection trucks is transferred for long-haul export. These transfer stations are generally located in M3 districts (districts reserved for heavy industry) which are well buffered from residential communities. However, waste trucks traveling to and from these transfer stations often pass through residential communities on their way to the designated truck routes.

Local Law 74 of 2000 (LL74) amended the Administrative Code to require that DSNY contract with a consultant to conduct a comprehensive study of Commercial Waste management in the City. DSNY conducted a series of meetings in November and December of 2002 to solicit comments, and issued a Draft Study Scope of Work on March 3, 2003 for further public comment. Comments were received and reviewed, and a Final Study Scope was issued on July 31, 2003.

In September 2002, the consultant began work on detailed analyses of a range of Commercial Waste management issues. DSNY submitted the report, including Volumes I through VI of the CWMS, to the Mayor and the City Council in March 2004. The Study extensively characterized the City's Commercial Waste management system, providing information on the quantity of Commercial Putrescible, Non-Putrescible and Fill Material generated in the City, recycled, and disposed in- and out-of-City; the locations and operations of the City's Putrescible, Non-Putrescible and Fill Material Transfer Stations;<sup>6</sup> and the effects of transfer stations located in geographical proximity in certain CDs in the City.

The Study included recommendations involving changes in current practices, laws and regulations affecting the design and operation of privately owned and operated transfer stations in the City. These recommendations addressed improvements in the environmental control systems and practices used at existing permitted transfer stations in the City that have the benefit of improving potential effects associated with the operation of these facilities. The complete Study can be accessed on DSNY's website: [www.nyc.gov/sanitation](http://www.nyc.gov/sanitation) and is also included on a compact disk as Appendix E of the Draft New SWMP. Printed copies of the Study are available at the List of Repositories in Table 1.6-1.

There are currently 58 private waste transfer station facilities in the City with 65 permits. This is down from 220 transfer stations in 1990, shortly after the 1988 increase in tipping fees for Commercial Waste at the Fresh Kills Landfill and at certain City MTSs. Approximately one-third of the facilities accept Putrescible Waste, one-third accept construction and demolition

(C&D) debris, and one-third accept clean Fill Material (some facilities accept more than one category of materials). As discussed in more detail in the Study, these facilities are located in Manufacturing Districts (M1, M2 and M3), and therefore, are not distributed evenly among the city's 59 CDs. For example, Community District 1 in Brooklyn has 14 facilities with 17 permits, while Bronx Community District 2 has 8 facilities and Queens Community District 7 has 5 facilities. At present, only one facility, at Harlem River Yards in the Bronx, uses rail to transport waste out of the City. There are two registered sites for the intermodal transfer of containerized solid waste, where sealed containers may be delivered by truck, and transloaded onto a railcar for further transport without being opened or undergoing any processing.

Two features of the current Commercial Waste management system have served as the focus of recent concern. The first is that Manhattan has no private transfer stations, despite the fact that over 40% of the City's Putrescible Commercial Waste is generated in Manhattan. As a result, although some waste is driven directly out of the City, most of Manhattan's Commercial Waste is driven to another borough before it is exported from the City. Further, because only one of the City's 19 private Putrescible Transfer Stations exports waste by means other than transfer trailer, the export of waste—not just its collection—creates truck traffic.

### 1.5.2 Proposed Action – Commercial Waste Management

To achieve a more balanced distribution and reduce effects from Commercial Waste transfer operations in those CDs that currently have the greatest number of transfer stations, the following measures are proposed:

- Assess the feasibility of providing the site of the existing Manhattan West 59<sup>th</sup> Street MTS to private waste management companies to use for the transfer of Commercial Waste collected by private carters in Manhattan. The facility could be: (i) refurbished and used in conjunction with an EBUF; or (ii) redeveloped as a containerization facility.
- Design measures to encourage private carters to deliver Commercial Waste during the 8:00 p.m. to 8:00 a.m. time period to the four Converted MTSs that are elements of the Proposed Action for Long Term Export (Hamilton Avenue and Southwest Brooklyn, Brooklyn; East 91<sup>st</sup> Street; Manhattan; and North Shore, Queens).

---

<sup>6</sup> These types of transfer stations are permitted under DSNY's Operating Rules.

- Negotiate arrangements with the owners/operators of the selected private transfer stations in the Bronx, Brooklyn and Queens that submitted proposals in response to the BQB RFPs and that are potential elements of the Proposed Action to require Commercial Waste (in addition to DSNY-managed Waste) processed at these facilities to be containerized and exported from the project service area by barge and/or rail.

### 1.5.3 Advantages of the Proposed Action

These Proposed Actions, if fully implemented, would facilitate the City's transition from an almost wholly truck-based waste export system to a predominantly rail- and/or barge-based export system for the City's Putrescible Waste.

#### 1.5.3.1 West 59<sup>th</sup> Street MTS Site for Commercial Waste Transfer

Developing this site for transfer of a portion of Manhattan-generated Commercial Waste would:

- More equitably distribute the impacts of Commercial Waste transfer among the City's boroughs;
- Reduce the volume of transfer trailer truck traffic in the City;
- Provide the site most proximate to midtown, a major generator of Commercial Waste; and
- Shorten carters' current runtime from the end of their midtown collection route to their tipping locations in other boroughs, resulting in a decline in the overall duration of commercial collection operations and fewer vehicle miles traveled in the City.

#### 1.5.3.2 Commercial Waste Transfer at Four Converted MTSs

The advantages of using the Converted MTSs to containerize Commercial Waste include that it:

- Capitalizes on unused capacity during the hours when private carter collection operations occur. As DSNY would tip during the day and private carters at night, there is minimal potential for conflict in terms of processing both waste streams at the Converted MTSs.

- Potentially removes approximately 178 transfer trailers from the City's streets that would otherwise be transporting waste for export. As containerization facilities, the four Converted MTSs have potentially available capacity for processing up to approximately 3,915 tpd of Commercial Waste.

### 1.5.3.3 Containerization and Rail Export from Private Transfer Stations

The advantages of requiring private transfer station owners/operators who are containerizing and exporting DSNY-managed Waste by barge and/or rail to also containerize and export by barge or rail any Commercial Waste processed at their respective facilities are that it:

- Reduces outbound transfer trailer traffic from the private transfer stations, thus reducing truck traffic in these communities; and
- Accelerates the conversion of the City's private transfer network towards a barge-and/or rail-based system that will have long-term economic and environmental benefits for the City.

### 1.5.4 Other Commercial Waste Initiatives

In addition, there are several other related actions that DSNY has taken, or will be taking, with respect to the private transfer station industry and Commercial Waste management that form an important part of the New SWMP, although detailed environmental review necessarily has been or will be conducted separately, because these measures have independent utility or are the subject of ongoing litigation. Many of these measures derive from DSNY's continuing effort to ensure that the Commercial Waste management industry meets applicable regulatory and performance standards while minimizing impacts on residents and the City.

In 2003, DSNY adopted rules to encourage the use of intermodal facilities such as rail yards or port facilities where sealed containers of solid waste may be transloaded for further transport via rail or barge. By providing a process for such facilities to obtain DSNY registrations, DSNY seeks to encourage such intermodal transport and reduce the truck traffic and related impacts associated with long-haul trailer transport of solid waste.



DSNY's regulation of commercial solid waste transfer stations has been the subject of litigation brought both by community groups and by the industry. DSNY adopted temporary rules in 2003 prohibiting the siting of most new transfer stations while the CWMS was being prepared. Following the release of the CWMS in 2004, DSNY has taken certain steps to implement many of its recommendations and comply with judicial rulings and concerns regarding the need for additional siting restrictions on transfer stations (see DSNY's website).

#### *1.5.4.1 New Siting Rules for Transfer Stations*

In May 2004, DSNY initiated a rulemaking process, expected to be final by early November, 2004, to amend the rules DSNY administers for the siting of private putrescible and non-putrescible transfer stations and for potential expansions of existing facilities. A separate environmental review was undertaken for this rulemaking, which has independent utility from the New SWMP and was motivated, in part, by litigation over the proper interpretation of Local Law 40 of 1990. In brief, the rules will create five categories of siting restrictions that vary by Community District, depending on the number of the City's transfer stations that are currently in each Community District. The rules effectively set a cap on new capacity for any kind of private transfer station in two CDs that currently have the largest number of such facilities: Brooklyn Community District 1 and Bronx Community District 2. Thus, new capacity in such districts would require a corresponding offsetting reduction in permitted transfer station capacity in the same Community District.

In addition, a buffer would be required between a new putrescible transfer station and an existing transfer station. Buffer distance requirements from a new transfer station to sensitive receptors (defined as residence districts, schools, parks and hospitals) would be increased for districts that currently have the highest number of transfer stations. The new rules would generally allow a new transfer station in a light manufacturing (M1) district, subject to buffer requirements and zoning performance standards, as was the case until 1998. However, a new transfer station would not be permitted in an M1 district in a Community District that already has at least three transfer stations in M1 districts. The rules would apply to all applications and include more stringent standards for obtaining a variance. More information on this rule-making is available on DSNY's website.

DSNY's transfer station siting rule amendments encourage the use of barge or rail to transport solid waste. Specifically, an applicant would not be prohibited from siting a new transfer station within the buffer distance to another transfer station, if the new facility uses a vessel or rail to transport at least 90% of the waste received. In addition, in obtaining offset waste tonnage for new capacity to be sited in the two CDs with an overall cap on new capacity, an applicant that uses vessel or rail to transport at least 90% of the waste received could utilize offset tonnage from a different permitted waste type. For example, existing permitted tonnage for C&D debris could be used to offset new Putrescible Waste capacity.

#### *1.5.4.2 New Operating Rules for Transfer Stations*

In addition, in August 2004, following certain recommendations outlined in the CWMS, DSNY announced proposed amendments to operating rules for new transfer stations. These rules are the subject of a separate environmental review, as they are independent of the New SWMP. The operating rules, which would apply to existing as well as new transfer stations, would require putrescible transfer stations to upgrade odor and dust control and ventilation systems. Non-putrescible transfer stations would have to implement measures to reduce the tracking of dirt offsite, control dust, and ensure that visible air emissions from off-road diesel equipment do not exceed certain opacity standards or leave the property boundary. More information on this rule-making is also available on DSNY's website.

#### *1.5.4.3 Enhanced Permit and Inspection Capability*

DSNY has stated that it will work with the City Council to amend the Administrative Code to increase the fees charged for annual permits for putrescible and non-putrescible transfer stations. The additional revenue will help pay for additional expertise and training of the inspection staff to enforce air emission standards and to approve and oversee the proper facility use of enhanced odor and ventilation systems, among other things. Such legislation would be the subject of a separate environmental review.

#### *1.5.4.4 Seek to Alleviate Transfer Station Truck Traffic near Residences*

In coordination with community groups and the City Department of Transportation (NYCDOT), DSNY proposes to undertake a study of transfer station truck traffic that passes near residential areas in certain parts of the City with the greatest number of transfer stations, to identify practical opportunities to minimize the impacts associated with such traffic. Such measures might include near-term initiatives such as enhanced enforcement of existing truck route restrictions, improved signage, targeted waste hauling truck prohibitions along designated roadways and/or other steps.

#### *1.5.4.5 Define Authority Needed to Reduce Transfer Station Capacity in Certain Districts*

Once DSNY's MTS conversion program becomes operational, DSNY proposes to work with community groups and the transfer station industry to explore in a systematic way how legal and regulatory mechanisms, whether under current law or requiring local legislation, might be used appropriately to reduce further the number of transfer stations in areas of the City with the greatest concentration of such facilities. As appropriate, any necessary environmental review would be undertaken separately prior to taking final action on such a proposed reduction in transfer station capacity.

### **1.6 Public Review Process – CEQR and SEQRA**

Approval of the Proposed Action will provide the basis upon which the proposed Long Term Export Program and, if applicable, other solid waste management policies or programs, can be implemented. The City's commitment of resources to these programs is predicated upon the findings presented in the DEIS that, consistent with social, economic and other essential considerations of state and City policy, and from among the reasonable Alternatives, the Proposed Action is one that minimizes or avoids significant adverse environmental effects to the maximum extent practicable. In addition, any potential significant adverse effects disclosed would be minimized or avoided by incorporating mitigative measures that are identified as practicable (2001 CEQR Technical Manual, pages 1 through 11, Section 270, Agency Findings).

Pursuant to CEQR/SEQRA rules and procedures, DSNY is lead agency for the environmental review of the Draft New SWMP; involved agencies with discretionary approval of the New SWMP are the City Council and NYSDEC.

### 1.6.1 Long Term Export

Agencies interested in the Long Term Export Program elements of the Proposed Action and assessments of facilities and services related to that program that are included in the DEIS are listed below.

#### *1.6.1.1 Federal Agencies*

- United States Army Corps of Engineers (USACE)
- United States Environmental Protection Agency (USEPA), Region 2

#### *1.6.1.2 New York State Agencies*

- Department of State
- Office of Parks, Recreation and Historic Preservation (OPRHP)
- Office of General Services (OGS)

#### *1.6.1.3 New York City Agencies*

- City Office of Environmental Coordination (OEC)
- Department of Environmental Protection (NYCDEP)
- Department of Transportation (NYCDOT)
- City Planning Commission
- New York City Economic Development Corporation (NYCEDC)
- Landmarks Preservation Commission (LPC)
- Department of Health (NYCDOH)
- Department of Parks and Recreation (NYCDPR)

### 1.6.2 Preparation of the DEIS

The purpose of the DEIS is to provide decision makers with an understanding of the potential environmental consequences of the Proposed Action so that they may make an informed decision about the actions they are asked to undertake. In addition, the DEIS provides the basis to make reasoned comparisons of the Alternatives to the Proposed Action. An initial step in the Environmental Impact Statement (EIS) process is the preparation of the DEIS for public comment.

A series of Public Scoping Meetings were held between June 15 and July 1, 2004 to solicit comments and concerns from the public and regulatory agencies regarding the proposed approach to evaluation of the Proposed Action (see Section 1.8, Public Outreach Process/Environmental Justice, for a description of the public participation and outreach program). In addition to comments received at the Scoping Meetings, written comments were accepted until July 11, 2004. The Final Scoping Document was revised to address the public comments received.

An issuance of a Notice of Completion of the DEIS is required to initiate consideration of any required permit actions and approvals. A Public Hearing(s) to provide an opportunity for the public to comment on the DEIS will be held within approximately 30 days of the distribution of the DEIS. Copies of the DEIS will be available for viewing at DSNY, Bureau of Long Term Export, 44 Beaver Street, 12<sup>th</sup> Floor, New York, New York, and at the List of Repositories in Table 1.6-1.

Issuance of an FEIS is required for final approval of required permits. These findings will be used to support all other public actions and approvals inclusive of the anticipated potential permit actions listed in Section 1.7.

**Table 1.6-1  
List of Public Repositories**

<b>Repository Location</b>	<b>Repository Address</b>	<b>Days and Hours of Operation</b>	<b>Phone Number</b>
<b>Manhattan</b>			
Manhattan CB 8 Office	505 Park Avenue	call for days and hours	(212) 758-4340
96 <sup>th</sup> Street Public Library	112 East 96th Street	call for days and hours	(212) 289-0908
Manhattan CB 9 Office	565 West 125th Street	call for days and hours	(212) 864-6200
George Bruce Public Library	518 West 125th Street	call for days and hours	(212) 662-9727
Manhattan CB 4 Office	330 West 42 <sup>nd</sup> Street, 26 <sup>th</sup> Floor	call for days and hours	(212) 736-4536
Riverside Public Library	127 Amsterdam Avenue	call for days and hours	(212) 870-1810
<b>Brooklyn</b>			
Brooklyn CB 7 Office	4201 4 <sup>th</sup> Avenue	call for days and hours	(718) 854-0003
Sunset Park Public Library	5108 Fourth Avenue at 51 <sup>st</sup> Street	call for days and hours	(718) 567-2806
Brooklyn CB 11 Office	2214 Bath Avenue	call for days and hours	(718) 266-8800
New Utrecht Public Library	1743 86th Street	call for days and hours	(718) 236-4086
Brooklyn CB 1 Office	435 Graham Avenue	call for days and hours	(718) 389-0009
Leonard Public Library	8 Devoe Street	call for days and hours	(718) 486-3365
<b>Queens</b>			
Queens CB 2 Office	43-22 50th Street, Woodside	call for days and hours	(718) 533-8773
Court Square Public Library	25-01 Jackson Avenue, Long Island City	call for days and hours	(718) 937-2790
Queens CB 7 Office	45-35 Kissena Boulevard, Flushing	call for days and hours	(718) 359-2800
Mitchell-Linden Public Library	29-42 Union Street, College Point	call for days and hours	(718) 539-2330
<b>Bronx</b>			
Bronx CB 2 Office	1029 East 163rd Street	call for days and hours	(718) 328-9125/6
Hunts Point Public Library	877 Southern Boulevard	call for days and hours	(718) 617-0338
Bronx CB 1 Office	384 East 149th Street	call for days and hours	(718) 585-7117
Woodstock Public Library	761 East 160th Street	call for days and hours	(718) 665-6255
<b>Staten Island</b>			
St. George Library Center	5 Central Avenue	call for days and hours	(718) 442-8560
Office of the Borough President Attn: Nicholas Dmytryszn	Borough Hall, Room 120	M-F, 9:00 a.m. – 5:00 p.m.	(718) 816-2200

## 1.7 Required Actions, Permits and Approvals

Potential major permit approvals for the Proposed Action that are known to be required are listed below. If subsequent approvals or permit actions are identified, a determination will be made by DSNY and the respective interested/involved agency(ies) as to what subsequent environmental assessments and determinations are required, if any.

### 1.7.1 Federal

#### *1.7.1.1 U.S. Army Corps of Engineers*

- Section 10 (River and Harbors Act) for structures and work in navigable waters of the United States;
- Section 103 of the Marine Protection Research & Sanctuaries Act;
- Section 404 (Clean Water Act) for discharging of dredged or fill material in waters of the United States; and
- Section 401 (Clean Water Act) Water Quality Certification.

### 1.7.2 New York State

#### *1.7.2.1 Department of Environmental Conservation*

- Article 27, Title 7 (6 NYCRR 360) Environmental Conservation Law solid waste permit to construct and operate a solid waste management facility;
- Article 15, Title 5 (6 NYCRR 608 – Protection of Waters) Environmental Conservation Law permit for the disturbance of a streambed or banks or excavation in or fill of navigable waters;
- Article 15, Title 5 (6 NYCRR 608 – Protection of Waters) Section 401 Water Quality Certification;
- Article 25, (6 NYCRR 661 – Tidal Wetlands Act) Environmental Conservation Law;
- Article 36 (6 NYCRR 500 – Flood Plain Management) Environmental Conservation Law permit for a facility located in a floodplain;
- Article 17, State Pollutant Discharge Elimination System (SPDES) General Permit (Section 402 of Clean Water Act) for stormwater discharges from construction activities; and
- Coastal Zone Consistency Certification (19 NYCRR 600).

### *1.7.2.2 Department of State*

- Article 42 of the State Executive Law;
- Consistency with Federal Coastal Zone Management Act (15 CFR Part 930);
- New York State Office of Parks, Recreation and Historic Preservation (OPRHP); and
- Consultation under Section 106 (National Historic Preservation Act) and New York State Historic Preservation Act Section 14.09 compliance requirements.

### *1.7.3 New York City*

#### *1.7.3.1 City Planning Commission*

- Consistency with local Waterfront Revitalization Program (WRP); and
- Conformance with the Uniform Land Use Review Procedure (ULURP) for a Site Selection Action will be required in connection with the development of Converted MTSs at the existing MTS sites.

#### *1.7.3.2 Department of Environmental Protection*

- Sewer connection permit under Title 24 of the New York City Administrative Code (NYCAC) and Title 15 of the RCNY; and
- Industrial Pre-Treatment Approval.



## **1.8 Public Outreach Process/Environmental Justice**

### 1.8.1 Introduction

NYSDEC issued policy guidance on Environmental Justice (EJ) and Permitting in March 2003 (EJ Policy). The Policy applies to certain NYSDEC permitting actions where NYSDEC is the lead agency, including the permits for New SWMP Long Term Export facilities sought by DSNY under 6 NYCRR Part 360. This section describes DSNY's enhanced public participation and outreach program (EJ Program), now underway for the New SWMP Long Term Export facility permitting processes that are part of the Proposed Action under consideration in this document. The EJ Program focuses on: the Public Scoping Meetings for the Draft New SWMP DEIS; the Public Hearing(s) that DSNY will hold on the Draft New SWMP DEIS; and the Hearings expected to be held by NYSDEC on the New SWMP facility permits, including permits required to develop Converted MTSs and other potential private waste containerization facilities.

The EJ Policy is being implemented in the potential EJ Communities that are identified in project area maps appended as Attachment A to the Final Scoping Document. These project area maps were prepared using the USEPA database, as prescribed in the EJ Policy, to identify the census block groups with populations that meet the EJ Policy criteria (EJ Community). The project area maps also identify the facilities in the project area that would be included in an environmental burden analysis conducted in the event that significant impacts from the project are found. The maps also provide information about the environmental review analyses to be provided in the DEIS. The EJ Communities would be the focus of the EJ Program described herein. For reference, a copy of the NYSDEC EJ Policy is included as Attachment B to the Final Scoping Document.

The EJ Policy is specifically intended to ensure that the New SWMP Long Term Export facility permitting processes and the environmental review for the New SWMP Long Term Export facilities that are part of the Proposed Action consider EJ issues and promote the participation of EJ Communities in this process. Both the Draft New SWMP, and the facilities to be developed as the New SWMP is implemented, are subject to environmental review pursuant to CEQR/SEQRA. The Converted MTSs also require permits and other authorizations that would be issued by NYSDEC, the USACE and other parties.

## 1.8.2 The EJ Program

DSNY, as lead agency for the DEIS for the Proposed Action, is implementing an EJ Program to provide opportunities for citizens to be informed about and involved in the review of the Long Term Export facility permitting portions of the Proposed Action. The EJ Program described herein includes enhanced public outreach, information dissemination and community meetings accessible to each EJ project area. Upon completion of these activities, DSNY will submit a written certification that it has complied with the outreach plan, and will submit a report detailing activities occurring in each EJ project area.

### *1.8.2.1 Public Scoping Phase*

DSNY, as a basis for enhancing the participation of EJ Communities in Public Scoping Meetings, has completed the following:

- Identified stakeholders to the EJ projects in the Proposed Action (including Alternatives to the Converted MTSs);
- Distributed and posted written information on the EJ projects in the Proposed Action (including Alternatives to the Converted MTSs) and related permit review processes in an easy-to-read format, and translated, as appropriate;
- Complied with the CEQR timetable for advance notice of the Scoping Meetings;
- Established easily accessible document repositories near or in potential EJ Communities at which draft Part 360 Solid Waste Facility Permit applications for the Converted MTSs are available for review by the public;
- Conducted 10 Public Scoping Meetings in project areas potentially affected by the Proposed Action or Alternatives;
- Published all comments received; and
- Issued a summary of comments and responses in Attachment C of the Final Scoping Document.

Because nine of the ten potential Long Term Export facility project areas for the Proposed Action are located within EJ Communities, DSNY implemented the EJ Program in all ten project areas, beginning with Public Scoping Meetings in locations accessible to each of the EJ project areas.

Locations for written information include, but are not limited to:

- Official document repositories;
- Public libraries;
- Community liaison offices within pertinent state and federal agencies;
- Borough halls; and
- Legislative offices.

In addition, the following toll-free hotline has been established: 1-888-NYC-SWMP. Messages are to be documented and substantive comments considered by DSNY.

In the same time frame as the publication of the DEIS, DSNY will submit final permit applications for the Converted MTS projects,<sup>7</sup> addressing all comments received in consultation with NYSDEC. The final permit applications for the Converted MTS projects were placed in the document repositories for public review, along with any NYSDEC Notices of Complete Application or Notices of Hearing that are issued subsequent thereto.

#### *1.8.2.2 DEIS Publication Phase*

The DEIS will identify on project area maps the facilities that potentially place an environmental burden on the EJ Community. The facilities and land uses shown on the project area maps, in addition to the Proposed Action Long Term Export facilities and Alternatives, include private waste transfer stations and major industrial or transportation facilities (including rail yards and DSNY garages) or utilities infrastructure (such as power plants, substations, water pollution control plants [WPCPs], etc.). The maps are not intended to imply that all facilities have the same potential effects on their environs, however, or that potential effects are identical to those impacts predicted for the Proposed Action Long Term Export facilities and Alternatives. The maps serve as a starting point to provide the community with information that may be relevant to the EJ process. As such, they are not intended to depict the type or extent of any environmental burden in the EJ Community.

---

<sup>7</sup> Development of permits (where applicable) for the private transfer stations that are part of the Proposed Action is the responsibility of the companies selected to develop these facilities. These permitting activities will proceed on a separate schedule from the permitting of the Converted MTSs.

If potentially significant adverse impacts are disclosed for a Proposed Action Long Term Export facility in the DEIS, appropriate evaluation of existing facilities in the EJ project area that may impose similar environmental burdens will be presented.

On issuance of the DEIS, enhanced public participation and outreach efforts will continue to provide a flow of up-to-date information that will include the following:

- **One-page topical fact sheets, including frequently asked questions (FAQs):** Distributed and posted on the DSNY website and translated, at a minimum, into Spanish. Other dominant non-English languages will be identified through conversations with stakeholders and materials will be translated, as appropriate.
- **Flyers/mailings:** Copies of mailings and public notices will be posted throughout potential EJ Communities. Mailings will be distributed to stakeholders after the Public Scoping Meetings and prior to the DEIS Hearing (three mailings in total).
- **Public notices:** These notices will be published in mainstream and local newspapers read both by the general public and by residents in potential EJ Communities. Lists of weekly and monthly newspapers will be compiled with the assistance of stakeholders and CD offices.
- **Electronic/websites:** The DSNY website ([www.nyc.gov/sanitation](http://www.nyc.gov/sanitation)) will post project-related documents and information. Other websites (including the New York City Environmental Justice Alliance, [www.nyceja.org](http://www.nyceja.org)) will be invited to link to the DSNY website.

Public information materials are tailored to each EJ Community and: (1) describe the facility permitting activities that are part of the Proposed Action; (2) describe the design and operation of the Proposed Action Facilities, including Alternatives considered; (3) answer FAQs; and (4) present other pertinent information on the permitting process.

### *1.8.2.3 Joint Public Hearing Phase*

The outreach documents have been and will continue to be distributed widely through various mailings and the DEIS Public Hearings that will be held within or near the potential EJ Community where the Proposed Action facilities would be located. These hearings will be Joint Hearings held with the participation of NYSDEC and also invite public comment on the Part 360 Solid Waste Facility Permit applications that will be before NYSDEC for consideration. The Joint Hearings will also be the subject of enhanced, targeted outreach that will comply with CEQR requirements. (Note that any permitting actions for those private transfer stations that are

part of the Proposed Action will proceed on a separate schedule.) It is anticipated that, after DEIS publication and prior to the DEIS Hearing, NYSDEC would issue Notices of Complete Permit Applications for the Converted MTSs that are part of the Proposed Action. Key stakeholders will be informed of the DEIS publication and the Joint Hearings no fewer than two weeks in advance.

This page intentionally left blank.