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**Testimony of Council Member Daniel R. Garodnick on the Application
by the New York City Department of Sanitation
for Permits Relating to the East 91st Street Marine Transfer Station**

Before the New York State Department of Environmental Conservation

New York, NY
October 9, 2007

Thank you to the New York State Department of Environmental Conservation for the opportunity to testify today. My name is Dan Garodnick and I represent the Fourth District of the New York City Council.

I appear before you today to express my strong opposition to the proposal to reopen and expand the Marine Transfer Station (MTS) at East 91st Street as part of New York City's 20 year Solid Waste Management Plan (SWMP). Frankly, I wish this were a plan that I could support, because the City of New York needs to handle its garbage in way that fairly distributes the burdens; that changes our orientation from truck transfer to rail and barge; and, most importantly, prepares us for the burdens that lie ahead. Unfortunately, the 91st Street MTS is a site that is inappropriate by any measure, and will do great damage to the surrounding residential community and its residents. It is for that reason that I cast my vote against the SWMP when it came before the City Council in July 2006.

Let us be very clear: it is neither good nor enlightened public policy to open a garbage station in the heart of a highly populated residential neighborhood that includes numerous public parks, a major recreational facility and the homes of over ten thousand people. According to census data from 2000, 13,500 people live within a quarter mile of the proposed site, including 1,850 children, 1,622 seniors, and more than 1,500 people living below the poverty line. More than 1,400 children live within 5 blocks of the site and 2,200 residents live in public housing just a stone's throw from the proposed location. That alone should disqualify the site.

Consider also the devastating effects the MTS will have on Asphalt Green, a park and recreational facility with 675,000 yearly visits, most frequented by school children and families. The proposal today has ramp entrances and exits running straight through the middle of this public park, compromising its utility and exposing the neighborhood children who play there to needless safety hazards. This too, alone, should disqualify the site.

Furthermore, it is also clear that the Environmental Impact Study did not adequately measure the true impact and necessary mitigation of this proposal. For example, the EIS misjudged the maximum operational capacity of the “converted” MTS at 91st Street – predicting that it will receive only 1,700 tons per day, even though it has the ability to process 5,280 tons per day. The result is that trucks will be forced to queue along York Avenue, a thoroughfare that already has two bus routes, access to the FDR Drive, and a considerable amount of traffic. And as they queue, they will emit gas fumes and the stink of waste as they wait in turn to deposit their load. The environmental considerations are further heightened by the fact that the proposed site is a mere six blocks south from an area widely considered to have the highest rates of asthma and respiratory ailments anywhere in the country. While the DEC draft permit states “there shall be no truck queuing on a public street in association with the operation of the subject facility,” this is inconceivable, as the surrounding areas are already congested during peak delivery hours. This too, should be enough to disqualify the site.

The EIS also lacks basic, fundamental information required by the State Environmental Quality Review Act (“SEQRA”),¹ which requires that Environmental Impact Statements fully assess all adverse impacts and evaluate all reasonable alternatives. The City has failed to consider more appropriate locations for the MTS. Sites in more commercial areas have long been suggested by elected officials and community groups, but have been ruled out without fair deliberation. These sites include (1) West 30th Street and Eleventh Avenue – a site which could make use of the Empire Rail Line to put garbage directly on rail, taking an entire step out of the process; and (2) Pier 76 at West 36th Street, which is appropriately far from residential areas and surrounded by rail yards. We should never put a garbage station in a residential area, ever. But the proposal here is even more inappropriate because of the other credible options that were never fully vetted.

I ask the Department of Environmental Conservation to consider these arguments as you make your determinations. And I thank you for the opportunity to testify today.

¹ See, e.g., 6 NYCRR 617.9(b)(1), 617.9 (b)(2), and 617.9(b)(5)(iii).