

DANIEL R. GARODNICK
COUNCIL MEMBER, 4TH DISTRICT

DISTRICT OFFICE
211 EAST 43RD STREET, SUITE 2004
NEW YORK, NY 10017
(212) 818-0580
FAX: (212) 818-0706

CITY HALL OFFICE
250 BROADWAY, ROOM 1841
NEW YORK, NY 10007
(212) 788-7393
FAX: (212) 442-1457

garodnick@council.nyc.ny.us



THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR
PLANNING, DISPOSITIONS & CONCESSIONS

COMMITTEES
LAND USE
EDUCATION
TRANSPORTATION
PUBLIC SAFETY
STANDARDS & ETHICS
RULES, PRIVILEGES & ELECTIONS
CULTURAL AFFAIRS

**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
Public Notice File Number: NAN-2008-00927-EJE**

Before the U.S. Army Corps of Engineers, New York District

New York, NY
September 16, 2008

Thank you to the United States Army Corps of Engineers (USACE) 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 to oppose the permit application to undertake dredging and other construction work associated with the 91st Street Marine Transfer Station in the East River of Manhattan. As you know, the plans to re-open this facility are part of Mayor Bloomberg's Solid Waste Management Plan (SWMP) that passed the City Council in July 2006. Even though it was approved, it was widely acknowledged that it had serious problems. In large part, that was because of the inappropriateness of the 91st Street Marine Transfer Station, which, if opened, would 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.

We are pleased that you are holding this public hearing to allow the Corps of Engineers to evaluate the various impacts that this Marine Transfer Station would have. According to your guidelines, the benefits of such a project "must be balanced against its reasonably foreseeable detriments."¹ Well, I am here to share with you some of those reasonably foreseeable detriments. There are many.

First of all, this garbage transfer facility would open in the heart of a highly populated residential neighborhood that includes numerous public parks, a major recreational facility and the homes of over 10,000 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 five blocks of the site and 2,200 residents live in public housing just a stone's throw from the proposed

¹ PUBLIC NOTICE, U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT, REQUEST FOR PUBLIC COMMENT AND ANNOUNCEMENT OF PUBLIC MEETING, Aug. 15, 2008.

location. Opening a garbage station so close to all those people will create noise and smell, and pollution; safety hazards because of the traffic; and it will do lasting damage to the existing community.

Furthermore, the facility is set to bifurcate a park and recreational facility with 675,000 yearly visits, most frequented by school children and families. It 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 hazards.

The Army Corps' "Environmental Operating Principles" also instruct the Corps to consider environmental consequences, to mitigate impacts, and to find innovative win-win solutions for all involved.² Unfortunately, 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. 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"),³ 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 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 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. This is in direct conflict with the Corps' principle of providing a "win-win solution" to everyone involved, and provides another example of why it should not approve this permit application.

I ask the United States Army Corps of Engineers to reject the New York City Department of Sanitation's application. By denying their request, the USACE will avoid devastating the surrounding residential community and its residents.

And I thank you for the opportunity to testify today.

² U.S. ARMY CORPS OF ENGINEERS, USACE ENVIRONMENTAL OPERATING PRINCIPLES TRAINING SITE *available at* <http://www.hq.usace.army.mil/CEPA/7%20Environ%20Prin%20web%20site/Page1.html> (accessed September 2, 2008).

³ 6 NYCRR § 617.9(b)(1), 617.9 (b)(2), and 617.9(b)(5)(iii).