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WEBSITE: www.house.gov/maloney

May 9, 2007

Colonel Aniello Tortora
Commander and District Engineer, New York District
United States Army Corps of Engineers
26 Federal Plaza
New York, New York 10278

Dear Colonel Tortora:

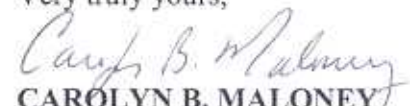
I write to you to follow up on the letter of December 8 (copy enclosed) sent to you by six elected officials expressing our grave reservations about water safety issues arising from the City of New York's application to the Army Corps of Engineers (ACE) in connection with the proposed East 91st Street Marine Transfer Station. Although we have yet to receive a response to that previous letter, I have recently learned of another issue regarding the application that also falls with ACE's purview. This new information makes clear that the City's choice of this particular site raises considerable risks for local residents and New York's waterways.

As discussed in our earlier letter, the City of New York is proposing to build a major garbage-handling facility on land in Manhattan abutting the East River at and around East 91st Street as part of the its proposed solid waste management plan. The City's own official Hurricane Maps, however, place this site squarely within an area the City considers to be at maximum risk in case of a hurricane. The proposed E. 91st Street Marine Transfer Station would be located in what the City terms a "Hurricane Zone A", in which – according to the City's own documents – "the highest risk of flooding from a hurricane's storm surge" exists, denoting any areas in New York City at risk from "ANY hurricane making landfall close to New York City" (emphasis contained in original text of City document). (Please see enclosed copy of official New York City hurricane maps).

I would appreciate it if you would me what concerns ACE would have, first, about siting a marine transfer station in a location that is highly likely to be devastated by a hurricane; second, whether similar concerns would be raised by a lesser storm; and, finally, whether any of these concerns will affect ACE's evaluation of the application. I believe the devastating consequences of the City's ill-considered plan include significant risk of flooding, the possibility of a marine transfer station handling hundreds of tons of garbage on a daily basis being rendered completely inoperable, and the threat that water-borne diseases and bacteria would permeate the surrounding densely populated neighborhood.

I look forward to your responses, both to the previous letter and to this inquiry. Please direct any questions or concerns to my New York Chief of Staff, Minna Elias, at 212 860-0606. Thank you in advance for your attention to the critical concerns raised in both this and my previous letter.

Very truly yours,


CAROLYN B. MALONEY
Member of Congress

Enc.

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14TH DISTRICT, NEW YORK



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Congress of the United States
House of Representatives
Washington, DC 20515-3214

December 8, 2006

Colonel Aniello Tortora
Commander and District Engineer, New York District
United States Army Corps of Engineers
26 Federal Plaza
New York, New York 10278

Dear Colonel Tortora:

As elected officials representing the area in which the City of New York is proposing to open the East 91st Street Marine Transfer Station as part of the City's solid waste management plan, we write to raise serious concerns about the City's permit applications to the United States Army Corps of Engineers (ACE). The transfer station will be built out into the aptly named Hell's Gate section of the East River.

We believe that the permit applications fail to meet the general criteria delineated in ACE regulations that ACE must evaluate when considering whether to grant permits under the terms of the Clean Water Act and the Rivers and Harbors Act. Specifically, we urge ACE to reject the City's applications because the City failed to sufficiently consider the extent and permanence of the detrimental effects that the proposed structure would have on the public and private uses to which this largely residential area is suited. We also urge ACE to examine with utmost scrutiny the City's effort to build permanent structures in the East River in such close proximity to the River's Hells Gate section, a proposal that raises serious safety concerns.

Because the City plans a vast expansion of the capacity of the former marine transfer station, the facility would require a far larger "footprint" in the East River than previously existed. We harbor serious concerns about the siting of an expanded footprint near the Hell's Gate section of the East River, a stretch that is notoriously difficult to navigate. This expanded footprint would threaten to interfere with shipping lanes in this economically and strategically vital waterway. In particular, we fear that the expanded footprint will require vessels to assume a different angle of approach, increasing the possibility of a serious maritime accident. Because of these concerns, we believe the City's permit application should be rejected.

Therefore we join in urging ACE to examine and consider with the utmost scrutiny the City's permit application filed in connection with the marine transfer facility located at East 91st Street and the East River in Manhattan. Should you have any questions or concerns, please feel free to contact Congresswoman Maloney's New York Chief of Staff, Minna Elias, at 212 860-0606. We look forward to your response.

Sincerely,

Carol B. Maloney
 CAROLYN B. MALONEY
 Member of Congress

Liz Krueger

LIZ KRUEGER
 State Senator

Alexander B. Grannis

ALEXANDER B. GRANNIS
 Member of Assembly

Jonathan L. Bing

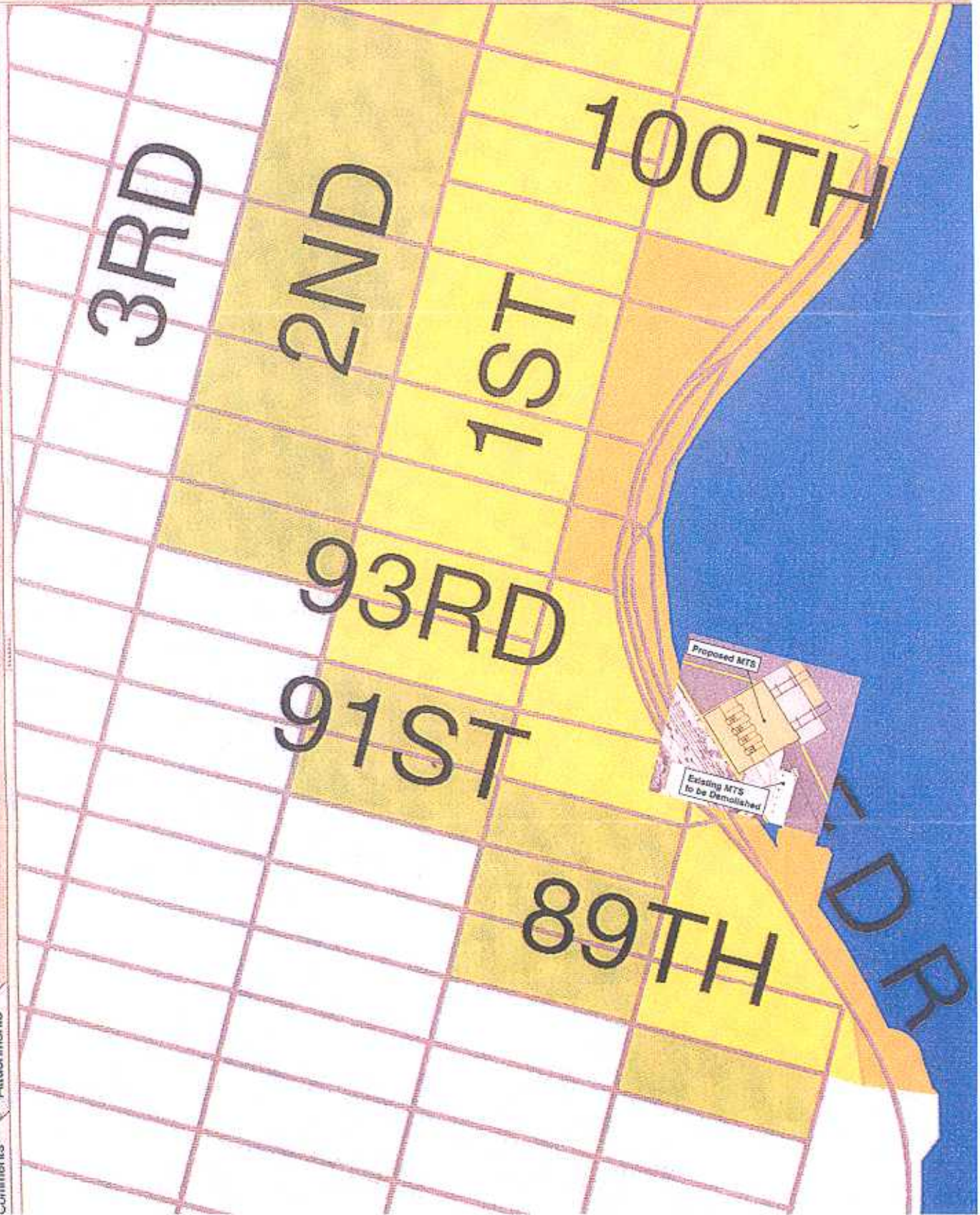
JONATHAN L. BING
 Member of Assembly

Jessica Lappin

JESSICA LAPPIN
 City Council Member

Daniel R. Garodnick

DANIEL R. GARODNICK
 City Council Member



NEW YORK CITY HURRICANE EVACUATION ZONES

How to Use This Map*

1. Determine whether you live in an evacuation zone by using the Hurricane Evacuation Zone Finder at NYC.gov/oem, calling 311 (TTY: 212-504-4115), or consulting this map. If your address falls into one of the City's hurricane evacuation zones, you may have to evacuate during a hurricane.

2. The City strongly encourages evacuees first to seek shelter with friends or family located outside the evacuation zones.

3. If you cannot stay with friends or family, use the Finder, call 311 (TTY: 212-504-4115), or use this map to identify which evacuation center is most appropriate for you. NOTE: Not all evacuation centers are accessible by all modes of transportation. (Visit the MTA's website at www.mta.info or call 718-330-1234 for the latest transit information.)

*Evacuation information is subject to change. For the latest information, visit NYC.gov/oem or call 311 (TTY: 212-504-4115)

Hurricane Evacuation Zones

ZONE A

Residents in Zone A face the highest risk of flooding from a hurricane's storm surge. Zone A includes all low-lying coastal areas and other areas that could experience storm surge from ANY hurricane making landfall close to New York City.

ZONE B

Residents in Zone B may experience storm surge flooding from a MODERATE (Category 2 and higher) hurricane.

ZONE C

Residents in Zone C may experience storm surge flooding from a MAJOR (Category 3 & 4) hurricane making landfall just south of New York City. A major hurricane is unlikely in New York City, but not impossible.

NO ZONE □

Residents who do not live in a hurricane evacuation zone face no risk of storm surge flooding from a hurricane.

LEGEND

EVACUATION CENTER

ZONE

ZONE

ZONE

