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House of Representatives

Washington, DC 20515-3214

June 29, 2007

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Mr. John F. Cryan
Regional Permit Administrator
NYS Department of Environmental Conservation
Region 2 Headquarters
47-40 21st Street
Long Island City, NY 11101

Re: NYC-DOS East 91ST St Mts
2-6204-00007/00013

Dear Mr. Cryan:

As the Member of Congress representing New York State's 14th Congressional district, in which the proposed site of the East 91st Street Marine Transfer Station (MTS) is located, I write to urge the New York State Department of Environmental Conservation (DEC) in the strongest possible terms to deny the application of the New York City Department of Sanitation (DSNY) for a permit to construct and operate this facility. I also join with other elected officials in urging DEC to hold a public hearing on this extraordinarily sensitive plan. There are few issues that are more significant to the quality of life in our community than this terrible plan. Many people who cannot put their concerns on paper would come to testify at a public hearing. They deserve to be heard. Further, community residents and elected officials should be able to share their concerns with DEC and the general public.

In addition to the joint comments filed on behalf of the elected officials who represent this site, I would like to add the following concerns:

Siting Inappropriate

In general, the City's Solid Waste Management Plan makes a point of siting waste transfer stations in commercial areas. The 91st Street site is the only facility in the Mayor's Solid Waste Management Plan that would be located in the heart of a densely populated residential neighborhood. It poses a grave threat to local residents' health, air quality, traffic management and neighborhood open space heavily frequented by school-age children. While I support the effort to reduce truck traffic and increase the use of barges and rail, it seems to me that we lose the environmental benefits of that effort when we force trucks to converge in a congested, dense, residential community.

The area immediately adjacent to the proposed MTS is home to numerous residential towers, a hotel, schools, nursing homes and one of Manhattan's largest public housing developments, Stanley Isaacs Houses and John Haynes Holmes Towers (Isaacs/Holmes). In short, 91st Street is an absurd location for a waste transfer station.

Impact on Large Senior Population

Isaacs/Holmes has an aging population and has been designated a Naturally Occurring Retirement Community (NORC). Within the housing development is one of the Manhattan's largest and most active neighborhood centers, housing a senior center. (The center also provides many services to young people, including afterschool and tutoring services.) It should be noted that children and the elderly are the most vulnerable to diesel exhaust. Why would the City place a MTS that will attract hundreds of trucks a day, adjacent to a NORC, a playground and several schools?

The Stanley Isaacs Senior Center has a diverse membership of 2,000 low-income seniors who speak more than 20 languages among them. On weekdays, nearly 150 seniors go to the center for a hot, nutritious breakfast and lunch, music performances, health and wellness programs, and social and cultural activities. In addition, the Metro North Ratcliffe Citizens Program and the Washington/Lexington Nutrition program are located in the immediate vicinity.

The senior population is less mobile than the general population and could face serious impacts as a result of increased truck traffic. Additionally, they have health issues that are different from that of the general population. It is not clear that any of these issues were taken into account. It is clear that DSNY has not addressed the impact of the MTS on the elderly residents of a NORC, the senior center located within Isaacs/Holmes or the other facilities in the neighborhood that serve seniors.

Burden on the Community

Under the City's proposal, the conversion of the East 91st Street Marine Transfer Station would result in the construction of a facility capable of handling 5,280 tons of municipal solid waste per day. The facility would operate on a 24-hour/6-day-a-week basis, with garbage trucks lining up on York Avenue and entering the MTS at East 91st street. These trucks and the lengthy hours of operation of the facility would together generate increased traffic and noise in the immediate area, which contains large, high-rise public housing developments at Isaacs/Holmes. The residential population of these apartment complexes, entirely comprised of low- and middle-income individuals, would undoubtedly be adversely impacted by the added truck traffic, air pollution, odor and vermin resulting from the proposed facility just a few hundred feet from their doorsteps.

Six blocks from Asthma Capital of NY

The proposed site is located just a few blocks south of Manhattan Community Board 11, where the rates of asthma and other respiratory ailments are among the very highest of any neighborhood in the entire United States. A 1999 Mount Sinai study that shows that East Harlem, which begins 5 blocks north of the MTS site, has an asthma hospitalization rate almost five times higher than the city's average.

Impact on Public Park

Asphalt Green, a park immediately adjacent to the MTS site, serves thousands of children from East Harlem. Asphalt Green is a recreational and sporting facility that hosts tens of thousands of children each year. Under the City's proposal, the entrance road and ramp for the MTS would run straight through Asphalt Green, between open playing fields and the recreational facility's main entrance on the south side and a children's playground on the north side. Not only would the MTS result in increased traffic and noise around the park, but it would also pose a serious health risk to the hundreds of children who play in the park each day – at a very minimum discouraging their use of the facilities. It would be incredibly unfair to these children if the environment around their main recreation area, a place that is supposed to offer them an oasis of green and an opportunity for outdoor play, were in fact to become so foul that it would actually exacerbate their asthma. I hope that DEC will look at the impact of the MTS on the health of thousands of children who use Asphalt Green, as well as the impact on residents in the surrounding community.

Located in Hurricane Flood Zone

The Department of Sanitation's application ignores the fact that the proposed MTS is located in what the City terms a "Hurricane Zone A." According to the City's own documents, this is the precise location where "the highest risk of flooding from a hurricane's storm surge" exists. If a hurricane or other significant storm were to hit, the resultant flooding at a transfer station could cause the densely populated surrounding neighborhood to be permeated by water-borne diseases and bacteria. DEC should consider whether it makes sense to situate a waste transfer station in the center of a hurricane flood zone.

Dredging

In order to accommodate barges and tugboats, the area around the marine transfer station would have to be dredged. I hope DEC will conduct an independent investigation to ensure that there will not be any environmental impact as a result of the dredging.

Impact of Construction of the Second Avenue Subway

The Metropolitan Transportation Authority is in the process of building a subway along Second

Avenue from 99th to 63rd Street. The first contract for the project, relating to the tunneling for the Subway has been awarded, and work under the contract has commenced. This contract requires the creation of a launch box that will stretch from just above 91st street to just below 95th street. I understand that spoils from the digging of the tunnel will be removed at a shaft located at 92nd Street. In connection with the construction, Second Avenue has lost its parking lanes, the sidewalks have been narrowed to 7 feet, and barriers have been erected to prevent people from falling off a curb that is over a foot high into oncoming traffic. The application does not address the impact of the construction of the tunnel on access to the MTS or the combined impact of increased truck traffic to remove the spoils related to the Second Avenue Subway plus increased truck traffic to bring garbage to the MTS.

Although Contract 1 is scheduled to be completed in 2010, a second contract will be awarded related to the construction of the 96th street entrances and ancillary facilities. Among other things, Contract 2 requires the installation of a 60 inch water main along Second Avenue between 91st Street and 99th Street. In my view, it would be impracticable to consider using a marine transfer station at 91st street while construction for the Second Avenue Subway is proceeding. That would mean that the 91st Street site would not be available until roughly 2014. I hope that DEC will evaluate the traffic impacts of the MTS during construction of the Second Avenue Subway, and will note the fact that this community is already reeling from seriously negative traffic impacts.

EIS Should Consider Impact of Congestion Pricing

The Environmental Impact Statement was prepared by the City before the City issued its proposal to turn Manhattan below 86th Street into a "congestion pricing" zone. Such a proposal will certainly place an additional strain on traffic management and parking availability in the neighborhood immediately bordering the congestion pricing zone, which coincidentally is also the area in which the City proposes to build the MTS. DEC should take into consideration and provide a detailed analysis of the effect that congestion pricing will have on the neighborhood surrounding the site of such a massive, six-day-a-week operation as the proposed MTS.

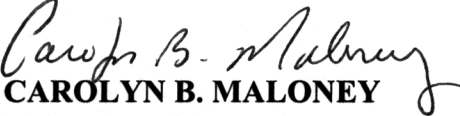
Conclusion

It seems clear that the City has chosen the 91st Street site for the simple reason that a marine transfer station was previously located there. This is not a compelling rationale considering that the original station was built in 1940 at a time when the surrounding area was still heavily dominated by manufacturing. This community is now almost entirely residential, with the few remaining manufacturing or commercial sites quickly being converted for residential use.

DEC has a responsibility for ensuring that all New York residents have a safe environment. It is abundantly clear that this MTS will have a serious negative impact on the residents of the surrounding community. Accordingly, I respectfully urge DEC to deny DSNY's application for a permit to construct and operate a waste transfer station at this particular location. 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 this letter.

Very truly yours,


CAROLYN B. MALONEY
Member of Congress