

CAROLYN B. MALONEY  
14TH DISTRICT, NEW YORK

2331 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3214  
(202) 225-7944

COMMITTEES:  
FINANCIAL SERVICES

GOVERNMENT REFORM

JOINT ECONOMIC COMMITTEE



# Congress of the United States

## House of Representatives

Washington, DC 20515-3214  
January 31, 2005

DISTRICT OFFICES:  
1651 THIRD AVENUE  
SUITE 311  
NEW YORK, NY 10128  
(212) 860-0806

28-11 ASTORIA BOULEVARD  
ASTORIA, NY 11102  
(718) 932-1804

WEBSITE: [www.house.gov/maloney](http://www.house.gov/maloney)

Colonel Richard J. Polo, Jr.  
Commander and District Engineer  
US Army Corps of Engineers, New York District  
26 Federal Plaza  
New York, NY 10278-0090  
By Fax and Mail

Dear Colonel Polo,

I am writing you regarding my opposition to the forthcoming permit application from the New York City Department of Sanitation for the proposed East 91<sup>st</sup> Street Marine Transfer Station, which will be located in New York's 14<sup>th</sup> Congressional District, which I represent. I hope the US Army Corps of Engineers will look closely at the City's application, specifically the Draft Environmental Impact Statement (DEIS), and recognize that it is a highly flawed document that appears to have been drafted to fit a predetermined conclusion rather than to reflect the impact of a Marine Transfer Station on this densely populated residential community. Please note that this facility faces overwhelming opposition from the community and every local elected official.

It makes no sense to site a transfer station in the Gracie Square and Yorkville communities, adjacent to two heavily used public parks. Despite the fact that the DEIS refers to this site as the "Converted MTS", the City is not simply retrofitting the site and reopening the MTS. In truth, the City plans to completely demolish the current MTS and create a new facility that would handle more than four times the solid waste that could be managed by the current station's capacity. If the City intends to build a completely new MTS, it would make more sense to erect it in a non-residential neighborhood, however the Department of Sanitation has refused to look at any alternative sites.

The DEIS the City plans to make a part of its application to the Army Corps of Engineers is woefully inadequate. The impact of the proposed Marine Transfer Station on local air quality, traffic management, pediatric health, neighborhood open space, and public health are examined in cursory fashion, if at all, in the DEIS. Because the site is located within blocks of Manhattan Community Board 11, where the rates of asthma and other respiratory ailments are among the very highest of any neighborhood anywhere in the United States, these impacts must be studied extensively before siting a facility that could potentially have a seriously damaging impact on the health of the residents.

This DEIS fails to examine many other factors that would have a major impact on the surrounding community. Most significant, the proposed facility will be built to process 4,290 tons of garbage per day. The DEIS, however, only considers the environmental impact of 1700-1800 tons of

garbage per day, thereby violating the State Environmental Quality Review Act, which mandates analysis at full capacity. It strains credibility to assume the City will really use less than half of the facility's capacity.

The DEIS also ignores the possible negative impacts on air quality and vehicular traffic caused by the proposed demolition and construction of the current MTS. Similarly, it fails to address specifically how the siting of this massive new facility would affect public usage of the Asphalt Green recreational facilities, which serves tens of thousands of children from around the city. To suggest that there would be no effect on activities taking place at Asphalt Green while construction is underway is either disingenuous or naive. In addition, the DEIS fails to analyze possible odor pollution inflicted by the proposed MTS on recreational facilities and vital open space such as Asphalt Green, Carl Schurz Park and the John Finley Walk on the East River Esplanade, all of which abut the proposed site. The DEIS presents only vague descriptions of the dimensions and appearance of the new MTS and goes so far as to suggest that, although it is projected to be twice the height of its predecessor facility, it will exert no visual impact on the community.

When the original marine transfer station located at this site was first built in 1940, this was still a manufacturing district. Since that time, the residential population has increased exponentially, manufacturing has ended and Asphalt Green has become a park. Indeed, under the current Department of Sanitation siting rules, a private transfer station would not be permitted within 400 feet of a park. It is wrong to set aside those rules for this facility.

Finally, this transfer station would forever undermine the community's ability to make use of the waterfront, both in the immediate vicinity and for quite a distance away. The stench that arises from this facility, the noise from trucks and equipment, and the additional traffic would make it unpleasant for residents to use the waterfront. At a time when the City is moving to revitalize the waterfront, it makes no sense to take this strip away from the community.

I believe that the Department of Sanitation has provided a rather underwhelming case for why an MTS is needed in this densely populated residential community. In my view, the Army Corps of Engineers would be failing in its duties if it issued permits based on this DEIS, especially without any analysis of alternative sites. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Micah Kellner in my district office at (212) 860-0606.

Sincerely,



**CAROLYN B. MALONEY**  
Member of Congress

CBM/mzk

cc: Mayor Michael Bloomberg

John J. Doherty, Commissioner, New York City Department of Sanitation

Council Speaker A. Gifford Miller

Council Member Michael E. McMahan, Chair, Sanitation and Solid Waste Management Committee

Council Member Eva Moskowitz  
State Senator Liz Krueger  
State Senator Jose M. Serrano  
Assembly Member Pete Grannis  
Assembly Member Jonathan L. Bing  
Manhattan Community Board 8  
Manhattan Community Board 11  
Gracie Point Community Council  
East 79<sup>th</sup> Street Neighborhood Association

Please Reply To:  
1651 Third Avenue, Suite 311  
New York, NY 10128-3679