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The East 91st Street MTS Proposal Is Dangerously Misguided

Testimony of Assembly Member Micah Z. Kellner

Before the Army Corps of Engineers
Public Hearing on DSNY Permit Request for East 91st Street MTS
Tuesday, September 16, 2008

My name is Micah Z. Kellner and I represent the 65th Assembly District in Manhattan, including the area that would be affected by the construction of a marine transfer station (MTS) at East 91st Street. Thank you to the Army Corps of Engineers for the opportunity to testify today.

I am here today as an elected representative of a community that is deeply frustrated by a process that has failed them at every step of the way. I ask the Army Corps of Engineers not to fail us, but to listen to this community and understand why, in testimony, petitions, letters, and protests, we have been so vehemently opposed to the construction of a massive marine transfer station at East 91st Street.

The East 91st Street MTS has been proposed as part of a Solid Waste Management Plan that was conceived by the City of New York with admirable intentions – among them, the notion that solid waste management should be distributed evenly across the city, so as not to unduly burden any particular population. But these good intentions have led the City to pursue an MTS siting plan in which ideology trumps reality, in which the City's commitment to an abstract big picture has blinded it to the fact that East 91st Street is, for a multitude of reasons, a completely inappropriate place at which to construct a marine transfer station.

This community has repeatedly pointed out why this is the case: among other things, the proposed MTS would be sited in the midst of a densely populated residential area, would ruin the community's only parkland and recreational space, would violate the city's own noise standards, would increase concentrations of particulate matter in East Harlem, which already suffers from the highest asthma rate in the city, and would further contribute to an already worsening traffic problem.

I believe that it is appropriate for the Corps to take all of these serious negative effects on the environment and the public welfare into account while considering the Department of Sanitation's permit request. But it should be of particular concern to the Corps that the proposed MTS would be sited in an area considered by New York City's own Office of Emergency Management (OEM) to be at "the highest risk from flooding from a hurricane's storm surge." The East 91st Street site falls within OEM's Hurricane Evacuation Zone "A," which according to the OEM "could experience storm surge from ANY hurricane making landfall close to New York City."

This summer we have seen one hurricane after another deliver devastation to coastal areas. We need no reminder as to the kind of destruction these storms can cause, especially when coupled with the rising sea levels projected to accompany ongoing global climate change. The specific threat to New York City is very real. The United States Landfalling Hurricane Probability Project estimates that there is a 99.4% percent chance that the New York metropolitan area will be hit by a hurricane within the next 50

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years – and a 90% percent probability that it will be hit by a hurricane rated Category 3 or higher. The Army Corps of Engineers itself found in a 1990 study that New York was one of the three American cities most vulnerable to hurricane storm surge, along with New Orleans and Miami.

Given these major risks, it would be the absolute height of irresponsibility to place a marine transfer station capable of processing over five thousand tons of garbage per day in a maximum-risk flood zone amidst a densely populated residential neighborhood. As I pointed out last year in testimony to the New York State Department of Environmental Conservation, US Census data from 2000 tells us that within an area five blocks to the north and south, a marine transfer station at East 91st Street would be surrounded by 4,964 children - and a total population of just over 40,000 New Yorkers.

The New York City Department of Sanitation (DSNY) is seeking to place the health of these 40,000 New Yorkers at risk by placing in their midst a marine transfer station at a site that is essentially guaranteed to be subject to significant flooding within the next few decades, thus threatening to spread bacteria and water-borne diseases throughout the neighborhood. If this facility is built, what will we tell the public when the inevitable disaster occurs? That we knew the risks but allowed the project to go forward anyway? We cannot allow such a scenario to occur. DSNY should be considering alternative sites in industrial areas, so that its MTS would not pose the same risks to residential populations as it would at East 91st Street.

The site proposed by the Department of Sanitation is also inappropriate because it would protrude into the difficult currents and very busy shipping lanes of Hell Gate. As Congresswoman Carolyn Maloney pointed out to the Corps in a 2006 letter, an East 91st MTS would have a considerably larger “footprint” than the defunct facility currently at that location and could serve to complicate navigation through the Hell Gate passage. Indeed, the strong currents at Hell Gate have already impeded DSNY’s ability to gather important data regarding the effect of construction at the site on tidal wetland values. DSNY has not presented a complete or accurate study of the potential impacts on marine life including adult finfish and benthic organisms, because it was unable to gather the necessary data given the high current velocities and turbulent flow patterns in the portion of the East River that would be affected. The Department of Sanitation is asking the Corps to approve a permit without sufficiently demonstrating that its facility would not be damaging to the coastal environment.

This is just another example of DSNY’s failure to provide an accurate assessment of the likely environmental impacts that would stem from the construction of its proposed 91st Street MTS. One of the most serious examples, as I and numerous others have pointed out, is the misleading assumption in DSNY’s Environmental Impact Statement as to the capacity of the proposed facility. The proposed MTS would be designed to handle four times as much solid waste as the facility constructed in the late 1930s ever did – 5,280 tons of solid waste per day. Remarkably, the EIS only considered the environmental impact of processing 1,700-1,800 tons of solid waste per day, less than half of the total capacity of the proposed station. The City claims that they will only operate the station at the studied capacity, but this is not credible. If they only planned to operate a 1,700-1,800 tons of water per day facility, they would build a facility where that is the maximum capacity.

The Department of Sanitation’s permit application comes as part of a process designed to achieve a particular policy goal, to ensure that another marine transfer station is constructed in the borough of Manhattan – NOT a process designed to ensure that the MTS is in fact constructed in a safe and appropriate location. East 91st Street is neither a safe nor an appropriate location for a marine transfer station. I ask the Army Corps of Engineers to act, finally, as a truly objective check on a flawed and ideologically-driven City process. The health and safety of 40,000 New Yorkers is at stake. The Corps must deny this misguided application.