

**City Council of the City of New York Land Use Committee  
Subcommittee on Landmarks, Public Siting and Maritime Uses**

**Hearing on "Fair Share at 20 Years"  
April 12, 2011**

**Testimony of Albert K. Butzel and Justin Rodgers on  
Behalf of Greater Jamaica Development Corporation  
On "Fair Share" Effectiveness**

Chairman Lander, Members of the Subcommittee:

My name is Albert Butzel, and I am testifying this afternoon on behalf of the Greater Jamaica Development Corporation. With me is Justin Rodgers, Director of Economic Development for the Development Corporation. We thank you for the opportunity to testify today.

Greater Jamaica Development Corporation is one of New York's oldest not-for-profit local development corporations. Since its founding in 1967, GJDC has stressed economic development as it pursues its community-building mission. The activities of GJDC include planning and predevelopment work, development projects with private developers, administration of government programs in commercial revitalization, and the marketing of the Downtown Jamaica area. It is governed by a Board of Directors of 25 business and community leaders and has some 85 members.

GJDC envisions Downtown Jamaica as a modern and efficient mixed-use regional center offering a pleasant and productive experience for those who work, live and visit here. Over the years, it has made considerable progress in pursuing these goals. In 2007 this Council wisely adopted an extensive rezoning of the Downtown, allowing for Jamaica to benefit from its unmatched transportation infrastructure. However, attracting private capital to Jamaica continues to be a serious challenge. We are

frequently told that the perception of the Downtown is the single greatest obstacle to Jamaica's reaching its potential as an engine for new jobs and economic growth.

Jamaica has also long been the center for the provision of social services for Queens County. We are convinced that the aggregation of special needs populations – particularly the homeless – is THE major contributor to that negative perception.

Jamaica is the home of a disproportionate number of homeless facilities and homeless populations that have been funneled into Downtown Jamaica through City-supported construction, City subsidies and City contracts.

In a recent survey that we made drawing on public records, we found that out of 18 homeless facilities in the 13 community districts of Queens, 10 of them – or just under 60 percent – are located in Downtown Jamaica/Community District 12. Similarly, out of a homeless population of 1,900 families in Queens, 700 – or 37 percent – are housed in Downtown Jamaica/Community District 12. No other community district in Queens has more than two homeless facilities or more than 475 homeless families. Moreover, the public records do not tell the full story, since we know of at least two other private homeless facilities that are located in Downtown Jamaica but were not included on the list we developed.

We come here today to report these numbers as evidence of a situation in which the Fair Share provisions of the New York City Charter and City Planning's Fair Share plans have failed to protect southeast Queens from being home to far more than its fair share of facilities serving the homeless. This, we think, is reflective of the reality of Fair Share in the City; the language include in the charter sets out laudable goals without operational language; neither it nor the City Planning document has accomplished a fair sharing of the shared burdens of homelessness in our City. This is particularly dys-

functional policy in Jamaica – where so much time and attention has been invested recently in planning and rezoning.

This has significant implications for Downtown Jamaica, and it has significant implications for the homeless who are clumped there,

For Downtown Jamaica, there is no question that the prevalence of homeless facilities within a relatively narrow geographical area contributes to the negative perception of the Downtown by visitors, shoppers, office workers and potential tenants and investors. During the day and into the evening, the residents of these facilities are often hanging out on or wandering the nearby streets; their visibility and negative influence exaggerate the impact of their numbers. This, in turn, makes it more difficult to persuade businesses to locate in the area and developers to consider investments in Downtown Jamaica. Spread among other community districts, the impacts would be far less severe.

While we are sympathetic to the needs of homeless New Yorkers, excessive burdens have been imposed on Downtown Jamaica. Clustered together, single homeless adults are easily recognized and easily treated as outsiders. Because of their numbers, they become much more visible, generating a sense of social disorder among other residents, workers and visitors. How individualized can the services provided to these individuals be if they are so greatly aggregated in one geographic area? And what is the impact on these individuals, from a social service perspective, of including them among so many others with similar needs – rather than exposing them to the example of members of society who, despite whatever obstacles life has set in their path, have regularized their behavior and have become fully functioning citizens of Queens. This situation cannot be in their best interest. It is unfair to the Downtown

Jamaica community and it is unfair to the homeless clients to have 60 percent of an entire Borough's homeless facilities and more than 35 percent of its total homeless population clustered together in a single community district and in such a tightly confined area. It is, we suggest, the very opposite of Fair Share.

What is needed then? In our view, what is needed is to add substance to the Fair Share provisions of the Charter. What is needed is legislation that forecloses excessive clustering of homeless facilities and homeless populations. We believe that such legislation could be as simple as placing a percentage limit on the number of such facilities and populations supported in any way by the City that could be located in a particular area, defined by community district. This would not impose on any single district the need to bear some part of the burden, but it would ensure that no single district would bear more of the burden than is just and equitable.

On behalf of the Greater Jamaica Development Corporation, we ask that the Council move to pass such legislation – and make Fair Share meaningful – promptly. The disproportionate burden on Jamaica is causing immediate, tangible harm to this community – with serious consequences for its continuing revitalization and economic opportunity and improved quality of life for all of the people of southeast Queens.

Dated: April 12, 2011

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### Shelters in Queens, NY

Facility	Type	Capacity	Address	CB	Capital Improvements
Westway Motel	Overnight (Family)	121	7111 Astoria	Q1	No work planned
Borden Avenue Shelter	Adult (M)	410	21-10 Borden Avenue	Q2	Kitchen upgrade
Metro Motel	Family (Hotel)	76	73-00 Queens Blvd.	Q2	No work planned
Kings Inn	Family (Hotel)	100	87-02 23rd Avenue	Q3	No work planned
LaGuardia Family Center	Family (Hotel)	45	102-10 Ditmars Blvd	Q3	No work planned
Skyway Hotel	Family (Hotel)	74	132-10 South Conduit Avenue	Q10	No work planned
Best Family Center	Family (Hotel)	77	159-90 Rockaway Blvd.	Q12	No work planned
El Camino	Family (2/0)	144	180-11 89th Avenue	Q12	Bathroom upgrade
Colonial Hotel	Family (Hotel)	55	88-35 161st Street	Q12	No work planned
Hillside House	Family (Hotel)	60	163-03 89th Avenue	Q12	Building upgrade - nearing completion
Jamaica Assess. / Rec. Center	Family (Conditional)	60	175-10 88th Avenue	Q12	Playground
Lincoln Atlantic Hotel	Family (Hotel)	60	90-35 Van Wyck Expressway	Q12	No work planned
Park Family Residence	Family (Hotel)	84	154-00 Rockaway Blvd.	Q12	No work planned
Providence House III	Family (Tier II)	5	159-23 89th Avenue	Q12	No work planned
Saratoga Interfaith Family Inn	Family (Tier II)	225	175-15 Rockaway Blvd.	Q13	No work planned
Jamaica Armory Shelter	Adult (W)	65	93-05 168th Street	Q12	No work planned
Springfield Family Residence	Family (Tier II)	82	146-80 Guy R. Brewer Blvd.	Q13	Building upgrade - in construction
Briarwood Family Residence	Family (Tier II)	91	80-20 134th Street	Q8	No work planned
Housing Bridge		108 (54 units)	170-02 93rd Ave	Q12	No work planned

\* Capacity = number of families except for Housing Bridge which is # of units.

**Testimony of Gigi Gazon, New York Lawyers for the Public Interest before the Subcommittee on Landmarks, Public Siting and Maritime Uses, "Fair Share at 20 Years"**

**Tuesday, April 12, 1:00 PM**

Good afternoon Chairperson Lander and members of the committee. Thank you for the opportunity to provide testimony today. My name is Gigi Gazon, and I am the Community Organizer for the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI). NYLPI is a nonprofit civil rights law firm whose Environmental Justice Program works with communities of color and low-income communities throughout New York City on environmental and land-use matters.

My testimony today will focus on the City's landmark 2006 Solid Waste Management Plan (SWMP) and the Mayor's proposed fiscal year 2012 budget, which would have serious implications for the Plan. While the Charter's Fair Share provisions didn't compel the adoption of the SWMP, the SWMP provides the City's greatest example to date of what a meaningful fair share approach to municipal infrastructure would look like. When implemented, the Plan will move us from a system in which all waste handled in New York City is trucked to and from three low-income communities of color to a system in which infrastructure is equitably located throughout all five boroughs and environmental impacts are heavily reduced by moving waste by barge and rail rather than truck. The key element of the Plan is borough equity and under it, among other things, Manhattan will go from handling no waste at all to handling its fair share of the waste that all New Yorkers create. .

As a cost cutting measure, the proposed Department of Sanitation budget would gut the Plan by eliminating the funding for the construction of several key SWMP facilities:

- The Manhattan East 91<sup>st</sup> Street Marine Transfer Station (MTS).
- The Manhattan West 59<sup>th</sup> Street MTS.
- The Manhattan Gansevoort MTS for recyclables; and
- The Southwest Brooklyn MTS.

Eliminating these Four Marine Transfer Stations would eliminate about 40% of the SWMP's new cleaner capacity for handling waste and continue our heavy reliance on truck-dependent facilities in overburdened communities. The budget would remove borough equity from the Plan by getting rid of every new piece of infrastructure located in Manhattan. Specific negative impacts of the proposed budget include the following:

- Sunset Park, Brooklyn, which has significant existing environmental burdens and agreed under the Plan to host an MTS that handles 3,500 tons of waste per day and a large recycling facility will continue to receive residential garbage that would otherwise go to the Southwest Brooklyn MTS.

- The South Bronx and Williamsburg-Greenpoint, the two communities that handle the great majority of waste in the City, will continue to receive commercial waste that would otherwise go to the East 91<sup>st</sup>, West 59<sup>th</sup> and SW Brooklyn MTSs. In addition the South Bronx will get recyclables that would otherwise go to the Gansevoort MTS.
- All New Yorkers, and in particular those that live on truck routes to and from these communities, will lose the substantial air quality and quality of life benefits that would result from eliminating 6 million truck miles in the City each year through the full implementation of the Plan.

While the budget is still under negotiation, if these cuts remain low-income communities and communities of color will continue to shoulder an unfair amount of the City's waste-related burdens and our greatest "fair share" achievement to date will be undermined. And the fact that this can happen without running afoul of the Charter's fair share provisions illustrates their very limited effectiveness. While we applaud your examination of fair share under the Charter we also ask the members of this sub-committee to insist on full restoration of the Capital Funds for the City's Marine Transfer Stations in the budget.

Thank you, again, for the opportunity to provide this testimony.

**April 12, 2011.**

**Good Afternoon. My name is Sarah Martin and I am Co-Chair of the Morningside Heights/West Harlem Sanitation Coalition and a member of the New York City Environmental Justice Alliance.**

**“Fair Share is the law! No one community shall be burdened with more than its “fair Share” of polluting facilities. Yet the Sanitation Department has recently proposed to postpone the hard fought Solid Waste Management Plan, a plan which assures that ALL communities take care of their Fair Share of garbage. The Mayor promised that this plan would be put into effect. The City Council voted in favor of it. Therefore this DSNY proposal is unacceptable.**

**At the present time Manhattan does not take care of its fair share of garbage. Yet the cutbacks will postpone retrofitting all of the planned Marine Transfer Stations in our borough. Even though Manhattan is our home, we know we must do our fair share. Living in West Harlem, we know what its like to have polluting facilities dumped on your community. This is why West Harlem has an asthma epidemic. Brooklyn, the South Bronx and parts of Queens have an even worse situation. In addition to problems like ours, they have many, unhealthy land based transfer stations. These were supposed to be phased out by the Solid Waste plan. Now the City is saying, “Some other time”. This is unfair and must be changed.**

**As for the idea of building Waste to Energy plants, these are just incinerators with a fancy names. They still emit toxic substances and those very small particles that lodge deep in your lungs and do terrible damage. And where do you think these plants if built will be located? You can be sure they will be put in a low income, community of color. Forget it! This too goes against Fair Share.**

**All of the problems I have mentioned would not have happened if the Fair Share provision of the charter had been stronger. This is why we demand that the City Council strengthen the Fair Share provision of ~~the City Council~~ NOW!**

**Thank you.**



David Shuffler  
Youth Ministries for Peace and Justice  
Executive Director  
Fair Share Hearing Testimony– 4/12/11  
Landmarks, Siting and Maritime Sub-Committee

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Good afternoon, I will like to thank the Landmarks, Siting and Maritime Sub-Committee, for hosting this “Fair Share” hearing to examine testimony on the intent and shortcomings of the NYC Charter’s “fair share” provision.

My name is David Shuffler and I am the Executive Director of Youth Ministries for Peace and Justice, a community based organization located in Councilmember Annabel Palma’s Council District #18. We are directly affected by inequities of fair share being that our catchment area is less than a mile away from the nearest transfer station located in the Hunts Point section of the Bronx.

Founded in 1994, the mission of Youth Ministries for Peace and Justice (YMPJ) is to rebuild the neighborhoods of Bronx River and Soundview/Bruckner in the South Bronx by preparing young people to become prophetic voices for peace and justice. YMPJ’s purpose is to transform both the people and the physical infrastructure of blighted South Bronx neighborhoods and change the systems that negatively impact them. We accomplish this through political education, spiritual formation, and youth and community development and organizing.

In 2006, Mayor Bloomberg and the City Council approved the landmark NYC Solid Waste Management Plan (SWMP), a sweeping overhaul of the City’s waste export system. At its heart, the re-vamped 2006 SWMP was based on principles of fair share and borough self-sufficiency; the SWMP was designed to radically shift the City’s waste export infrastructure from a vastly polluting, truck-based export system ravaging a handful of low income communities of color, to a more environmentally friendly – and equitably sited – barge/rail-based system of waste export. According to projections from the Department of Sanitation, the shift to a more equitably sited barge/rail-based system of waste export would reduce vehicle-miles traveled (VMT’s) within the City by a stunning 5.5 million miles annually.

Fast-forward four years ahead, to today and the Mayor's Preliminary Budget for the Sanitation Department currently strips away the NYC's Solid Waste Management Plan passed in 2006.

This preliminary budget undermines the original goals of:

1. **"Fair Share",**
2. **Equity,**
3. **Environmental responsibility; and**
4. **Sustainability.**

The Preliminary Budget goes further to eliminate all marine transfer stations in Manhattan included in the Solid Waste Management Plan, plus another marine transfer station in Southwest Brooklyn, by delaying capital funding for another 5-8 years. If approved, this proposal almost exclusively concentrates the burden of handling NYC's solid waste in a handful of low-income communities of color in Brooklyn and the Bronx – yet again.

The Mayor's proposed budget delays funding for several key SWMP facilities:

- **East 91<sup>st</sup> St. Marine Transfer Station (from FY 11 to FY 16)**
- **West 59<sup>th</sup> St. Marine Transfer Station (from FY 14 to FY 19)**
- **Gansevoort Marine Transfer Station for recyclables (from FY 13 to FY 18)**
- **SW Brooklyn Marine Transfer Station (from FY 11 to FY 16)**

The City is also considering "waste- to-energy" facilities – most of which rely on incinerator-based technologies and whose siting may be restricted to environmentally overburdened communities of color.

As a live long New Yorker I am here to ask of the city council to call on the mayor to restore funding and live up to the commitments in the solid waste plan (2006). Thanks for attentiveness. I have additional copies of my written testimony for submission.



**WHERE COMMUNITY AND CREATIVITY CONNECT.**

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Tuesday April 12, 2011  
Hearing on Fair Share

Testimony prepared by members of A.C.T.I.O.N.  
**ACTIVISTS COMING TO INFORM OUR NEIGHBORHOOD**

This statement was written by, and is on behalf of, all members of our teen group *Activists Coming To Inform Our Community* (A.C.T.I.O.N.). ACTION is a youth activist program housed at The Point Community Development Corporation (The Point CDC). We are a program for high school students who are devoted to the revitalization of Hunts Point. We work three times a week after-school to identify social and environmental justice issues facing the Hunts Point section of the South Bronx with the goal of creating and implementing ongoing youth-led solutions.

Our role as ACTION is to represent the youth voice in Hunts Point. Most of our members reside in Hunts Point, and because we live in Hunts Point, we all feel the effects of Hunts Point's environmental burdens. We understand that everyone produces waste, needs energy and eats food, nevertheless, the fact that the majority of the city's waste and its production of how food is handled in such a concentrated area is a tremendous injustice. Thousands of trucks come in and out of Hunts Point everyday, which has perpetuated asthma and danger into the culture of Hunts Point. In addition to the smell, it is easy to feel unsafe when crossing the streets.

It is understood that in the City Charter Revision, fair share was discussed and has since been pushed to the side to make room for other problems being handled by the city. That in itself is unfair. From the beginning, if it didn't make sense and wasn't beneficial, it wouldn't have been included in the city charter.

There are plenty of ways to fix fair share and make New York a more environmentally friendly city. Two of the most simple and logical ways are with the Marine Transfer Stations (MTS) and Waste to Energy (WTE) facilities. With MTS, the city can lower its asthma rates because there would be fewer trucks polluting the air and the waste would be transported by water instead of land. MTS also allows the city to honor fair share. In the 2006 Solid Waste Management Plan for MTS, the transfer stations were to be equally distributed throughout the boroughs and together they enable the city with the ability to collect more waste than it does already.

The WTE facilities could be, in theory, a big step in making the city more environmentally friendly. We agree that the conversion of waste to energy is the epitome of recycling. However, we do not agree in the incineration of all waste because burning things can be detrimental to our atmosphere. Another concern of the Hunts Point residents is that all of the WTE facilities will be placed in M3 zones like Hunts Point, adding on to the preexisting burdens faced by our community every day.

Fair share is a necessity to the sustainability of this city and Hunts Point. We strongly urge our elected officials to acknowledge the burdens faced by our community and fix fair share. It would lessen the burden on Hunts Point and our lives. Thank you.

Makela Elvy  
A member of ACTION



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Tuesday April 12, 2011

New York City Council Hearing on Fair Share

Comments prepared by  
**THE POINT COMMUNITY DEVELOPMENT CORPORATION**

THE POINT COMMUNITY DEVELOPMENT CORPORATION is a nonprofit organization dedicated to youth development and the cultural and economic revitalization of the Hunts Point section of the South Bronx. We believe the area's residents, their talents and aspirations, are The Point's greatest assets. Our mission is to encourage the arts, local enterprise, responsible ecology, and self-investment in the Hunts Point community. The POINT is a member of the New York City Environmental Justice Alliance and the Organization of Waterfront Neighborhoods.

In our role as a community development agency, we strive to represent the voices of our communities and communicate needs and solutions that will improve the overall quality of life of our neighbors. We are here today to once again make the case for equity and justice as it pertains to our communities. You will hear many testimonies today about stats and data related to public and environmental health. I would like to offer the community's point of view by presenting the narrative and timeline of the waste industry in the South Bronx, as both a testament to all that has been done to achieve equity and as a reminder of all that we have yet to accomplish.

In 1989 the city charter was amended to include language on fair share, and our neighborhood saw hope for alleviation from the many burdens that we faced. But just as quickly the Department of City Planning created a rule around the required annual Statement of Needs, by allowing the City to propose any facility siting or expansion whenever it chooses simply by filing an amendment to the previously approved Statements of Needs, thus making the entire process toothless and meaningless. A few years later, we became the unfortunate and unwilling hosts to NYOFCo, a privately-owned sewage processing plant that polluted our air and emitted noxious odors for the next 16 years. This happened while a DEP sewage treatment plant was already located two blocks away, and one that would undergo expansion a decade later. A few years after NYOFCo, when Fresh Kills was scheduled to close, we saw a proposal by American Marine Rail for a massive waste transfer station that would bring most of the displaced garbage to our waterfront in Hunts Point. The proposed location was just yards away from NYOFCo, the community fought back and we were able to stop that facility. But when Fresh Kills did close and the waste handling system was further privatized, we saw an immediate influx of 15 waste transfer stations find their way to the South Bronx in community districts 1 and 2.

And this is just waste. Let's not forget that we are talking about the same neighborhood that was destroyed by Robert Moses for the city's transportation infrastructure, that houses that largest food distribution center in the world for the city's food infrastructure, that also has a power plant for the city's energy infrastructure, that until recently was the location of 4 incarceration facilities for the city's corrections infrastructure, and that sees over 15,000 diesel trucks enter its borders every day because it is one of the only remaining industrial parks in our city. The Point, along side countless allies (OWN, NYC-EJA) have made progress over the years, but it was

always hard fought.

In 2006 we thought we would see some relief. It was a Herculean task, but through a tireless effort from environmental justice groups across the city and elected officials we got both the City Council and the Mayor to pass the Solid Waste Management Plan. We were told our waste handling system would be modernized and made more efficient. Garbage would move by barge and rail instead of trucks, and most importantly, every neighborhood would handle their fair share of trash. In this same year we saw the official release of the South Bronx Greenway master plan to bring new parks, open space, safer streets and waterfront access.

So you can imagine our shock when the very same administration we stood beside in 2006 released the recent budget proposal to delay all funding for implementation of the Solid Waste Management Plan. At the same time there is a stated interest to look into waste to energy facilities for New York City, which has historically been another term for incinerators, which more often than not, wind up in our communities. Look at this from our point of view, when the latest Waterfront Revitalization Plan maintains the designation of our neighborhood as a Significant Maritime Industrial Area, that consequence, despite the intention, is that should a WTE facility exist it will only be able to be permitted in our neighborhood or other overburdened SMIA's like it. If the city can simply burn its trash for energy, what incentive is there to waste less, and to increase recycling? How are we back having this same conversation all over again when plans like PlaNYC 2030 are supposed emphasize our city's commitment to sustainability?

We are not sure where this is coming from but we are asking the Mayor and the Council to remember where they came from on this issue! We may be on a 24 hour news cycle but we will not forget a city backing away from a promise made to its most marginalized communities. We're here to remind that we have been through this before, we've already found solutions together, and they must be followed through on.

If you truly care about fair share you would demand a full restoration of capital funding to implement the Solid Waste Management Plan. Delayed funding might as well be no funding at all, because by the time it comes due the mayor and the city council who passed this historic legislation will all have moved on. The Council has the power to pass legislation to strengthen fair share by mandating all facilities sitings, expansions, and reductions be properly identified in the Annual Statement of Needs without exception and would include all true indicators of burdens, such as relevant health data, numbers of Brownfield's, highways, air quality, etc) for communities. Technology advances since 1989 make such indicators readily available & vital in assessing burdens. For example, the City should prepare GIS maps that show where there are federal Toxic Release Inventory (TRI) incidences - TRI data refers to the EPA's findings of where there are "toxic releases". The City should also provide single maps for EJ communities that overlay air quality averages by the NYC Dept. of Health (now that they have local air monitors), as well as other city agencies that have permitting/enforcement authority over environmental and hazardous exposures like DEP and FDNY. Rarely if ever is the environmental impact of a single facility at issue, but rather it is the cumulative impacts of the unfair share of city infrastructure that our neighborhoods have to shoulder.

Thank you for your time and careful consideration.

Respectfully,  
Kellie Terry- Sepulveda  
Executive Director



# THE CITY OF NEW YORK COMMUNITY BOARD SIX

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## TESTIMONY TO THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES "FAIR SHARE AT 20 YEARS"

APRIL 12, 2011

### Problems and Challenges:

Exemptions. Federal, State and certain contracted services and facilities are exempt from Fair Share. This can, and has, led to a clustering and lop-sided distribution of services in certain service areas. For example, the New York State Office of Alcoholism and Substance Abuse Services (OASAS), oversees the State's methadone maintenance programs. If you were to look at where these services are located there are communities that do not have any direct access to this vital service, and communities that have multiple facilities in their community districts. Every single community has some level of demonstrated need for this service. Doesn't every community have a social obligation – a responsibility – to provide a level of service proportionate to their demonstrated need?

Why are Federal, State and certain contracted services and facilities exempt from a fair share *analysis*? Even if these agencies aren't subordinate to City government, shouldn't City government still have some responsibility for performing an analysis and making its findings publicly known? Perhaps if such an analysis were performed and shared publicly the Federal and State agencies in particular would be more inclined to follow the principles of fair share even if they were under no obligation to do so.

Enforcement. What penalties exist for failure to follow or use the City's fair share criteria. There are no Charter police. If a group believes the City failed to apply fair share criteria, and the City disagrees, the only recourse is to sue the City as an Article 78 challenge. And if a suit is successful what would it accomplish? It would not reverse the decision of a City agency it would only force them to provide further written justification. There is no enforcement mechanism to ensure that the spirit of fair share is upheld in good faith by government, but there should be. While enforcement still won't guarantee that a good faith effort will be made, at least there would be some consequence when a City agency fails to act.

Rebalancing Services. In recent times some City agencies has selectively opted to ignore not only fair share criteria, but also other public planning tools that were similarly created to keep the public engaged in the process with the City such as the Citywide Statement of Needs, to deal with some of the difficult budgetary decisions being made by agencies. Under the last Administration my community had to deal with the reality of a fire engine company closure,

which was announced and would have been implemented without a fair share analysis which only came after we demanded one. In the end the agency prepared the analysis simply to satisfy the process, rather than to engage in the spirit of public planning.

Currently, my communities have been dealing with announced closures of day care centers and senior centers, all of which are being presented as agency decisions or pronouncements, before any public engagement process has even begun. Neither the Administration for Children's Services nor Department for the Aging had contacted us about their decisions to close facilities before announcing their plans to the public. We read about these decisions in the media first. Technically, these decisions are subject to the fair share criteria. Practically, the agency heads chose to ignore the criteria in reaching their decisions.

Twenty years ago, fair share was off to a good start. It offered the public a transparent way of engaging in a public planning process that had common guidelines, a structured framework, and produced predictable products. But if we don't apply the lessons we've learned and update it to reflect our practical experiences over the last 20 years then we should expect to see the rift between the public and government grow further apart. Government decisions about services will be increasingly made based on budgetary conditions rather than rational planning decisions. Agencies will continue to make decisions without engaging the public as part of a rational planning process. And communities will continue to experience an oversaturation and now even a vulnerability when services are added or subtracted to their districts respectively.

Thank you for starting this conversation. It reflects a need to revisit some of the provisions of the 1989 City Charter Revisions, which were cutting-edge in their day, but that was a full generation ago. I'm hopeful that today marks a new beginning, and I stand ready to continue to contribute to this discussion as it unfolds.

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# **Pratt Center** **for Community Development**

## **Fair Share Begins with Fair Planning: Tools for Integrating Public Policy**

**Testimony to City Council Sub-Committee on Landmarks, Public Siting and Maritime Uses**

**Elena Conte, Organizer for Public Policy Campaigns**  
**April 12, 2011**

Good afternoon. My name is Elena Conte and I'm the Organizer for Public Policy Campaigns at the Pratt Center for Community Development. Thank you for the opportunity to revisit the issues that many of us had hoped would be taken up more fully by the Charter Revision Commission last fall. Voter approval to expand the map and text for facility siting to include some waste and transportation facilities run by private, state, and federal entities was an important step in the right direction. It was a clear signal that the New Yorkers recognize both the basis in principle of Fair Share, and the need for updated methods that will enable the City to make more equitable and informed decisions.

There is tremendous need for improvement. Our testimony focuses on:

- current consequences of inadequate Fair Share methodology and the lack of a holistic planning approach
- ways to update both the Criteria and the Fair Share Guide for City Agencies to reflect current standards;
- ways to ensure that the City's decision-making process can benefit from both new technology and existing data;
- the need to connect Fair Share decisions to a more comprehensive approach to planning for the City in general.

### **Marine Transfer Stations – Reneging on a Fair Share Commitment**

We'd like to take this opportunity to strongly urge the Mayor and Department of Sanitation to restore funding for the retrofit of Marine Transfer Stations in this year's capital budget. Delaying funding for Marine Transfer Stations in Manhattan and South Brooklyn – the locations that currently do not transfer any waste – effectively guarantees that the communities that are currently overburdened by waste transfer stations and their attendant negative health impacts – in the South Bronx, North Brooklyn and Southeast Queens –will remain that way. This runs contrary to the framework for balance and equity passed by this body in the 2006 Solid Waste Management Plan and delays relief so far into the future as to remove any accountability by the administration for failing to deliver on its commitment. In the meantime, asthma rates in the overburdened communities remain among the worst in the city. This proposal demonstrates how easy it is for privileged interests to thwart hard-fought, collaborative plans for equity and highlights the underlying issues that make Fair Share reform so desperately needed. And the failure of NYC to sustainably handle its own waste has opened the door to proposals for waste-to-energy facilities which, if they advance, would undoubtedly be subject to siting battles.



### **Giving Fair Share Teeth**

NYC's Fair Share criteria and procedures are out of date and out of touch. They are based on limited 20<sup>th</sup> century tools that are now insufficient in their ability to understand existing burdens and protect against future burdens, especially environmental ones. Originally geared toward a social service issue, ever since the Criteria went into effect in 1991, we've been reverse engineering Fair Share to address environmental impacts without the tools for doing so.

Currently, agencies are required to measure the impact of facilities by virtue of a loose examination of their geographic distribution among neighborhoods. Agencies are narrowly required to examine the compatibility of a proposed facility or expansion with existing facilities in the immediate area. They are also required to examine how facility sitings impact vaguely-defined "neighborhood character" – language that perverts the intent of Fair Share by justifying the further concentration of facilities in already-burdened areas. In actual agency practice, Fair Share criteria have been rendered practically meaningless in achieving their intended results.

There are a number of straightforward, obvious changes that would strengthen Fair Share requirements. These include:

- updating the Fair Share Criteria Guide for the first time since 1998 to utilize new informational tools like PLUTO, 311 data, census data, and Community Health District Profiles
- Closing loopholes that enable agencies to suggest new and expanded facilities outside of the annual Statements of Need process.
- Expanding the facilities required to be listed in the Atlas of Facilities to include all polluting facilities and infrastructure, including power plants, highways and other categories excluded from the recent Charter change.
- Updating mapping guidelines to enable use of Geographic Information Systems (GIS) as part of the analysis.

These changes and more could be incorporated specifically into the Fair Share process without a Charter change were the Mayor to charge the appropriate, willing and progressive agency with promulgating updated rules. However, the underlying issue of incorporating public health considerations into a variety of decisions, including a community's ability to plan and advocate for itself extends beyond Fair Share alone - and could be supported more directly by the Council through legislative action.

### **Public Health in Fair Share and Beyond**

Contemporary environmental and public health science, as well as common-sense holistic thinking, demands that we understand that polluting facilities have public health impacts, and that these ought to be taken into account if we are to make smart public policy. The tools we now have available to us—sophisticated data collection, electronic mapping, and spatial analyses—all employed by the City of New York in various ways—can be brought to bear in Fair Share analysis to ensure more socially equitable distribution of polluting facilities. We're now able to examine not only the geographic distribution of facilities, but also the geographic concentration of public health impacts and to juxtapose that with extensive demographic data on other types of social vulnerabilities. Data can help distinguish real environmental justice claims from NIMBYism and fair planning decisions help facilitate growth in a sustainable way. And equitably sharing the

environmental and public health burdens of New York City's growth ultimately gives all of us a stake in reducing those burdens.

NYC has much to learn from ways that other cities are integrating health information into their development decision-making and the ways that Health Impact Assessments and similar models are being used elsewhere to gauge and track environmental impacts of development and inform siting decisions. Perhaps the most noted example of a municipality explicitly declaring the connections between planning decisions and public health outcomes and creating a mechanism to link the two is San Francisco's Healthy Development Measurement Tool (HDMT). In effect since 2007, the HDMT establishes a set of metrics to evaluate the extent to which land use plans, projects, or policies will advance human health in San Francisco. These elements include: 1) environmental stewardship;; 2) sustainable and safe transportation;; 3) public infrastructure; 4) social cohesion; 5) adequate and healthy housing; and 6) healthy economy. Each element is accompanied with measurable objectives and data sources, looking at more than 100 different types of indicators.

A Pratt Center review of these indicators simplified them, and found that fully half are now collected in the same or similar metric or scale in New York City as in San Francisco; the remaining half could easily be extrapolated from the rich and extensive data already available in NYC. The difference is that in NYC we are not effectively even consulting this data to when making decisions, let alone requiring that the insights from available data be meaningfully taken into account to guide our choices.

New York lags behind other cities in both the availability and accessibility of this data, as well as in our lack of accountability of decisions to data. To perform our review, the Pratt Center had to sift through dozens of different websites, a considerable effort even for a trained professional staff. For a member of the public at large or a community group, relevant public health data is effectively rendered unavailable by agencies' hoarding of information gathered at taxpayer expense.

The data that should inform planning decisions ought to be publicly available in an easy-to-access format in one place, and collected and disclosed at a scale that is meaningful to communities. This trend is supported by the emerging practice of Health Impact Assessments – an analysis that uses a variety of techniques to investigate the public health impacts of a proposed policy, project, or program. Popular in Europe, these analyses are increasingly being performed in the United States, with close to 100 having been carried out to date<sup>1</sup>; six states have introduced or passed legislation requiring or supporting them, with the greatest leadership coming from California and Minnesota.<sup>2</sup> And their application extends beyond siting decisions – for example in Los Angeles, an HIA of a proposed Living Wage Ordinance revealed that the measure could be modified to include an insurance provision to reduce mortality more effectively than a wage provision alone.<sup>3</sup>

Recently, NYC has made important strides moving in this direction. Through an initiative from the Center for Disease Control, the Department of Health and Mental Hygiene has launched the Environmental Public Health and Sustainability Tracking Portal.<sup>4</sup> Yet the Portal still relies on City

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<sup>1</sup> As revealed by a the voluntary Health Impact Assessment Clearinghouse managed by UCLA

<sup>2</sup> Ibid <http://www.hiaguide.org/legislation>

<sup>3</sup> Projected Health Impact of the Los Angeles Living Wage Ordinance <http://jech.bmj.com/content/59/8/645.abstract>

<sup>4</sup> Available at <https://gis.nyc.gov/doh/track/>

agencies to voluntarily update and send current information, the set of users remains limited and perhaps most importantly, the information available there is still segregated in the “Public Health” realm and there is no direct way to connect information available there to environmental disclosure documents required by the City or State Environmental Quality Review acts, as part of the Fair Share analysis required by Charter, or any other decision-making process by local elected officials, for that matter. The progress made by DOH supports the feasibility of performing Health Impact Assessments in NYC by making them cheaper and easier to perform.

But leadership by the Council is necessary to speed progress in this arena and to keep New York competitive with cities on the West Coast and in the U.K. Improvements hinge on:

- Facilitating, and where necessary, mandating the disclosure of all available data into the Portal.
- Expanding the mandate and functions of the Portal to include tools that allow for the data housed there to be easily applied by agencies and the public to siting and development decisions.
- Developing a “warning system” for environmental burdens, based on measurable indicators tracked over time. This could be based on the pioneering work of the Cumulative Impacts Screening Method being developed by Environmental Justice experts Manuel Pastor, Jim Sadd, and Rachel Morello-Frosch.<sup>5</sup>

### **Going deeper to Comprehensive City Planning**

New York has fallen behind other cities, such as Portland, Seattle, San Francisco, London, and Porto Allegro by failing to build equity, transparency, and accountability into its planning process. Connecting Fair Share to a comprehensive city planning framework would provide both an overarching “vision” of the city, and early indication of growth areas and sectors, and concomitant demands for increased infrastructure such as sewage treatment plants, sanitation facilities, and bus depots, for example. Without a comprehensive planning framework, the benefits and burdens of New York’s growth will continue to be distributed based on communities’ relative privilege and power. Equitable decisions about development, preservation, and the location of noxious uses will never be priorities in managing growth, and the most vulnerable New Yorkers will continue to pay the highest price for keeping our city globally competitive.

A citywide planning framework built on the foundation of established City Council policies and community-based plans and created through a participatory process will go a long way toward ensuring that decisions made about development are transparent and rooted in public policy. With a planning framework in place, for example, zoning can be more clearly and directly linked to planning; economic development proposals can more directly and transparently connected to economic development goals; and the public and decision-makers will have a powerful tool in place to examine private, state, and federal proposals in light of citywide goals.

We look forward to working with the Council to advance these goals.

*NOTE:* This testimony was prepared by the Pratt Center for Community Development. It does not necessarily reflect the official position of Pratt Institute.

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<sup>5</sup> More information available: [http://dornsife.usc.edu/perc/projects/cumulative\\_impacts.cfm](http://dornsife.usc.edu/perc/projects/cumulative_impacts.cfm)



NATURAL RESOURCES DEFENSE COUNCIL

**Statement of the Natural Resources Defense Council**

**Before the New York City Council**

**Subcommittee on Landmarks, Public Siting and Maritime Uses**

**Re: Fair Share at 20 Years**

**April 12, 2011**

Good afternoon Chairman Lander and members of the Subcommittee.

My name is Eric A. Goldstein and I am the New York City Environment Director of the Natural Resources Defense Council (NRDC). As you know, NRDC is a national, non-profit legal and scientific organization, which has among other things paid particular attention to environmental issues in urban areas including New York City. For more than four decades, NRDC has focused on improving air quality, protecting our rivers and bays, reducing environmental health threats from lead and other toxins, securing additional parks and green spaces, safeguarding our drinking water and insuring that all city residents are protected from undue environmental burdens and that all have the opportunity to enjoy quality-of-life amenities that make New York City a great place to live.

I am pleased to be here today to share NRDC's preliminary thoughts on how the City Charter's Fair Share provision is working after 20 years.

As you know, the Fair Share provisions that are the subject of today's hearings came into being as a result of the 1989 Charter Revision Commission changes, which were adopted in the wake of a United States Supreme Court ruling declaring the City's old Board of Estimate in violation of one-person, one-vote and therefore unconstitutional. Mayor Ed Koch appointed a charter revision commission, headed by former Corporation Counsel Fritz Schwarz, to make recommendations for addressing the Board of Estimate infirmities and for proposing other changes that would improve governmental administration.

Among the wide-ranging changes recommended by the Commission was a provision mandating that the City Planning Commission adopt new criteria for the siting of city facilities. The new charter, which was approved by city voters in 1989, specified in Section 203 that "(t)he criteria shall be designed to further the fair distribution among communities of the burdens and

benefits associated with city facilities, consistent with community needs for services and efficient and cost-effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites.”

In response, the City Planning Commission adopted its criteria in 1990. Among other things, the Criteria discuss the factors to assess when regional or citywide facilities are being sited or expanded. The criteria suggested for such projects, set forth in Article 6, include: the need for the facility; the distribution of similar facilities in the city; the size of the facility, the adequacy of streets and transit in the proposed area; the concentration of facilities providing similar services; the availability of support services for the facility; whether the facility in combination with other facilities would have a significant cumulative negative impact; whether the site is well located for efficient service delivery and whether alternative sites were considered.

It is beyond the scope of this brief statement to provide a detailed assessment of the success of the Fair Share provision after 20 years. Suffice it to say that, while it was certainly prepared with the best of intentions and while it has had a beneficial impact in terms of elevating the topic in public discussions and individual project reviews, the hopes and desires of those of us who strongly supported this charter reform have not been completely fulfilled.

Part of the reason for this mixed assessment may be that we simply had an unrealistic expectation that a policy guidance document would have the force of law and would be aggressively and comprehensively applied to all projects, across-the-board. Part of the reason may be the historic tension between the concept of zoning -- which often seeks to locate facilities with similar uses in one area -- and the fair share principle. But part of the reason is also the continuing unresponsiveness of government to certain political constituencies in New York City -- usually those living in poor neighborhoods or communities of color -- who simply have less political clout and influence.

A good example of an issue where the Fair Share provision has yet to secure long sought equity is in the siting of environmentally undesirable solid waste facilities. As you know, when the Fair Share provision was adopted the certain neighborhoods, especially those in the South Bronx and Brooklyn, were facing growing problems from commercial waste transfer operations. These facilities were becoming major environmental nuisances, with large volumes of diesel trucks rumbling in and out of these facilities at all hours in the day and night and bringing noise, traffic and air pollution to their less powerful neighbors. In some instances, these facilities actually used public streets to dump and sort their mountains of trash. Disproportionately, these localized pollution hot spots were concentrated in neighborhoods without the political power to get the facilities closed or even to secure aggressive environmental enforcement. And when the Fresh Kills landfill closed just over a decade ago, the volume of waste that was sent to these facilities increased as part of the city's "interim" plan for handling trash export.

Today, the city continues to rely on 59 privately operated transfer stations, which continue to be located primarily in the same neighborhoods they were two decades ago. Efforts to complete the modern Marine Transfer Stations, which were promised in the 2006 Solid Waste Management Plan, have had only limited success. While facilities on Staten Island's North Shore and at Hamilton Avenue in Brooklyn are moving forward, the Administration's 2012 Preliminary Budget would postpone plans for completion of Southwest Brooklyn, East 91<sup>st</sup> Street, Gansevoort and West 59<sup>th</sup> Street into 2016 to 2019. And as if this weren't enough, we continue to hear reports that the forthcoming 2.0 version of PlaNYC could pave the way for a new generation of incinerators or similar thermal waste handling facilities. Already overburdened communities of color in New York have every reason to suspect that the first place such a facility might be planned for would be one of their neighborhoods.

We fully understand the complexity of siting virtually any environmentally undesirable facility in New York City. And we understand the overall public need to continue to find solutions for the wastes we generate and that such solutions may indeed involve the siting of new facilities within the five boroughs. But we also believe that, until the promise of the Fair Share provision is fulfilled with respect to waste facilities, city officials must make even more concerted efforts to insure that the fundamental goal of equity and justice are achieved before new waste plants are located in the city's overburdened communities.

We look forward to working with you, Mr. Chairman, and with the City Council and the Administration, as efforts to realize the promise of Fair Share move forward in the coming year.

# **INCINERATION 2.0: A Bad Idea for New York**

The Bloomberg Administration reportedly intends to seek “Requests for Expressions of Interest” for waste-to-energy facilities in New York City to handle the city’s solid waste.<sup>1</sup> Waste-to-energy (WTE) is a broad term that includes a wide variety of processes, from tapping landfill gas to composting animal manure to produce methane. However, it most commonly refers to technologies that produce electricity from burning garbage. Time and time again, New Yorkers have stood up and said “NO” to garbage incinerators polluting our communities.

## **INCINERATORS 2.0 - Newer versions, same problems**

Many of the newer WTE technologies, like gasification, pyrolysis, and plasma incineration, are promoted as “modern” alternatives to conventional mass-burn incinerators. In fact, all of these technologies, when using mixed solid waste, are considered incineration by both the U.S. Environmental Protection Agency<sup>2</sup> and the European Union.<sup>3</sup> In very simple terms, while mass-burn incinerators burn mixed waste in a single chamber to produce electricity, gasification, pyrolysis and plasma incinerators first use heat to convert waste into gas (and sometimes solids) and then burn it.<sup>4</sup> Because of this multi-step process, these technologies are often referred to as “staged incinerators.” **The newer versions pose the same threats to our health, our communities, our economy, and our environment as the older garbage incinerators do – and in some ways they are even worse.**

## **UNSAFE → Burning garbage releases harmful emissions into the air we breathe**

Burning municipal solid waste (MSW) can release harmful emissions into the air, including particulate matter, volatile organic chemicals (VOCs), heavy metals, mercury, acid gases, and dioxins and furans, which are extremely potent carcinogens that are generated during the combustion process. Studies show that the new generation of staged incinerators emit comparable levels of toxic emissions as conventional mass burn incinerators.<sup>5</sup> In fact, a pilot pyrolysis incinerator in southern California generated dioxins at twice the rate of two nearby garbage incinerators in Los Angeles.<sup>6</sup> Significant new health concerns have been raised about emissions of ultrafine particles, including lead and other toxic metals, which cannot be captured by air filters. When inhaled, these particles can lodge deep in the lungs, enter the blood stream, and raise the risk of heart attacks, cancer, and neurological disorders.<sup>7</sup> In addition, many toxics end up in wastewater, ash, or slag that must then be treated and disposed of.

## **UNPROVEN → The newer incinerators have not been proven commercially viable.**

Staged incineration technologies have not yet been successfully demonstrated in the U.S. in an economically viable, environmentally protective, commercial-scale operation.<sup>8</sup> Their record here and abroad has been plagued with operational problems including malfunctions, explosions and shutdowns. Serious accidents resulting in the uncontrolled release of incinerator gases have taken place in Germany and elsewhere, and numerous gasification, pyrolysis, and plasma arc incinerators never made it past the design stage or have had to be permanently shut down.<sup>9</sup>

## **UNWISE → Burning garbage is the most inefficient and expensive way to generate energy.**

Garbage is a dirty and inefficient fuel. According to the federal government, garbage incinerators have the highest capital and operating costs of any type of power plant.<sup>10</sup> In many communities saddled with these costly white elephants, local citizens and taxpayers have been

faced with steep rate hikes and tax increases. For instance, Harrisburg, Pennsylvania has one of the lowest credit ratings in the country and is on the verge of bankruptcy after borrowing \$125 million to expand and upgrade its garbage incinerator in 2003.<sup>11</sup> The more complex staged incineration processes are likely to be “significantly more expensive” than conventional incinerators.<sup>12</sup> In addition, the newer technologies appear to be even less efficient than mass-burn incinerators when it comes to generating electricity.<sup>13</sup> Most municipalities have rejected WTE based on costs profiles alone.

**UNSUSTAINABLE → Recycling saves more energy than burning garbage generates.**

Burning garbage produces neither clean nor renewable energy. Recycling waste saves 3-5 times the energy that burning waste generates. In addition, garbage incinerators release more greenhouse gas emissions than coal-fired plants. Sustainable policies put waste prevention and recycling at the top of the waste management hierarchy. But incinerators need to be “fed” with a steady stream of waste and therefore compete with recycling programs for both funding and materials. Nearly 90% of the waste stream can be recycled or composted.<sup>14</sup> While New York State is only achieving a 20% recycling rate, San Francisco – which has committed to a zero waste goal by 2020 – is already diverting 72% of its waste stream. This is the sustainability goal that New York City should be striving for.

*For more information, contact NYPIRG at 212-349-6460*

*4/11/11 Draft*

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<sup>1</sup> Courtney Gross, “Administration Considers Waste-to-Energy,” *Gotham Gazette*, March 23, 2011.

<sup>2</sup> 40 CFR Part 60 Subpart eb 60.51b.

<sup>3</sup> Directive 2000/76/EC of the European Parliament and of the Council on the Incineration of Waste, Dec. 4, 2000, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0076:EN:NOT>.

<sup>4</sup> David Ciplet, “An Industry Blowing Smoke: 10 Reasons Why Gasification, Pyrolysis and Plasma Incineration are not “Green Solutions,” Global Alliance for Incinerator Alternatives, June 2009.

<sup>5</sup> European Commission, Integrated Pollution Prevention and Control Reference Document on the Best Available Techniques for Waste Incineration, August 2006; Tellus Institute, et al., “Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review,” Final report to the Massachusetts Department of Environmental Protection, Dec. 2008.

<sup>6</sup> Jay Chen. *IES Romoland Emission Tests, status update*. South Coast Air Quality Management District, Emerging Technologies Forum, April 17, 2006.

<sup>7</sup> C. Vyvyan Howard, “Particulate Emissions and Health Proposed Ringaskiddy Waste-to-Energy Facility,” June 2009.

<sup>8</sup> N.Y.S. Department of Environmental Conservation, “Beyond Waste: A Sustainable Materials Management Strategy for New York State,” Dec. 27, 2010., pp.225-7

<sup>9</sup> See Ciplet, *supra*, note 4, pp. 12, 14.

<sup>10</sup> U.S. Department of Energy, U.S. Energy Information System, “Updated Capital Cost Estimates for Electricity Generation Plants,” November 2010.

<sup>11</sup> “An Incinerator Becomes Harrisburg’s Money Pit,” *The New York Times*, May 20<sup>th</sup>, 2010.

<sup>12</sup> Fichtner Consulting Engineers Limited, “The Viability of Advanced Thermal Treatment in the UK,” 2004.

<sup>13</sup> See Ciplet, *supra*, note 4, pp. 19-20.

<sup>14</sup> See “Beyond Waste,” *supra* note 8.



City Council Subcommittee on Landmarks, Public Siting, and Maritime Uses Hearing on Fair Share.

Testimony of Ray Kairys - , OUTRAGE

April 12<sup>th</sup>, 2011

*Botamia Grant*

Good Afternoon. My name is ~~Michael Hoffman~~, I am here to read the testimony on behalf of Ray Kairys Chairperson of Organizations United for Trash Reduction and Garbage Equity OUTRAGE, we are a North Brooklyn coalition of over two dozen civic and community groups that fight for the fair distribution of garbage transfer stations in the city of New York and the reduction of truck traffic in our community. We are also members of the city-wide coalition OWN, the Organization of Waterfront Neighborhoods and have been a part of the united effort to create an equitable plan for processing garbage in New York City for well over a decade now.

The communities of Greenpoint and Williamsburg in Brooklyn have the burden of processing over 44% of the City's garbage. In 2006 we joined other city community groups in the Mayors Bloomberg efforts for the adoption of the Solid Waste Management Plan we believed this plan called for environmental responsibility and equity in the processing of garbage throughout the 5 boroughs, however, 5 years latter we are still waiting for the implementation of this plan.

In a soon to be released report OUTRAGE found out that despite the opening of the rail based alternative transfer station at Varick Avenue; our community is still overwhelmed with the number of transfer stations and the number of trucks going back and forth in our street. Our study found that in any give day, over 200 trucks pass-by in our main streets during a two hour period. We also found a clear link between the extremely high number of air particles at the sidewalk level when trucks drive by our street, especially near to playgrounds and homes for the elderly.

We desperately need the opening of the other Marine Transfer Stations in the city.

City Council Subcommittee on Landmarks, Public Siting, and Maritime Uses Hearing on Fair Share.

Testimony of Ray Kairys - , OUTRAGE

April 12<sup>th</sup>, 2011

The proposed Administration budget would eliminate the funding for the opening of the maritime transfer stations at E 91<sup>st</sup> St, W. 59<sup>th</sup> St., Gansevoort and west Brooklyn these cuts doesn't just delays the implementation of the SWMP plan but it kills the whole concept of fair share. This proposed budget will break the city's promise to relieve communities like ours of the daily burden of heavy truck traffic and the promise to treat each borough fairly.

We thank the opportunity to testify, we ask you to reject this budget proposal. By rejecting this proposal you are also contributing to the fairness throughout the boroughs.

Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)

Name: Sarah M Martin

Address: 75 La Salle St. NYC 10027

I represent: Morning Side Heights West Harlem

Address: Sanitation Coalition - Co-Chair

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in favor  in opposition

Date: \_\_\_\_\_

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Name: Kimberly Ong

Address: 111 W 57th St, 401 8th Ave, Brooklyn

I represent: Municipal Art Society of New York

Address: 111 W 57th St, New York

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THE CITY OF NEW YORK**

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Name: Albert Bozcel / Justin Rodgers

Address: 249 W 34th St, NYC 10001

I represent: Greater Jamaica Development Corp

Address: Jamaica, Queens, NY

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Appearance Card

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in favor  in opposition

Date: 04/12/11

Name: Betania Coronel (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: OUTRAGE (Organizations United for

Address: 11 Catherine St trash reduction & Garbage  
BK NY 11211 Equity)

**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4.12.11

Name: DAVID SHAFER (PLEASE PRINT)

Address: 1384 STRATFORD AVE.

I represent: Council District #18

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4.12.2011

Name: Genevieve GAZON (PLEASE PRINT)

Address: 151 W 30th St. 11th Floor

I represent: New York Lawyers for the Public

Address: \_\_\_\_\_ Interest

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)  
Name: Craig Hammerman

Address: 250 Baltic St. BK 11201

I represent: Brooklyn Community Board 6

Address: 250 Baltic St. BK 11201

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)  
Name: ELENA CONTE

Address: \_\_\_\_\_

I represent: PRATT CTR FOR COMMUNITY DEVELOPMENT

Address: 200 WILLOUGHBY AVE BK NY 11205

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. Budget Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)  
Name: MARTHA LAUREANO

Address: 289 GRAND ST. BK NY 11211

I represent: El Puente - Williamsburg

Address: 211 So 4th St. BK NY

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)

Name: Jillian Sesentor  
Address: 83 Mac Douglas Street, Apt 2 Brooklyn NY 11233  
I represent: The Point (CDC) South Bronx  
Address: 944 Garrison Avenue

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in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)

Name: Kellie Terry / THE POINT CDC  
Address: 946 Garrison Ave  
I represent: THE POINT CDC / NYC EJA  
Address: \_\_\_\_\_

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ERIC GOLDSTEIN  
Address: 40 W 20 ST  
I represent: NATURAL RESOURCES DEFENSE  
Address: COUNCIL

**THE COUNCIL  
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Fredrick M. O. Jackson

Address: Transit Center for Justice

I represent: Self

Address: 161 W. Ave - 12th Floor

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)

Name: Murad Awadneh

Address: 166A - 22nd St

I represent: UPROSE

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: 4/12/11

(PLEASE PRINT)

Name: Eddie Bantista

Address: 166A 22nd St

I represent: NYSEA

Address: \_\_\_\_\_

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