



NEW YORK STATE SENATOR

Liz Krueger

## **Senator Krueger Disheartened and Disappointed WITH the City Council for Approval of Ill-Placed Marine Transfer Station**

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New York, NY—State Senator Liz Krueger criticized the New York City Council and the Mayor for "a disheartening and disappointing vote that will place a marine transfer station for trash right in the middle of one of New York's most populated residential neighborhoods."

With the City Council's approval of the Solid Waste Management Plan (SWMP), the proposal to build a marine transfer station on East 91st Street along the East River may unfortunately move forward. However, Krueger was quick to point out that the fight to protect our community is far from over. She said, "While the City Council made a poor decision in approving this proposal as is, this station is not inevitable. The full SWMP must still pass reviews by various state and federal agencies, and

faces a number of strong legal challenges brought by community groups."

"I have long been a strong supporter of the environmental justice movement in New York City and believe that we all must be responsible for our own garbage. As a staunch environmentalist, I believe that marine transfer stations must be a part of the City's waste disposal solutions. However, the question at hand is whether marine transfer stations should be located in any residential community," Krueger stated. "I oppose the construction and use of marine transfer stations in any residential neighborhood in any borough. The high population density, as well as the park and recreational purposes of this specific area make this a particularly ill-conceived plan by the City Council and the Mayor."

The residential neighborhood surrounding the proposed location is also home to one of the city's largest recreation facilities, Asphalt Green. Asphalt Green has 675,000 visitors annually; 110,000 of these visits are made by local public school children who rely on the space for recess and after-school programs. If built, the station would serve as a hub for thousands of tons of trash brought to the station every day by an endless parade of dump trucks—right through Asphalt Green.

Krueger also questioned whether the construction of the 91st Street MTS would lead to any noticeable reduction in the amount of commercial waste brought from Manhattan to the other boroughs. "The SWMP does not require private commercial waste haulers in Manhattan to use the more expensive city-owned facilities which will be opened in the borough, so it is likely that the haulers will continue to use the much less expensive private ones already located in the Bronx, Brooklyn and Queens," Krueger argued.

Krueger noted that there are serious legal questions about whether the 91st Street MTS could even be constructed without first assessing the impacts of the project on the surrounding parks during and after construction, and then obtaining the approval of the State Legislature to alienate parkland. The Environmental Impact Statement prepared for the project did not consider the impact that a 30-month construction period would have on the adjacent parks. It is simply inconceivable that the proposed demolition and construction could take place without the closure of parkland. New York State's courts have repeatedly found that the public trust doctrine prohibits a city from converting public parkland to a non-park use without the specific and direct approval of the State Legislature. In its decision in *Friends of Van Cortland Park v. City of New York*, the New York Court of Appeals held that

legislative approval was required "(w)hen there is a substantial intrusion on parkland for non-park purposes."

In June, Assemblymember Pete Grannis and Krueger sent a letter to Governor Pataki calling on him to oppose the alienation of parkland that has not been approved by the Legislature.

This plan has also been vigorously opposed by many local residents and activists, East Side City Councilmembers Daniel Garodnick and Jessica Lappin, as well as Assemblymembers Jonathan Bing, Pete Grannis and Congresswoman Carolyn Maloney.

Krueger thanked "every who worked so hard to prevent passage of this plan—specifically the Grace Point Community Council, Community Board 8, and Councilmembers Garodnick and Lappin. The efforts of Councilmembers Garodnick and Lappin created a dialogue about the appropriate locations for marine transfer stations. Though the majority of City Councilmembers do not share their view, I know they will continue to speak against the presence of these stations in residential neighborhoods while in the City Council."

"Low-income and minority communities have been unfairly burdened by the presence of these stations for too long. However, the right answer is to prevent these stations from being built in all residential neighborhoods, not build more," Krueger concluded.