



State Senator Liz Krueger

Assembly Member Robert Rodriguez

Assembly Member Dan Quart



Congresswoman Carolyn B. Maloney



Borough President Gale Brewer

Council Member Daniel R. Garodnick

Council Member Benjamin Kallos

July 28th, 2014

Joseph Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Kathryn Garcia
Commissioner
NYC Department of Sanitation
Central Correspondence Unit
59 Maiden Lane, 5th Floor
New York, NY 10038

Dear Commissioner(s) Martens and Garcia:

This letter is written as follow up to an ongoing correspondence between our offices and the Dept. of Environmental Conservation regarding the 91st St. Marine Transfer Station (MTS). We appreciate your careful consideration of and response(s) to each of the issues outlined below. We have enclosed previous letters for reference.

DEC has indicated that at least one of the questions in our letter of May 9th did not fall under the purview of DEC, but rather DSNY. We respectfully disagree. Though structural, resiliency may not be an official parameter of consideration under part 360, surely, destruction of such a facility by forces of nature and the apparent consequences to the surrounding environment thereafter, are of concern to DEC. We would appreciate a better understanding of how such circumstances do “not pose a significant hazard to human life, wildlife, fisheries or land or water resources” as is articulated in Part 360(a)(2). Therefore, we request detailed responses from DEC on the matter of Part 360-1.7(a)(2) as it relates to encroachment of flood water and on the matter of structural resiliency under the conditions described below. We also request that DEC demand full

transparency and quantitative evidence/analysis from DSNY for review as it relates to the structural resiliency alone.

Upon review of DEC's response of June 27th, we remain unclear as to why DEC believes adequate provisions have been met to prevent encroachment of flood waters upon the 91st St. MTS. The provision reads "unless provisions have been made to prevent the encroachment of flood waters upon the facility". We cite this language specifically, as your reply did, because "waterproofing" does not prevent the encroachment of flood waters upon the facility at all. In fact, "waterproofing" mechanicals and other equipment vulnerable to water damage serves as further acknowledgement that the current design will allow floodwaters to encroach upon the facility. The only feasible way to prevent such encroachment would be to raise the facility above the FEMA floodplain. "Waterproofing" mechanicals on the first floor does nothing to protect the structure itself against the inevitable onslaught of quickly moving storm water. Can this structure withstand almost six feet of water moving at six knots or more under surge conditions? If so, please include quantitative evidence provided by the applicant (DSNY) and analysis conducted by DEC which lead to this determination.

We feel that the current design of 91st St. MTS is fundamentally flawed. It does not satisfy the requirement of Part 360, specifically Part 360(a)(2). It irrefutably allows for the encroachment of flood waters upon the facility which in turn poses a significant hazard to human life, wildlife, fisheries, land and water resources. We also feel it is the responsibility of DSNY to *prove* that the facility will not be encroached upon by floodwaters and that it is the responsibility of DEC to thoroughly evaluate and consider such a possibility and its consequences.

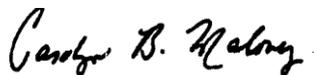
Given the continued concerns outlined in this and previous letters we demand that DEC grant the public hearing for these concerns to be adequately addressed for the surrounding community.

Thank you for your full attention on the critical aspect of the 91st St. Marine Transfer Station. Should you have any questions regarding our concerns please do not hesitate to contact our offices.

Sincerely,



Gale Brewer
Manhattan Borough President



Carolyn Maloney
Congresswoman



Liz Krueger
State Senator



Robert Rodriguez
Assembly Member



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Assembly Member



Daniel Garodnick
Council Member



Benjamin Kallos
Council Member