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*For Immediate Release*

**CITY WINS LATEST CHALLENGE TO PLANNED  
MARINE WASTE TRANSFER STATION AT EAST 91<sup>ST</sup> STREET  
AND THE EAST RIVER**

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New York, December 29, 2011 – In a decision today, the Appellate Division, Third Department—a mid-level State appeals court—dismissed the latest challenge to the New York City Department of Sanitation's (DSNY's) plan to rebuild and reactivate a marine waste transfer station at East 91st Street and the East River in Manhattan.

The lawsuit—*Gracie Point Community Council vs. the New York State Department of Environmental Conservation ("NYSDEC") et al.*—had challenged NYSDEC permits already issued for the project. The petitioners alleged that NYSDEC did not properly apply its own regulations in deciding to grant the City permits to construct and operate the East 91st Street Marine Transfer Station. The City was a named party in the lawsuit and defended submissions it had made to the State in its application for the relevant permits.

The City also successfully defended two prior legal challenges to various aspects of the marine waste transfer station project: *Powell vs. City of New York* and *"ACORN" vs. Bloomberg*. Today's decision in the Gracie Point matter affirms a prior ruling by the Albany County Supreme Court from June 2010.

"This is the third major victory for this important project—and it again affirms the well-considered and environmentally sound approach the City took in developing plans for the East 91<sup>st</sup> Street Marine Transfer Station," said Jane Gordon, a Senior Counsel in the New York City Law Department's Appeals Division, who handled the appellate case. "We are very pleased the Court agrees that this latest challenge lacks merit."

The proposed marine waste transfer station is a critical component of Mayor Michael R. Bloomberg's comprehensive 20-year solid waste management plan for the entire City. That plan, which largely replaces the City's existing truck-based waste export system with a system that uses barges and railways to export waste in sealed shipping containers, resulting in a vast decrease in truck traffic on City streets, was approved by the City Council by a vote of 44-5 on July 19, 2006. The plan has also been approved by the New York State Department of Environmental Conservation, and the State issued permits to construct and operate the transfer station on October 14, 2009.

The decision to include the East 91st Street facility in the overall solid waste management plan will allow Manhattan to assume responsibility for processing some of its own residential and commercial waste, rather than having to send that waste to other boroughs or to New Jersey, as it does under the current truck-based system. The new containerization facility would replace the former East 91st Street marine transfer station, which operated on the same site for nearly 50 years until 2001, when the Fresh Kills landfill closed.

The City's full legal team included Senior Counsels Jane Gordon, Christopher King and Carrie Noteboom of the New York City Law Department.

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