

PROFITS BEFORE SAFETY

THE IMPACTS OF A PRIVATELY OWNED WASTE TRANSFER STATION ON A NORTH BROOKLYN COMMUNITY



RESEARCHED AND PREPARED BY

CLEANUP NORTH BROOKLYN

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ABOUT US

Cleanup North Brooklyn is a community group made up of families, artists, small business owners and manufacturers pushing for environmental equality in North Brooklyn. Our many goals include adding trash cans to our street corners, reducing the number of idling trucks and mitigating the impact of waste transfer stations and cement plants on the community.

As authors of this study we do not claim to be scientists, industrial hygienists, or engineers. We are concerned citizens hoping for cleaner air quality and improved quality of life. Our organization thinks all New Yorkers deserve a safe place to call home.



Cleanup North Brooklyn 2015 Community Forum

EXECUTIVE SUMMARY



Image: Brooklyn Transfer LLC 97-115 Thames St. Brooklyn.

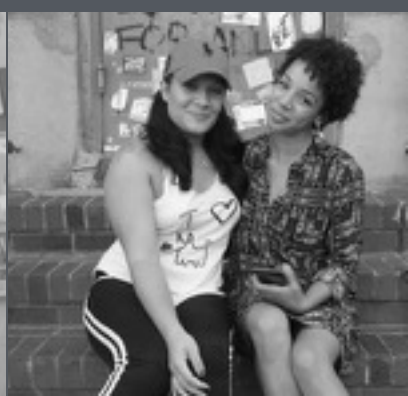
In the 1990s when the last of New York's landfills were closed, a gold rush of opportunity emerged for private carters to export our city's waste. Lucrative "waste transfer stations" sprung up in North Brooklyn at an alarming rate, leading to North Brooklyn hosting 19 of 58 of New York's waste transfer stations. These garbage warehouses are permitted to accept trash from different parts of the city where it is weighed, sorted, then loaded onto 18 wheelers and hauled out of state. Waste Transfer Stations are toxic and dangerous if not operated properly, so they are meant to be sited away from residential areas. Too often though the city and the private carting industry place these facilities in disadvantaged communities - where land is cheap, and residents lack the money, lawyers, and political resources to fight it.¹

Our study focuses on one community hit particularly hard by this practice, approximately 50 residential buildings north of Flushing Avenue and East of Knickerbocker Avenue in East Williamsburg, NY (better known as Bushwick.) The residents that surround Brooklyn Transfer LLC have endured illegal levels of noise, stench and diesel fuel emissions for 25 years. The need for this report emerged when residents and local business owners noticed an uptick in foul odors, noise and truck traffic, suggesting that this waste transfer station was being poorly run and was in violation state and city code. This report is a holistic analysis of this privately owned solid waste transfer station, its history, how it is supposed to run versus how it is actually run, and the legality of its operation in a largely residential community.

In a six day work week, Cleanup North Brooklyn has observed Brooklyn Transfer committing over 1200 violations of city and state code. These are the very laws that are meant to protect the locals (and the workers inside the facility) from the hazards of a busy garbage processing plant. It is no surprise that the neighborhood has elevated levels of Particulate Matter (PM)_{2.5}, and many children in the neighborhood suffer from asthma.

Also central to this issue is that Brooklyn Transfer has lucrative city contracts with the Department of Sanitation of New York (DSNY), which adds insult to injury when DSNY officers neglect to enforce violations occurring in plain sight. The other agency that regulates the facility, the New York State Department of Conservation (DEC), appears to pass the burden of enforcement onto the facility itself. This leaves no one to protect the families and businesses surrounding the station who are exposed and vulnerable to the dangerous business practices of Brooklyn Transfer. The community's only move has been to monitor the station themselves. Doing so, they found that the facility ignores local, state and federal law up to 200 times *daily* all while receiving taxpayer dollars. So egregious are Brooklyn Transfer's failures to follow code and so lax is city oversight, Cleanup North Brooklyn can only conclude that this for-profit business is somehow able to operate with *impunity* from the rules of New York city and state. It's another example of big money taking priority over the health and safety of a disadvantaged community.

PART 1: **BACKGROUND**



BACKGROUND: DISTRICT



M1, M2 and M3 districts allow manufacturing in the city of New York. But not all manufacturing districts are alike. M1 is considered light manufacturing, M2 is medium, and M3 is heavy manufacturing. The photo above demonstrates that in this “M1” neighborhood, is “mixed use” meaning that manufacturing and residential buildings can share the same city block.

The city is careful about what types of industry are allowed in an M1 district.

For instance you cannot open a nuclear power plant or a slaughterhouse in this neighborhood. The “objectionable influences” of heavy industry are meant to be kept away from households. In an important document called the Zoning Resolution, the city lays out which manufacturers are to be sited in M1 districts.² Waste Transfer Stations are considered “Group 18 use,” and are not meant for M1 districts.³ This is because M1 districts require “more stringent M1 performance standards.” That means they cannot create a hazard or a nuisance to the community.

BACKGROUND: SITING

The image below shows Brooklyn Transfer marked in **yellow** and households marked in **blue** indicating the residential corridors within a one block radius of this waste facility that moves 560 Tons of waste *per day*. Cleanup North Brooklyn (CNB) has yet to identify another neighborhood in New York City that has so many residents in a one block radius of a putrescible solid waste transfer station in the City of New York, making it the most problematic siting in the 5 boroughs.



Families living near the station endure elevated levels of particulate matter and air pollution, toxic levels of noise, foul stench, and the constant danger of heavy trucks driving on city sidewalks. CNB believes this waste transfer station should be recognized by the EPA as one that has “a high degree of incompatibility with adjacent community land uses” as recommended by the National Environmental Justice Advisory Council.⁴

Laws have changed since this station was sited in a largely residential neighborhood. Today the permitting of a transfer station on this block would be illegal. Rules promulgated by DSNY in 2004 explicitly state that any waste transfer station in Brooklyn District 34:

- cannot be sited in M1 (This one is)
- must have queuing space (This one doesn't)
- cannot exist 700 feet from a residential district (This one does)⁵

But a loophole in the zoning law allows the station to remain open decade after decade. Even when the business changes hands, the new owner can purchase the (grandfathered) permit off the former owner. And this station has changed hands three times since the 1980s. Each new owner benefits financially from the antiquated laws and this grandfathering loophole. Sadly, the communities worst burdened from noxious facility clustering do not benefit by the very laws meant to protect them.

BACKGROUND: INDUSTRY ALLOWED IN M1

Allowed

Group 17: Light Industry

- Apparel or other textile products
- Beverages, non-alcoholic
- Canvas or canvas products
- Cork products
- Glass products - previously MFG, glass
- Musical instruments, including pianos or organs
- Novelty products
- Optical equipment, clocks
- Orthopedic or medical appliances including
- Artificial limbs
- Paper products, including envelopes, stationery
- Scenery construction
- Toys
- Umbrellas
- Vehicles, children's, including bicycles
- Venetian blinds, window shades
- Wood products, including furniture,
- Boxes, pencils

Not Allowed

Group 18: Heavy Industry

- Waste transfer stations ⁶
- Asphalt production
- Cement
- Charcoal, lampblack or fuel briquettes
- Fertilizers
- Foundries, ferrous or non-ferrous
- Glass or similar products
- Dumps, marine transfer stations for garbage or slag piles
- Exterminating agents
- Electric power or steam generating plants
- Explosives storage
- Gas manufacturing plants
- Incineration or reduction of garbage
- Insecticides, fungicides, disinfectants
- Industrial or household chemical compounds
- Mining, or agricultural, including repairs
- Paint, varnishes or turpentine
- Petroleum or petroleum products
- Radioactive waste disposal
- Sewage disposal plants

ENGINEERING REPORT AND SITE PLAN

To receive a permit from the Department of Environmental Conservation a waste transfer station must provide two important documents with their application. The *engineering report* ⁷ is a long explanation of the nuts and bolts of their operation. It lists every piece of equipment the company will use, every chemical they might spray, what types of garbage they receive, hours of operation, truck routes, and most importantly, their plan to operate under code.

The *site plan* ⁸ is a map, an architectural diagram drawn to scale that shows how the building structure will be used, the doors, the streets and the surrounding businesses and residences. These two documents provide the D.E.C. with a detailed promise to run their facility in accordance with federal, state, and city laws. For Brooklyn Transfer LLC these two documents and the application for the permit⁹ were drafted by an architectural firm, Gannett Flemming Inc.¹⁰

METHODOLOGY



As part of this study we take a close look at 6 consecutive days of operation, between Monday May 23, 2016 through Saturday May 28, 2016. The dates were selected at random. The sample size of six days was determined to represent a full operating week of Brooklyn Transfer LLC , open Monday through Saturdays, 24 hours per day. The tools we used to gather data were a collection of video recordings from local buildings and businesses from a variety of camera angles. Cleanup North Brooklyn compared this video footage against the permit, engineers report, and site plan, as well as the rules applicable to all New York based waste transfer stations and the Zoning Resolution of New York.

PART 2: VIOLATIONS AND HAZARDS



KEY FINDINGS: VIOLATIONS

The results of our one week study indicate that Brooklyn Transfer LLC violates applicable law governing their behavior; in one week, they violate the conditions of their DEC and DSNY permits, as well as Title 6 NYCRR Part 360.11, RCNY 4-16, 4-17, and the Zoning Resolution more than 1260 times. CNB believes this privately owned company is prioritizing profits over the health and well-being of a North Brooklyn community.

VIOLATION	VIDEO EVIDENCE
Observable Violations in one week	<u>1262</u>
Idling	<u>63</u>
Odor/Door Left Open	<u>267</u>
Leachate	<u>11</u>
Sidewalk	<u>118</u>
Wrong Way	<u>22</u>
Queuing	<u>120</u>
Theft	<u>1</u>
Noxious Odors From Queuing Trucks	<u>42</u>
Odor Control	<u>23</u>
Lack of Attendants	<u>94</u>
Noise	<u>20</u>
Stop Sign	<u>91</u>
Truck Route	<u>250</u>
PPE	<u>82</u>
MVT	<u>9</u>
Tarp	<u>40</u>
Site Plan	<u>6</u>
Illegal Construction on Floor Containing Carcinogens	<u>2</u>
Dangerous Design	<u>1</u>

Despite committing 1262 violations of regulatory code in plain sight, during the period of May 23-28, exactly zero violations were issued against Brooklyn Transfer LLC. We believe this is because the Department of Sanitation and the Department of Environmental Conservation do not enforce the regulations listed in the permit. And the facility does not police itself. So a company like Brooklyn Transfer LLC can hire an architectural firm to create a great looking engineers report (essentially a long list of rules they plan to follow) but the facility has no real requirement to follow it. In essence their permit application is a list of false promises meant to appease city agencies and get a permit approved.

It should be noted that failure to comply with any terms or conditions of the permit are grounds for revocation.¹¹

Over 1200 failures to comply with conditions of the permits (in a six day period) should provide sufficient evidence to have DEC permit ID 2-6104-00096/00002 revoked immediately.

VIOLATION: IDLING



Idling trucks are toxic to this North Brooklyn community. Particulate matter emissions $PM_{2.5}$ (diesel fuel pollutants) are so small they invisibly pass into residents' lungs and are associated with long term-health issues. The World Health Organization says that "diesel engine exhaust causes cancer in humans."¹² An air quality study in this neighborhood found that $PM_{2.5}$ concentrations were up to 5 times higher than ambient levels.¹³

On this issue residents have been demanding change for a long time. At a community forum one year ago, they pleaded with Brooklyn Transfer to police the truckers that idle at the facility.

"I am a father of 3, and because of the contaminated fumes that come from this facility, I must now carry an inhaler."



"Two of my kids have respiratory issues and I don't think that's a coincidence. Your address should not be a predictor of your health. Period."



"We've got a lot of children in this neighborhood. They've got asthma, they've got sinus problems, bronchitis. Because of the smell. The trucks. It's not healthy. We are human."



"There are so many trucks outside our apartment. They line up. My asthma became so bad I have to go to the hospital. The last time I was there for two weeks."



"My oldest son had asthma real bad. We took him down to Woodhull [hospital] and they kept him for a week. They did a tremendous job. My grandson too. He would be wheezing, he would be coughing. We had to take a cab to the hospital because we couldn't wait for an ambulance. I made it a habit of having money in the house, in case he had an attack."



VIOLATION: IDLING

Sadly the community has been flatly ignored by Brooklyn Transfer LLC. They do not police the trucks that idle, waiting for their turn to enter the station. They must, by law, pass the rules of the permit onto their truck drivers. The permit is clear about this: "The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit."¹⁴ Cleanup North Brooklyn has also noticed that the DSNY officers do not approach or hold the drivers of idling vehicles responsible--even when they are patrolling the same block as idling packers and long haulers. Instead of monitoring Thames St. where most idling violations occur, they were observed on Porter Avenue taking a nap.



Packer trucks are often seen idling without a driver



And walking away from idling vehicles.

Brooklyn Transfer LLC and sister company Five Star Carting know how much this community fears the toxicity of queuing trucks. In fact they make sure to state very clearly in Section 4.2 of their own 2016 Engineering Report that "Drivers using the queuing areas are instructed not to idle the vehicles for more than three minutes, and to otherwise obey local, State, and Federal regulations."¹⁵ Surveillance video demonstrates that these regulations are being chronically broken at the risk of the health of Brooklyn residents who have have called 311 many times, but have witnessed the idling situation only worsen. It gives business owners no pleasure to share with Cleanup North Brooklyn video footage showing 63 idling violations in plain sight observed between May 23 and May 28. This number of idling trucks in one week demonstrates an overt disregard for the safety of this community. It is not only breaking city and state idling laws, but it's also an example of the facility operating "in a manner inconsistent with the engineering report," which is illegal under the Rules of the City of New York.¹⁶

We know that, for truckers, idling is a more complicated issue than just turning off their engines. They idle to find comfort from the heat and the cold, to get some rest before a long drive. And they are under contract with a facility that is not designed properly, ie, without an indoor queuing area.

Whatever the reason for idling, it is unequivocally illegal to idle more than three minutes under The New York City Administrative Code, Title 24, Section 24-163.¹⁷ Further, unregulated idling is not just harmful to the locals but it is detrimental for New York, and the planet. If this report exposes a single waste transfer station for egregious idling violations, imagine how many stations go unchecked. As part of Mayor DeBlasio's #OneNYC plan to reduce green house emissions 30 percent by 2030, Cleanup North Brooklyn recommends his office crack down on the waste transfer stations citywide. If one were to look at stations without a queueing area, there will likely be trucks outside those facilities idling, and of course they use dirtier more polluting diesel fuel than Ultra Low Sulfur Diesel (used in DSNY Trucks).

VIOLATION: ODOR



“The smell is crazy. In the mornings you wake up, you smell it, **you lose the desire even to eat.**”

The situation is so bad I sometimes cry. We have to shut the windows to eat a meal. But **the stench is strong** and it comes through the air conditioner. We are dying to leave the neighborhood but it's been hard to find another place.



“After one year, the smell is still the same. Nothing's different about the smell. People complain. They say what are we gonna do? **We don't have a life here with children.**”

“I've personally gone over there and told them, ‘C'mon, I understand this is your work, but you know - **there's kids breathing this.** Can you do us favor just lower down your gates when theres no trucks, or you know - when it's not being used?’”



To see more testimonials of residents and small business owners please take a look at our [documentary short.](#)

VIOLATION: ODOR FROM OPEN DOORS



Brooklyn Transfer's 26 foot doors on Thames Street allow a dangerous stench to move from their facility's tipping floor into the neighborhood. It moves inside adjacent buildings with ease, making this odor an obvious nuisance to small business owners, manufacturers and residents.

In this neighborhood children do not play outside because the stench is so severe. This lack of outdoor play can hurt a child's development.¹⁸ Some parents choose send their children to relatives' homes for the summer months just so they can play outside. Despite the wording in their permit to maintain a "Closed Door Policy,"¹⁹ Brooklyn Transfer keeps their doors open as frequent as is convenient. The Rules of the City of New York state: "Each exterior door and gate of the facility **must remain closed** except to allow vehicles, equipment, or personnel to enter or exit the facility."²⁰ Despite this stringent city law, and the louder than normal complaints of residents, this policy is blatantly ignored. Video evidence shows 267 open door violations in plain sight between May 23 and 28.

There is also very specific wording in the Zoning Resolution section 42-411 (and rubber stamped on the building's Certificate of Occupancy)²¹ that is simply ignored. It states that in an M1 district, "**all such activities shall be located within completely enclosed buildings.**"²² Two 26 foot high doors open to a foul-smelling facility are not "completely enclosed." They are usually "wide open." The Zoning Resolution is meant to protect residents in M1 districts from this kind of heavy industry. Unfortunately, it appears that the Zoning Resolution is not actively enforced by the City of New York.

The facility is not enclosed. The dangerous stench leaves the facility, enters households and negatively impacts families that have been here for decades. The fact that this very dirty yet unmonitored facility is nestled in a majority Spanish-speaking community is an example of environmental racism at work.

VIOLATION: ODOR FROM BAD HOUSEKEEPING



Brooklyn Transfer is dangerously malodorous because they fail to adhere to good housekeeping measures, as is required in their DEC and DSNY permits. In the Odor Control section of Brooklyn Transfer's 2016 engineering report it states:

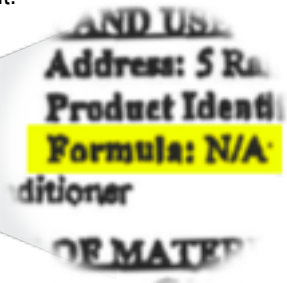
“Good housekeeping practices will be employed as the most efficient manner to control odor. The tipping floor is to be washed prior to 9:30 p.m., so that it is clear from 9:30 p.m. to 10:00 p.m., in accordance with the DSNY permit.”²³

The image above shows a filthy tipping floor at 9:45 PM. In fact, 5 out of 6 nights in our one week study, [video shows](#) that the facility staff failed to wash the interior of the facility and keep it clear for the short half hour per day required by law. A 9:30-10PM housekeeping requirement is not a big ask from the DSNY, but still Brooklyn Transfer fails to comply with regulation. When they don't wash the floor, bacteria grows, smells intensify. This level of dirtiness has resulted in a community oppressed by the stench of a poorly maintained trash facility. Instead of keeping the facility clean, they try to cover up the stench by spraying massive amounts of harsh chemical fragrance into the neighborhood air.

VIOLATION: ODOR FROM CHEMICAL FRAGRANCE

“Sky Blue 2” is the name of the 19-year-old scent that the facility mists into the neighborhood air 6 days a week. CNB has reasons to believe that this is the least expensive scent available. Residents are continually worried of the content of this fragrance. Artificial fragrances can be “hormone disruptors,”²⁴ depending on what is in the formula of the industrial perfume. But the formula of SKY BLUE II is kept secret so no one in this neighborhood knows what exactly is being sprayed into their lungs six days a week. Because the company that makes it can claim “proprietary formula” or “trade secrets,” they have no obligation to share the chemical contents. Similar to fracking chemicals, this business practice sends a chill into communities that must accept that these mysterious chemicals are entering their bodies. Spraying chemical fragrances is not the same as keeping a clean facility. And Bushwick is not the first community to complain about this scary scent.²⁵

This 19 year old chemical scent used by Brooklyn Transfer LLC does not meet the requirement of a “odor neutralizer” as required by The Rules of the City Of New York.²⁶



Any scents used at a waste transfer station are meant to be “suspended above the facility's tipping floor with rings of mist nozzles strategically aimed at fans and exhaust vents”²⁷ The permit does not allow spraying these scents from drum mounted foggers, probably because it puts pedestrians and facility workers in the line of fire. CNB knows that strong chemical scents are not meant to go directly into residents’ eyes, nasal passages or lungs. And the manufacturer of Sky Blue 2 requires the use of chemical goggles.²⁸ Pedestrians and workers are not wearing goggles as they encounter this scent. Beyond the potential long term health hazards, this powerful artificial fragrance creates a nuisance to residents and business owners.

DSNY requires that the station uses neutralizing agent and very clearly differentiates: “A scented masking agent is not an odor-neutralizing agent.”²⁹ Furthermore, The DSNY recognizes that masking agents have the potential to cause more harm than good. From their own 2004 report : “Masking agents tend to have their own odors (i.e. cherry, pine, etc.) that can be considered a nuisance, while neutralizing agents consist of compounds that react with the odors from the waste and “neutralize” the effect.”³⁰



As a cheap masking agent, Sky Blue 2 does not meet the requirements of an odor neutralizer. And it shouldn't be sprayed at ground level from unauthorized equipment. But this is not a new complaint, this community has been speaking out against the foggers and the scents for a long time, so much so that the DEC asked about it in the permit. Brooklyn Transfer chose to double down, keeping their drum mounted foggers to illegally spray industrial scents into this neighborhood 6 days a week. Its all a cover-up (in more ways than one) for a filthy facility. This further demonstrates that Brooklyn Transfer cannot meet the stringent performance standards required in an M1 Zone. Cleanup North Brooklyn recommends the DEC and the DEP examine this privately owned company and the chemical compound it is imposing on residents of the neighborhood and judge if this facility meets M1 performance standards in the Zoning Resolution as well as the Rules Of New York:

“A putrescible solid waste transfer station shall be operated and maintained in a safe and sanitary manner to avoid any nuisance or condition hazardous to public health or safety.”³¹

In 2016 The Obama Administration signed into law the Frank Lautenberg Chemical Safety for the 21st Century Act which will push companies like Brooklyn Transfer and AirReactor Inc. to stop hiding chemicals formulas from the public.³²

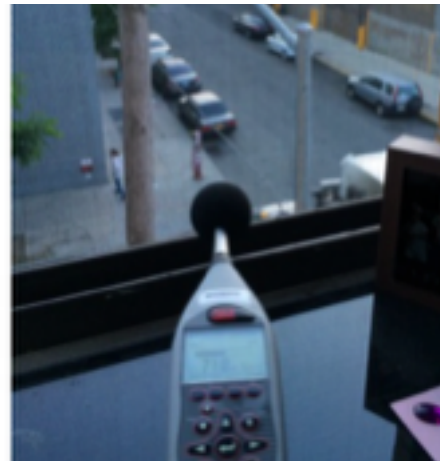
VIOLATION: ODOR FROM QUEUING TRUCKS



Brooklyn Transfer's own engineering report states: **Arriving tractor trailers that are queued on the street, waiting to be loaded, shall not be a source of noxious odors.**³³

Cleanup North Brooklyn believes that good intentions of this wording is not communicated to the truck drivers contracted by the station. The drivers remove their tarps and a foul stench moves through the neighborhood. These noxious odors are in direct violation of M1 performance standards. For evidence of 50 noxious odor violations in plain sight [click here](#).

VIOLATION: ILLEGAL NOISE LEVELS



“This facility works at night as well and the noise is just crazy. Residents can’t sleep because we can hear it all the way from our apartments. The trucks, the machinery, they leave the door open, backing up, idling.”

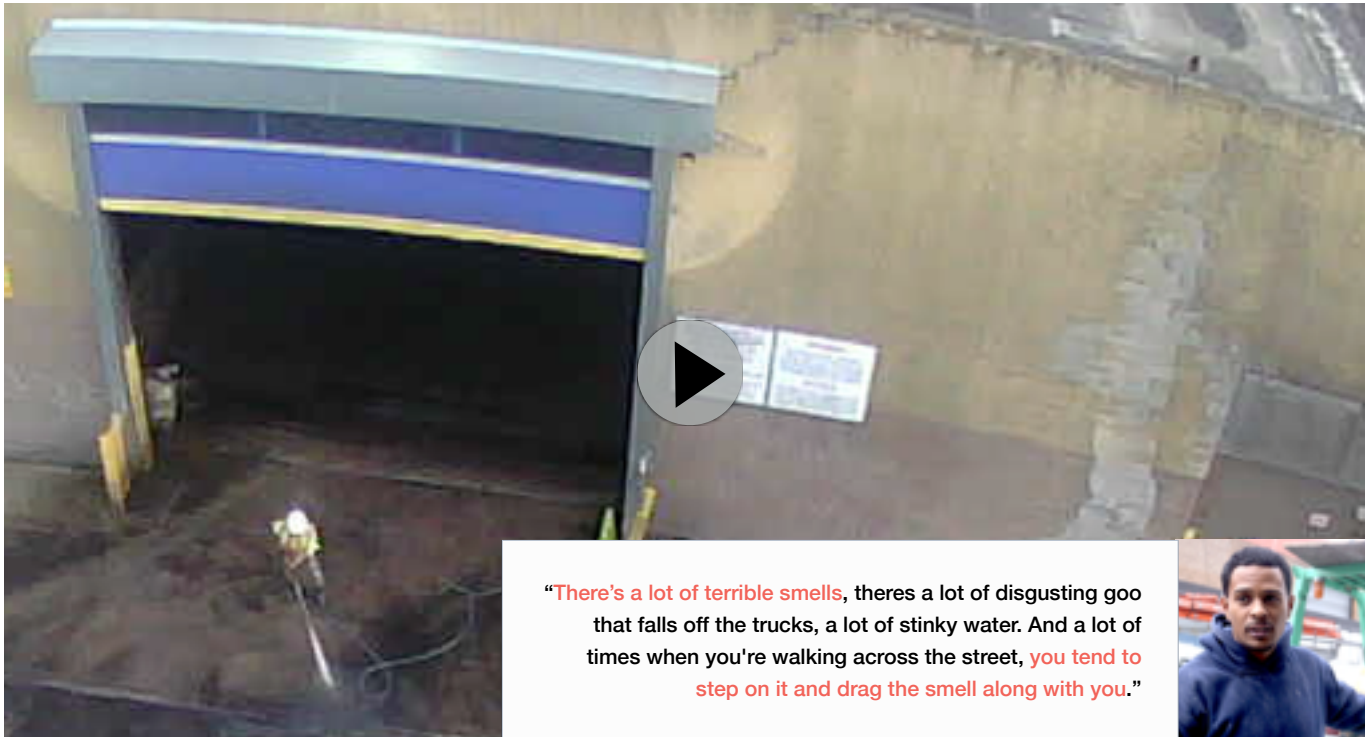
To move over 500 tons of putrescible waste per day, Brooklyn Transfer produces toxic levels of noise, exceeding DEC regulations.³⁴ The noise pollution stems from various sources including but not limited to: exhaust fans operating in the roof, the pay loader inside the plant, trucks entering and leaving the facility, and the odor control system. With the support of funds raised in the community from frustrated residents and business owners, Cleanup North Brooklyn commissioned Olmsted Environmental Services, a certified industrial hygienist, to do a report and survey. The report found toxic levels of noise inside a nearby apartment up to 7 times higher than the legal limit.³⁵ According to the US EPA, exposure to excessive environmental noise may be associated with increased rates of hypertension and cardiovascular disease and NIHL (Noise-induced hearing loss).³⁶

After 2 AM, Cleanup North Brooklyn have measured readings as high as 89 dB inside a neighboring resident’s apartment. This means that inside a residence sound levels are 32 times higher than the legal limit (57dB) set by the DEC and reiterated in The Rules of The City of New York Title 16 - DSNY §4-17 (n).³⁷ We believe the facility also falls way short of the EPA’s M1 performance standards for noise. This facility is too loud to legally to operate in this neighborhood. The Zoning Resolution states:

“In case of any conflict between the Use Groups and the performance standards, the latter shall control.”³⁸

There is no conflict because neither the Use Groups nor the performance standards are adhered to at Brooklyn Transfer LLC.

VIOLATION: LEACHATE



Leachate, the liquid that drips from the putrescible waste trucks, is a complex mix of chemicals, including pharmaceuticals, industrial chemicals, household chemicals, steroid hormones, and plant/animal sterols, according to a report from the US Geological Survey.³⁹ This potentially toxic sludge needs to be handled carefully. Cleanup North Brooklyn has reason to believe that the workforce of Brooklyn Transfer is virtually untrained about leachate. They are often seen power washing this byproduct of city waste from the facility into our streets and sewers. [Click here to view.](#) We are stating the obvious but the law says that leachate should not “flow onto city streets”.⁴⁰ It should be directed to a drain inside the waste transfer station so it can make its way to the facility’s expensive oil/water separator that is installed for this purpose. When leachate is sprayed into our streets it is inhaled by pedestrians. It flows into our drains which allow these toxins to reach our waterways and groundwater. This is a [LINK](#) to 11 times in one week where the transfer station intentionally push leachate into this community. To see more leachate violations from Brooklyn Transfer LLC, Click [here](#).

CNB can see a pattern. The facility has a filtration system for disposing of leachate yet they choose to spray the leachate into our streets and sewage drains. They have an overhead odor control system yet they choose to mount ground level, drum-top foggers and spray fragrance into the eyes of pedestrians. The proper equipment is present but the poor decision making and blatant disregard for human safety makes this equipment useless. It seems like the facility manager needs to be educated on how to use this gear so that it protects the safety of the neighborhood.

VIOLATION: HAZARDOUS TO PUBLIC HEALTH AND SAFETY



A cyclist is forced off the street onto sidewalk by a moving truck.

The DSNY requires that "Sidewalk areas must be kept free from any obstruction that could impede pedestrian traffic."⁴¹ Normal operations of Brooklyn Transfer pose a hazard to pedestrians, cyclists and commuters that use Thames Street. For tractor trailers to squeeze into the small door of this waste transfer station, they must drive on both sidewalks of Thames Street. We hate to state the obvious but sidewalks are intended as a safe route for pedestrians to move down the street, not as an extension of the street on which large trucks should be regularly maneuvering.

In addition to residents, at least 9 small businesses on Thames Street have workers that must risk their lives just walking on the sidewalk get to work each day. [This video](#) shows a pedestrian who cannot pass because the whole street and both sidewalks are entirely blocked by a 70-foot tractor trailer. [This is footage](#) where a cyclist is forced off the road and almost pinned to a wall by an outbound hauler with no intention of slowing. And this is a link to [120 times](#) tractor trailers use the sidewalk to enter the facility, endangering pedestrians in our one week study. This community does not believe it should have to continue to share their pedestrian walkways with 18-wheeler tractor trailers.

VIOLATION: LACK OF ATTENDANTS



Brooklyn transfer does not hire enough attendants at the facility. When truckers must perform the [difficult maneuver](#) to back their 70 foot truck into the small facility door, there should always be somebody backing up these trucks. We have spoken with truck drivers that must back into this small door, unassisted. They are terrified of hurting pedestrians, backing up with zero guidance. Brooklyn Transfer's 2016 Engineering report assures: "When backing a vehicle with a trailer there should be a second party outside the vehicle to properly assist or direct the driver."⁴²

This is a [video](#) where a young woman on a skateboard is almost crushed because there is no attendant backing up the truck. Here are [97 instances](#) from a five day period where these 100-Cubic ton trucks are backing up into the station with zero assistance from attendants directing them into our city street. This is a continual, round-the-clock threat to the safety of this North Brooklyn community.

VIOLATION: DANGEROUS DESIGN



We believe that several poor choices were made in the design of the facility: 1) The outbound truck door was put on a one-way street that has on-street parking on both sides, making this very narrow street (39 feet wide) extremely hazardous for trucks of this size; 2) The outbound truck scale is perpendicular to the flow of traffic; and 3) the waste transfer station has a very small door for 70 foot tractor trailers to enter and exit. This combination of design flaws has led to a very hazardous situation. Any time that a truck enters the station, the truck must drive up the curb and onto the sidewalk as part of a 5, 7 or 9 point U-turn just to get inside. This unsafe maneuver *completely* blocks the street from cars passing for up to 10 minutes, and blocks both sidewalks from pedestrians walking. This simultaneous blocking of the entire street and both sidewalks entirely occurs up to 28 times a day.

Many residents complain that they cannot even walk on the sidewalk without worrying about their safety. Others worry that if an ambulance or fire truck is caught behind a tractor trailer blocking traffic, it will mean life or death for an elderly member of the family. This is a link to 162 times a tractor trailer obstructs the safe and efficient traffic flow in a six day period. CNB believes that no private company has authority to take over city streets and change traffic patterns to suits their profits. It is both unsafe and illegal.



Further, when a resident parks in front of the facility (in a legal parking spot,) 70 foot trucks contracted by the facility must drive the wrong way on a one way street. To illustrate this point, on May 24, 2016 a woman parked her car in a legal parking spot on Thames Street. A Brooklyn Transfer employee flagged down a police officer but he refused to ticket or tow her because she was parked in a perfectly legal parking spot. As a result, waste trailers had to drive their 100-cubic ton tractor trailers the wrong way, east on Thames Street. This common practice by the facility is unsafe to drivers, pedestrians, cyclists.

Rules of the City of New York Title 6 §4-17 (a)(2): A putrescible solid waste transfer station shall be operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety.⁴³

These are additional minimum design requirements stated in the Rules and Regulations of the State of New York to which Brooklyn Transfer fails to adhere:

(a) Unloading and loading areas: The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles

(b) The facility must be designed to accommodate expected traffic flow in a safe and efficient manner.⁴⁴

HAZARD: INTIMIDATION



Three men from the Brooklyn Transfer staff coerce and intimidate a resident

Cleanup North Brooklyn urges the staff of Brooklyn Transfer to remain professional when engaging with the community, especially considering that their business has city contracts with the DSNY. Their record to date has been pretty terrible; for example, when the woman who legally parked in on-street parking returned to her car, the facility manager of Brooklyn Transfer and two other workers **surrounded this woman to threaten, coerce and intimidate her**. In the video, you can see the facility manager get between the woman and her car, refusing her entry into her own vehicle. CNB finds this type of harassment dangerous, scary and unprofessional to say the least. What happened next - after the woman legally parked and left - is stunning. Brooklyn Transfer recognized this legal parking spot would potentially continue to affect their business and so they chose to take the law into their own hands. See below.

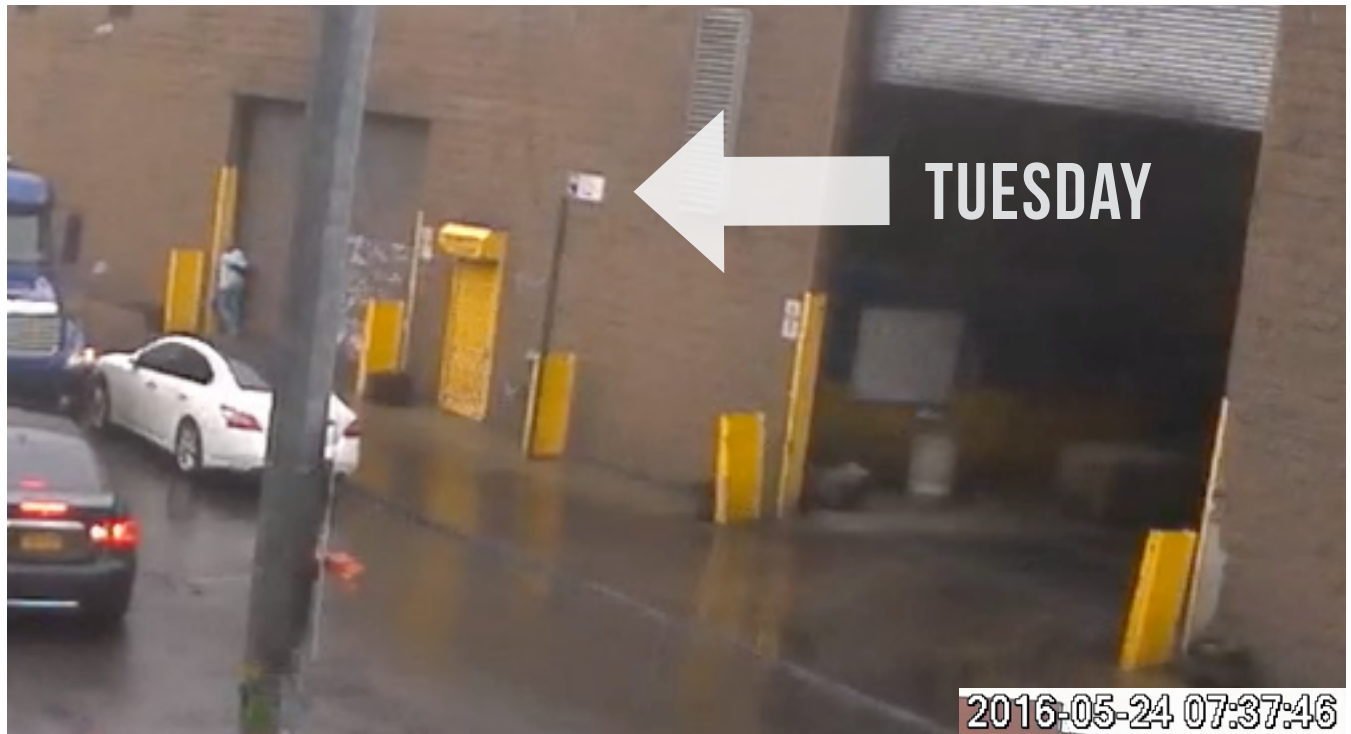
VIOLATION: THEFT OF GOVERNMENT PROPERTY



In **this video** the staff of Brooklyn Transfer take the law into their own hands. Because this legal on-street parking had slowed their business operations, and since the police had to honor the parking sign, the facility manager chooses to destroy and remove the city sign himself. You can see him ordering an employee to get a hammer, to smash the bolts off the sign post, yank it from the street and steal it, bringing it inside Brooklyn Transfer LLC. The facility manager then picks up the pieces of the bolts so they do not leave a trace of evidence. This type of activity is criminal, and it is happening in a community that is already overburdened by the negative health and safety impacts from this waste transfer station. This violent move bears an unsettling resemblance of the 1990's when private carting was an industry run by organized crime and plagued by violence and unlawful behavior. As a community we don't feel safe living next to this business.

Members of Cleanup North Brooklyn are scared of releasing this report for fear of negative repercussions. They don't want to end up injured or dead for going up against Brooklyn Transfer, owned by the same people that own the very powerful Five Star Carting. They're hoping government agencies will step in and protect the safety of their community and also the workers that are somehow caught up in this kind of criminal activity that puts profits ahead of good judgment.

HAZARD 11 : THEFT



Video footage shows the location of the parking sign on the morning of Tuesday 5/24 and the morning on Wednesday 5/25.

VIOLATION: USING ON-STREET PARKING FOR QUEUING



According to DSNY Rules, a solid Waste Transfer Station that moves 560 tons of waste per day must have designated queuing areas for their 70 foot tractor trailers.⁴³ Brooklyn Transfer has no queuing areas, no ramps, on-site roads, no areas designed to accommodate 28 tractor trailers (per day) to wait before they are loaded with garbage. So the facility chooses to queue these 70 foot tractor trailers in the city's normal on-street parking spaces. The same spaces that residents and retail shoppers use to park their cars are used by Brooklyn Transfer LLC to queue 100-cubic ton 18-wheelers. The Department of Environmental Conservation noticed this as unusual - and before approving the permit, they questioned this issue:

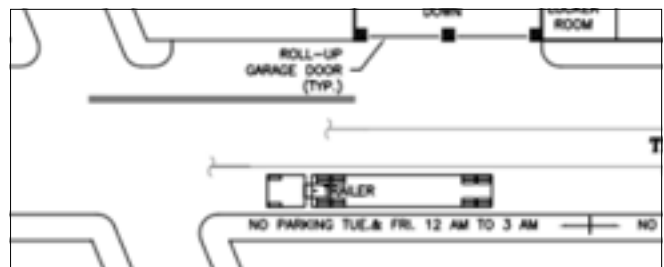
"The site plan submitted as part of the renewal application shows on-street truck queueing along Porter Avenue and Thames Street. Is this manner of on-street truck queueing allowed under NYC regulations and/or NYC DOT regulations?"⁴⁶

Instead of being transparent of the fact that they need on-street parking to queue their trucks safely, Brooklyn Transfer released this statement to get the permit approved:

Response: "There is limited NYCDOT-approved parking on both Porter Avenue and Thames Street. Although queuing is shown on the Site Plan for one outbound truck, Brooklyn Transfer routinely has no outbound trucks queuing at the facility because the trucks are dispatched to the facility on an as-needed basis."

Contrary to their statement, Brooklyn Transfer LLC queues virtually all outbound trucks at the facility. [VIDEO footage](#) shows 120 outbound tractor trailers queuing in on-street parking.

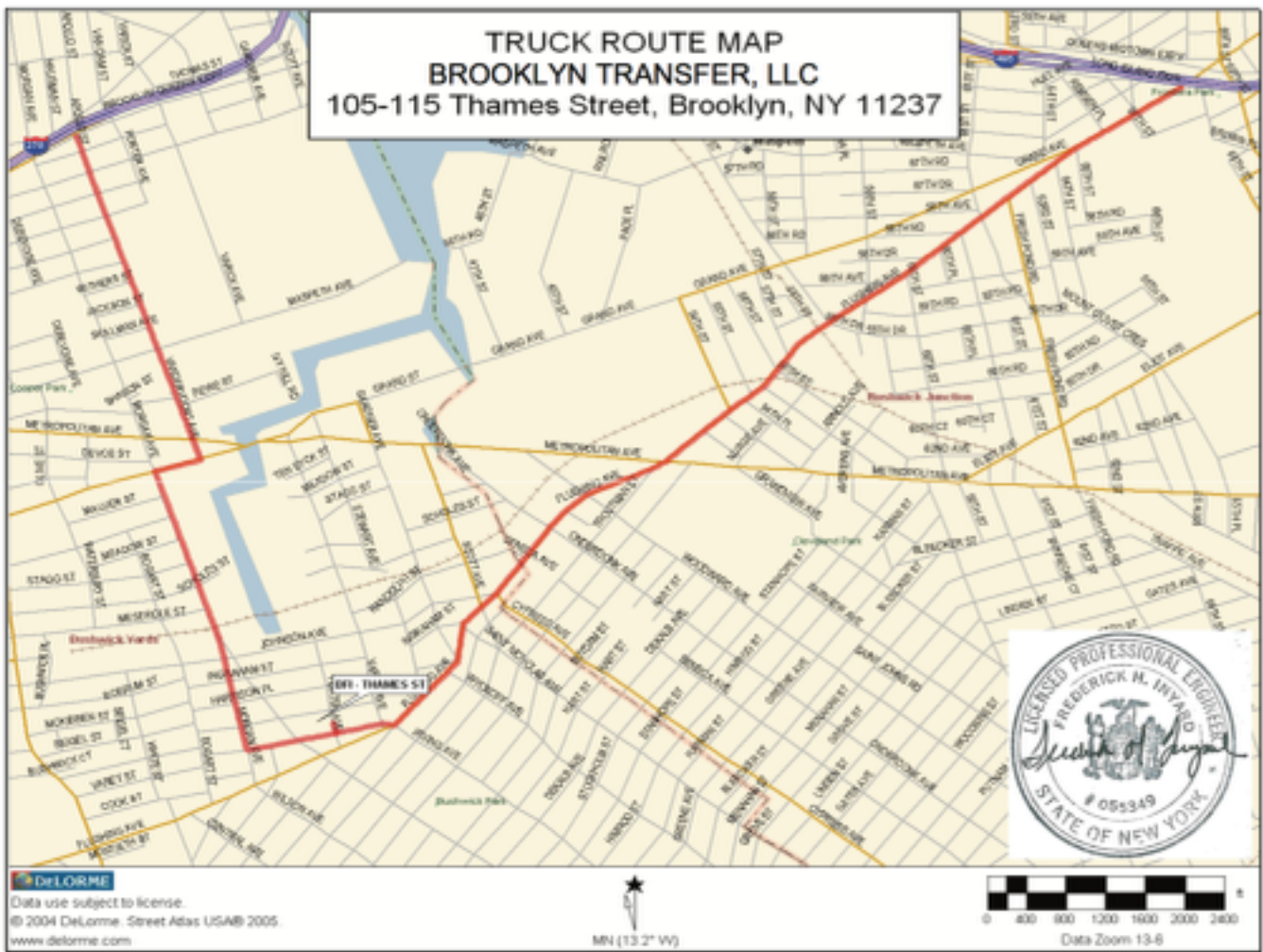
If it is necessary for Brooklyn Transfer to queue every truck on the north side of Thames Street, over 100 times in a five day period, an estimate of over 5000 times per year, it must be described in the site plan and the engineering report.



"The site plan must include all proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow."⁴⁷

Brooklyn Transfer LLC has hidden from public arenas that their facility - which moves 560 tons of waste per day - needs to utilize on-street parking intended for city residents in order to function. Queuing on the north side of Thames is unlawful because it's operating in a manner inconsistent with the site plan and the engineer's report.⁴⁸ It is also operating in "noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity." This is grounds to have the permit revoked.⁴⁹

VIOLATION: TRUCK ROUTE



Brooklyn Transfer's own engineering report in Section 4.6 *Transfer Vehicle Routing Plan* states: **Brooklyn Transfer's trucks follow NYCDOT - approved truck routes to transport waste to and from the facility at 105-115 Thames Street.**⁵⁰ There is even a map (shown above) which clearly states the route permitted.⁵¹ But every hauler who contracts with Brooklyn Transfer takes the residential Grattan Street in order to get to the station's weigh entrance faster. Grattan Street is dense with low income families living in multi story apartment buildings. When the trucks squeeze down Grattan, they run stop signs, crash into parked cars and take down power lines. Even though the name "Grattan Street." is not mentioned anywhere in the engineering report, Brooklyn Transfer directs their drivers to take Grattan Street *to save time and maximize profits*. Here are 252 observed violations when Brooklyn Transfer's trucks use unauthorized routes instead of the Department of Transportation approved truck route.

VIOLATION: LITTER CONTROL /IMPROPER USE OF TARPS



The facility fails to properly monitor incoming waste to ensure that the inbound trucks do not spill any litter on city streets. In the picture above, the attendant from Brooklyn Transfer LLC is literally pulling the tarp off an inbound packer truck himself. Tarps are supposed to stay on all packer trucks until they enter the station as stated in Codes, Rules and Regulations of the City of New York 360-1.14 (j) Confinement of solid waste: **Solid waste must not be accepted at a solid waste management facility unless the waste is adequately covered or confined in the vehicle transporting the waste to prevent dust, and blowing litter.**⁵⁰ It's also mentioned in Brooklyn Transfer's own engineering report; Section 3.2 states: **"Incoming roll-off vehicles will not be permitted to remove tarpaulins, covers, or other closures prior to entering the building."**⁵³ The report says: **"The facility manager will be at the site to monitor, inspect, and operate the facility."**⁵⁴

Raising the truck bed to remove the tarp also causes leachate to drip from the back of the container onto the street. In [this video](#), you can see leachate as it drips from the tilted bed. And around 2:44 an attendant shows up and makes no mind that the tarp is removed and leachate is dripping from the bed onto the street. Leachate is toxic. It coats the streets that children walk on, the sidewalks our baby strollers are pushed on, and releases fumes which can contain a complex mix of chemicals. Leachate also flows into drains and reaches our groundwater which can in turn taint our drinking water. Click [here](#) to view the 39 unenforced Litter Control/Tarp violations found 5/23-5/28.

VIOLATION: IMPROPER ACCEPTANCE OF NON-PUTRESCIBLE WASTE

The image above also demonstrates another form of disregard for the law by Five Star Carting and Brooklyn Transfer, who are affiliates of the same company. Five Star knows that it is illegal to drop construction materials at Brooklyn Transfer. And Brooklyn Transfer knows it is illegal to accept construction materials. Yet this processing of unauthorized waste is not flagged because the two companies are both owned by the same people.

VIOLATION: STOP SIGN



Cleanup North Brooklyn has observed that trucks that bring waste to and from Brooklyn Transfer do not obey basic traffic laws. Here are 189 unenforced stop sign violations between the dates of May 23-28. This footage shows 65 packer trucks running stop signs in a 5 day period on Grattan Street (which is not part of the permitted truck route, but clearly trucks regularly use it anyway), putting residents at constant risk.

VIOLATION: PROTECTIVE EQUIPMENT



Working at a waste transfer station is highly dangerous. The 2016 engineering report contains a Personal Protection Equipment Program that states:

“At Brooklyn Transfer we believe it is our obligation to provide a hazard free environment to our employees. Any employee encountering hazardous conditions must be protected against the potential hazards. The purpose of protective clothing and equipment (PPE) is to shield or isolate individuals from chemical, physical, biological, or other hazards that may be present in the workplace.”⁵⁵

The reality is that safety equipment is not provided for many of Brooklyn Transfer’s workers, and they must work inches away from dumping trucks without helmets, long pants, reflective gear, gloves or masks. They are in the line of fire of a steady stream of chemical fragrance without chemical goggles which is required in the data sheets of Sky Blue 2. This is a [link](#) to view 91 instances when Brooklyn Transfer failed to give proper safety equipment to their workers.

VIOLATION: EXCEEDING MAXIMUM VEHICLE TRAFFIC



More trucks means more idling, more leachate, more noise and more odors in the largely residential neighborhood. Cleanup North Brooklyn's goal is to mitigate the environmental hazards for families living next to a busy waste transfer station. So for the community, it is critical that the facility operates at or below the state permitted capacity. The engineering report's Maximum Vehicle Traffic [chart](#) allows for 70 garbage trucks a day and 28 tractor trailers into the neighborhood.⁵⁶ Finding out that the waste transfer station operates *above capacity* is a bitter pill for residents. It's another example of Brooklyn Transfer putting profits before the well being of the community. [Here](#) are 9 instances where the station violates Maximum Vehicle Traffic regulations controlling how many vehicles are permitted to utilize the transfer station per day. This is an example of "exceeding the scope of the project as described in the permit application" which is grounds for revocation.⁵⁷

HAZARDS: TOXIC SPILL - CARCINOGENS FOUND

Workers of 97-115 Thames discovered a hazardous spill in 1998: 50 gallons of gasoline had flowed from a rusted out tank into the ground. The owners at the time, Browning Ferris Industries (BFI), called the DEC and reported the incident, which became DEC spill number 98-09360.⁵⁶ BFI hired an environmental testing company to test the groundwater once in 2000, and once more in 2010. After finding elevated levels of 13 hazardous pollutants - including Benzene - in the groundwater, they somehow recommended *nothing be done about it*.⁵⁹ The DEC accepted this clean bill of health and then BFI promptly sold the property to the owners of Brooklyn Transfer LLC. This is disconcerting, because Benzene is classified as a carcinogen by the US Dept. of Health and Human Services.⁶⁰

When Brooklyn Transfer took over this facility in 2010, they inherited the sensitive site of an environmental spill that has never been cleaned up. Members of a community living so close to a toxic spill site expect the new owners to treat the floor of this facility with care. Instead, Brooklyn Transfer jackhammers into the cement without any thought for the safety of the workers or the neighborhood. They do not ask for approval or guidance from the Department of Buildings or the DEC, or consult Impact Environmental who did the study on the site. This is presumably because they want to save money and move fast. The faster the unpermitted, hazardous construction, the less chance they'll be caught and fined by the city.

CAS Number	Parameter Name	Parameter ID	MW-2	MW-3	MW-4	MW-5	NYSDEC TOGS 1.1.1.1. Ambient Water Quality Standards and Guidance Values
	Sample ID						
	Unit		ug/L	ug/L	ug/L	ug/L	ug/L
95-63-6	1,2,4-Trimethylbenzene	VOC	6.8	<5	<5	<5	5
108-67-8	1,3,5-Trimethylbenzene	VOC	<5	<5	<5	<5	5
71-43-2	Benzene	VOC	59	7.48	<5	36.9	1
100-41-4	Ethylbenzene	VOC	14	<5	<5	<5	5
98-82-8	Isopropylbenzene	VOC	70	<5	<5	20.6	5
1634-04-4	Methyl Tert-Butyl Ether (MTBE)	VOC	<5	<5	<5	<5	10
91-20-3	Naphthalene	VOC	<5	<5	<5	35	NA
104-51-8	n-Butylbenzene	VOC	26	<5	<5	10.4	5
103-65-1	n-Propylbenzene	VOC	120	<5	<5	30.5	5
99-87-6	p-Isopropyltoluene	VOC	<5	<5	<5	<5	5
135-98-8	sec-Butylbenzene	VOC	14	<5	<5	6.57	5
98-06-6	tert-Butylbenzene	VOC	<5	<5	<5	<5	NA
108-88-3	Toluene	VOC	7.6	<5	<5	<5	5
1330-20-7	Total Xylenes	VOC	102	<5	<5	<5	5
83-32-9	Acenaphthene	SVOC	<5	<5	<5	<5	20
208-96-8	Acenaphthylene	SVOC	<5	<5	<5	<5	NA
120-12-7	Anthracene	SVOC	<5	<5	<5	<5	50
56-55-3	Benzo-a-Anthracene	SVOC	45	<5	<5	<5	0.002
50-32-8	Benzo-a-Pyrene	SVOC	60	<5	<5	49	MDL
205-99-2	Benzo-b-Fluoranthene	SVOC	100	<5	<5	55	0.002
207-08-9	Benzo-k-Fluoranthene	SVOC	<5	<5	<5	<5	0.002
191-24-2	Benzo-g,h,i-Perylene	SVOC	<5	<5	<5	<5	NA
218-01-9	Chrysene	SVOC	150	<5	<5	<5	0.002
53-70-3	Dibenzo-a,h-Anthracene	SVOC	<5	<5	<5	<5	NA
206-44-0	Fluoranthene	SVOC	<5	<5	<5	30	50
86-73-7	Fluorene	SVOC	<5	<5	<5	<5	50
193-39-5	Indeno(1,2,3-c,d)Pyrene	SVOC	<5	<5	<5	<5	0.002
85-01-8	Phenanthrene	SVOC	<5	<5	<5	<5	50
129-00-0	Pyrene	SVOC	240	<5	<5	60	50

In this 2010 study, conducted by Impact Environmental, shaded areas represent elevated levels of 13 different volatile and semi volatile compounds (hazardous pollutants, some carcinogenic) in the groundwater below Brooklyn Transfer LLC.⁶¹

HAZARD: UNPERMITTED CONSTRUCTION ON FLOOR CONTAINING CARCINOGENS



During our six day study, we found that Brooklyn Transfer performed major construction inside their facility without obtaining proper permits from the Department of Buildings or the DEC. This is a [short video](#) that shows the staff of Brooklyn Transfer and an additional 20 workers (many without protective equipment) ripping up the floor in two places and adding new cement to the floor. This is the same floor that had a toxic spill in 1998 leading to elevated levels of dangerous pollutants including the carcinogen Benzene. It's important to this community that the facility go through the proper channels for such construction considering the history of this floor and what lies beneath.

The facility did not request permits from the NY Department of Buildings and they also did not file the following paperwork with the DEC Minor Facility Changes requires any Waste Transfer Station to provide “written notice, in duplicate, to the regional solid Materials Engineer (the DEC Engineer) and the Regional Permit Administrator. Such Notice must include the following: (i) a revised facility site plan, process flow diagram, or other detailed drawing(s), as appropriate, specifically illustrating such change(s) and (ii) a letter which (a) details such change(s); (b) amends the permittee’s Engineering Report or other material, as appropriate; and (c) identifies the Permittee’s proposed date to initiate such change(s). The Permittee must not initiate any such change(s) prior to the Permittee’s proposed date to do so, unless otherwise authorized by the department. Notwithstanding the foregoing, the department reserves the right to deny or modify the Permittee’s requested change or to require that it be subjected to a full permit or permit modification process.” ⁶²

HAZARD: UNPERMITTED CONSTRUCTION ON FLOOR CONTAINING CARCINOGENS



12:51 PM ON 10/07



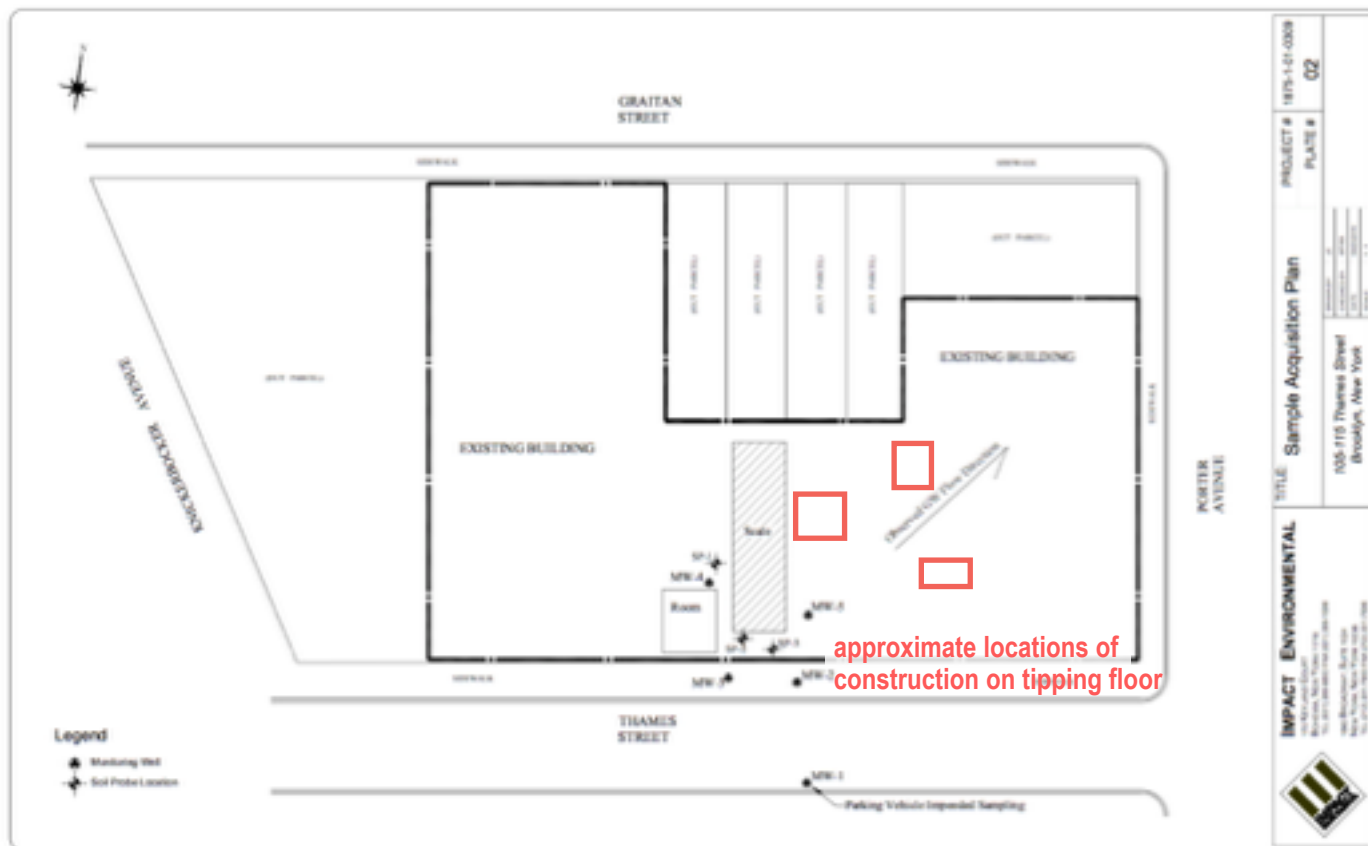
1:13 PM ON 10/07



1:16 PM ON 10/07

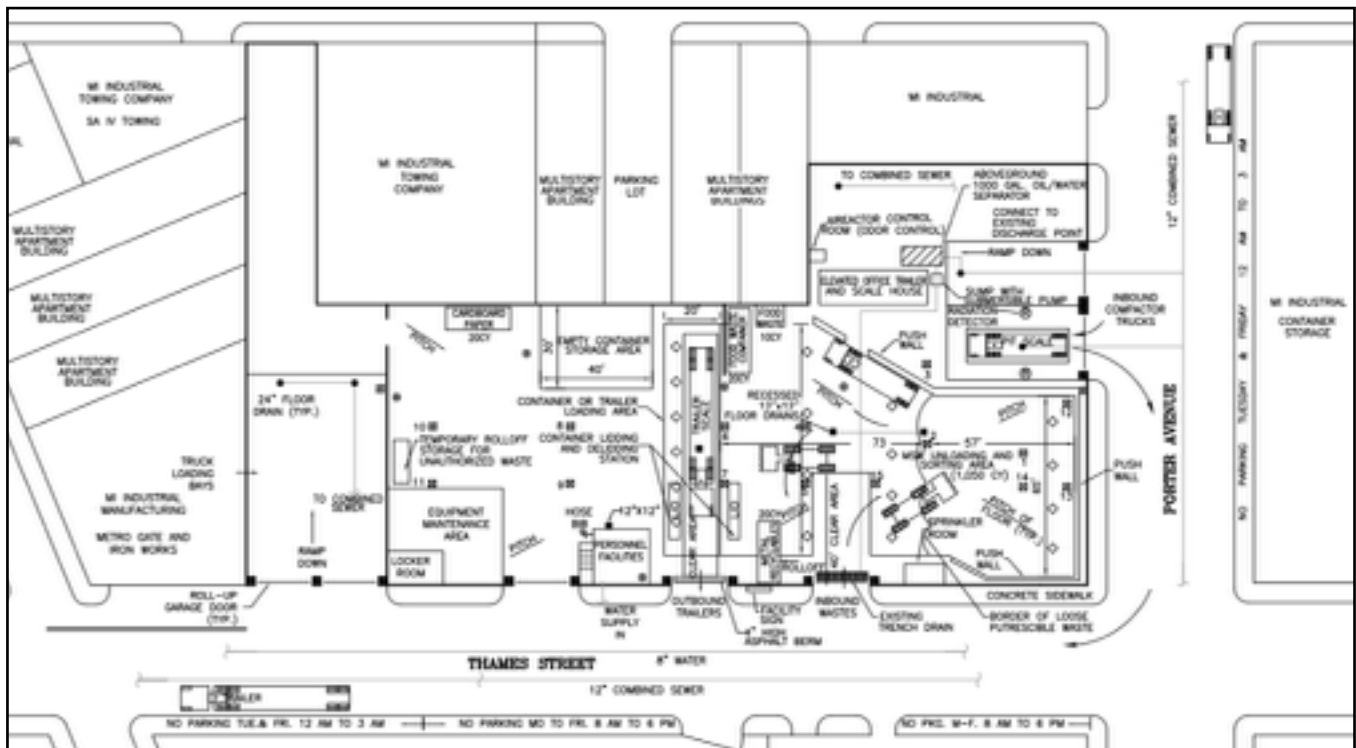
Again on October 6th of 2016, Brooklyn Transfer once more tore up the tipping floor with jackhammers; and then on Oct. 7th, poured cement down. This time, the hole they created and left exposed for more than a day was only about 5 feet from the toxic spill location, and they gave their workers no respiratory protection or goggles despite the carcinogenic compounds found at this site. Despite repeated calls to 311 from residents and business owners, the city of New York failed to send any officials from the Department of Buildings to examine this. It seems like the facility is given carte blanche to do as they please with or without the necessary paperwork. It appears that Brooklyn Transfer is allowed to live by different set of rules than ordinary New Yorkers.

HAZARD: UNPERMITTED CONSTRUCTION ON FLOOR CONTAINING CARCINOGENS



We are not architects but it is easy to see that the three places Brooklyn Transfer tore up their facility floor are very close to the toxic spill area, where elevated levels of carcinogens were found. This area of the floor at 97-115 Thames is very sensitive and we strongly recommend that the owners of this building treat it as such. The residents of this neighborhood have families and babies growing up here. This is a [video](#) of a mom pushing her baby by the facility on one day of the illegal construction, you can hear the jack hammers blaring through the door. If this facility is going to exist side by side with a bustling residential community they should be held to a higher standard of safety than they have shown in the past six years since moving into this location. Cleanup North Brooklyn believes they should avoid using jack hammers on the floor of a facility that is known to contain carcinogens. If they must, they should be required to get permission from the DEC, and the necessary permits from DOB, as well as give their workers proper protective masks. They should also keep the doors to the facility shut, and warn the community to steer clear of the area while they stir up known carcinogenic compounds.

VIOLATION: MISINFORMATION IN THE SITE PLAN



Brooklyn Transfer's [site plan](#) is wrought with misinformation. For instance, Porter Avenue is drawn at 45 feet wide when it's really 34 feet wide. In other words, it is drawn 33% wider than it actually is. Furthermore, Thames Street is drawn 18% wider than it actually is. On-street parking signage on Thames Street stating "NO PARKING 12-3AM MON and WEDNESDAY" is omitted from the plan. Note that this north side of Thames is the sensitive queueing area where Brooklyn Transfer borrows on-street parking from the community. The sidewalk on the north west corner of Thames is also omitted from this architectural drawing, replaced by the words "roll up garage door". The law says: **The site plan must include site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas, on-site roadways, and signs).**⁶³ Brooklyn Transfer's plan clearly fails to do so.

The method that the trucks enter into the station is also omitted from the site plan. If you watch [this clip](#) you can see that the design of the station requires the 70 foot trucks maneuver perpendicular to a narrow one way street. [Title 6 NYCRR Part 360.11.2\(2\)](#) is very clear about the information that should be in the site plan. It says the site plan must have: **All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow.**⁶⁴ Again, Brooklyn Transfer fails to adhere to the legal requirements.

The surroundings of this facility are mislabeled in the site plan, we believe to push a narrative that this neighborhood is predominantly zoned for manufacturing. The truth is that the station is surrounded by about 70 % residents and 30% manufacturing. **The site plan must include adjacent properties, including the location of public and private water supplies on these properties.** Legal residential apartments on Knickerbocker are mislabeled "M1 Industrial Garage" and "Vacant Lot." Nearby residential buildings built in the 1930's on Thames Street and Grattan Street are intentionally left off and replaced with the "NOTES" section. The number of mislabeled properties is suspect. **Materially false or inaccurate statements in the permit application or supporting papers is grounds for a permit to be suspended or revoked.**⁶⁵



PART 3: CONCLUSIONS



THE FIGHT AGAINST BIG MONEY CONTINUES



“The law is the law, but if the city has contracts with a private business, **it’s a conflict of interest**. Then they’re not really going to uphold the law.”

“I feel helpless. Helpless against these people. **They have so much money its crazy**. What can you do?”



“It seems like nobody can do nothing about it. This local dump site has been there for who knows how long. Chances are, **it’s gonna take a fight to do something about it**”

“I always hear “Theres nothing we can do because **these people have a lot of money, they can do whatever they feel like it.**” And a lot of people give up. And a lot of people are still fighting.”



This neighborhood has been fighting for a fair shake for almost 30 years. How much longer will their community be subjected to a disproportionate burden of toxic facilities? What message is being sent to North Brooklyn residents? That their health is far less important than the right of a private company to maximize profits?

RECOMMENDATIONS



This neighborhood has endured more than its fair share of exposure to pollution and garbage on behalf of New York City. When the first waste transfer station at 97-115 Thames St. opened, residents were not given any say in the matter. They had no voice, no defense, no counsel. They were forced to calmly accept a 25-year+ sentence of stench, particulate matter, chemical exposure and noise. Residents surrounding Brooklyn Transfer have been disproportionately burdened by a privately owned company and underserved by the City of New York. Whatever the reason for this exploitation, it is safe to say that this community's debt to society has been paid in full.



Together the City of New York and Brooklyn Transfer LLC should free this community from the burden of this waste transfer station. Together and amicably they should move for a closure of the facility. Together they should do a careful environmental cleanup of the site. And the city should purchase the property and turn it into a small park. Finally the children of this neighborhood would have a place outside to play. Brooklyn Transfer LLC would have the honor of naming the park. It would be great publicity for their development company, an opportunity to shine. And it would be an easy way to say "thank you" to the residents that have endured a quarter century living downwind from a noxious waste transfer station.

RECOMMENDATIONS

If closure of the transfer station is not an option, we believe that the permit should be suspended until these community concerns are addressed:

- **Odor.** Brooklyn Transfer must eliminate the odor nuisance. A second wall inside the door is needed, so the facility can operate “completely enclosed” as required by the Zoning Resolution in M1 districts. They should update their exhaust system to depressurize the tipping floor so air moves into the facility rather than out. They must adopt better housekeeping measures, so the facility is cleaner. They must move to natural scents and immediately halt the use of unauthorized ground level foggers that spray industrial perfumes at eye level.
- **DSNY Contracts.** The city cannot protect New Yorkers while contracting this privately owned facility. We recommend that the City take their business to a facility that respects the laws of the city, and operates lawfully and with respect to the surrounding community.
- **Leachate.** Brooklyn Transfer must stop pushing the toxic sludge into this community’s city streets and drains. They must also keep arriving trucks from lifting their beds and allowing leachate to drip onto city streets.
- **Noise.** Brooklyn Transfer emits up to 89 decibels inside apartments adjacent to the facility. They should be required to keep *metal* doors closed when trucks are not entering or leaving and do any construction needed to meet regulation.
- **Tonnage.** Brooklyn Transfer is permitted to move 560 tons of solid waste per day. Residents have shouldered the environmental burden of this station for over 25 years. They deserve a significant reduction to 100 tons per day.
- **Queueing Space.** All new transfer facilities must have on-site parking for the purposes of queueing trucks without blocking public streets.⁶⁶ Brooklyn Transfer should create indoor queueing areas to lessen the burden on city streets.
- **Independent Engineering Report.** The engineering report supplied by Brooklyn Transfer is wrought with misinformation and written to dodge the community’s concerns. The community wants a new report from an engineering firm of the community’s choosing (with experience in transfer stations) and paid for by Brooklyn Transfer LLC.
- **Educate Staff and Drivers.** We recommend an education for staff and contractors on the rules of waste transfer stations, NYC DOT Approved truck routes, Leachate, Idling, Noxious Odors, and Queueing in classes enforced by the city.
- **Greenery.** The odors, chemicals and noise produced by Brooklyn Transfer can be mitigated through the planting of trees on its sidewalks. We recommend that Brooklyn Transfer add greenery to Thames Street and Porter Avenue.
- **Widen the entrance for outbound eighteen-wheeler trucks.** Outbound trucks block Thames street for up to 10 minutes as they back into the small entrance. A wider door is recommended in addition to changing the angle of the truck scale.
- **Change the angle of the outbound truck scale.** Currently the scale is perpendicular to the flow of traffic on a one way street. This causes a huge problems. A more reasonable angle should allow tractor trailers to enter quickly and safely.
- **Union-standard labor.** Brooklyn Transfer must pay its workers prevailing wage for the sanitation industry, provide adequate safety training to prevent workplace injury, and personal protective equipment for its employees.
- **Traffic attendant provided.** Outbound trucks regularly back into the facility with no attendant, endangering pedestrians and bikers. The facility should provide regular traffic attendance, enforced by the DSNY officers on site.
- **Road maintenance.** The facility has created an excessive amount of potholes, odors & toxic chemicals on the streets and sidewalks. We recommend that Brooklyn Transfer pay for the restoration of Grattan St, Porter Ave and Thames St.
- **Federal agency participation** We want the National Environmental Justice Advisory Council/Waste and Facility Siting Subcommittee/Waste Transfer Station Working Group to ID this station as one with “a high degree of incompatibility with adjacent community land uses.” They should consider if it is legal for this station to operate so close to households.
- **City Enforcement.** DSNY has until now turned a blind eye and allowed these violations to occur unchecked. The community requires enforcement from the city department that has taxpayer funded contracts with this station.

FOOTNOTES

1. EPA: A Regulatory Strategy For Siting and Operating Waste Transfer Stations: The Siting of Waste Transfer Stations in Low-Income Communities and Communities of Color. March 2000, Page 7 : <https://www.epa.gov/sites/production/files/2015-02/documents/waste-trans-reg-strtg.pdf>
2. Zoning Resolution of the City of New York: Article IV Chapter 2 Page 3 : <http://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-text/art04c02.pdf?r=032216#page=3>
3. Technical Policy and Procedure Notice : www1.nyc.gov/assets/buildings/ppn/ppn291.pdf
4. EPA: A Regulatory Strategy For Siting and Operating Waste Transfer Stations: The Siting of Waste Transfer Stations in Low-Income Communities and Communities of Color. March 2000, Page 20. : <https://www.epa.gov/sites/production/files/2015-02/documents/waste-trans-reg-strtg.pdf>
5. DSNY- Notice of Adoption Final Rules Regarding The Waste Transfer Station Siting Requirements 2004 - Page 9: https://www1.nyc.gov/assets/dsny/docs/about_adopted-rule-siting-requirements-transfer-stations_0815.pdf
6. Technical Policy and Procedure Notice : www1.nyc.gov/assets/buildings/ppn/ppn291.pdf
7. Brooklyn Transfer LLC Engineering Report: https://drive.google.com/open?id=0B9QGAFJfU_QygZGJOSkhMelfJmzg
8. Brooklyn Transfer LLC Site Plan: https://drive.google.com/open?id=0B9QGAFJfU_QygSnFrbXFfQFpoS0U
9. Brooklyn Transfer LLC Permit: https://drive.google.com/open?id=0B9QGAFJfU_QygWUZZV2dYRm5vb2s
10. Gannett Fleming Architects and Engineers <http://www.gannettfleming.com/>
11. Brooklyn Transfer LLC Permit Page 8 of 9: https://drive.google.com/open?id=0B9QGAFJfU_QygWUZZV2dYRm5vb2s
12. IARC: Diesel Engine Exhaust Carcinogenic: http://templatelab.com/iarc_press_release_213_E/
13. Clearing the Air Page 4: http://www.alignny.org/wp-content/uploads/2016/09/Final-draft-v3_TDT-Air-Qual-Report_Clearing-the-Air.pdf
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ABBREVIATIONS

CNB: Cleanup North Brooklyn

DSNY: Department of Sanitation of New York.

NYC DOT: New York City Department of Transportation

WST: Waste Transfer Station

DOB: Department of Buildings

PM 2.5 Particulate Matter 2.5 microns wide aka, diesel fuel soot

DEC: Department of Environmental Conservation

DEP: Department of Environmental Protection

EPA: Environmental Protection Agency

M1 - Manufacturing 1 district



“We have a problem. It’s a health problem, It’s a safety problem.
It’s a community problem.”

Thank you for reading. A short documentary about the issue can be seen [here](#).

CLEANUP NORTH BROOKLYN