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Response to the Draft Generic Environmental Impact Statement (DGEIS)
for the World Trade Center Memorial and Redevelopment Plan

Testimony by Patricia Dillon, Chairperson,
Environment Committee
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For more than 8 months after the barbaric attack on the World Trade Center, residents of Lower Manhattan continued to be assaulted, at the hands of our own government. The air in our neighborhoods was filled with toxic fumes from diesel trucks and demolition equipment, and uncontrolled contaminated dust from the trucks carrying WTC waste to Pier 25 in the Hudson. The suspension by New York State of regulations governing the transport of toxic waste enabled the recovery and cleanup to be completed ahead of schedule and under budget, but the citizens of Lower Manhattan paid a very heavy price.

Now, we face 10-plus years of possibly even greater assaults on our air quality. The DGEIS indicates that particulate matter emitted from diesel engines will substantially exceed EPA's air quality standards. The DGEIS contains many well-intentioned statements about planned efforts to mitigate these terrible impacts, but it makes no real commitments in this regard. The language regarding such mitigation is filled with loopholes, the most frequent of which is that the use of ultra-low sulfur diesel (ULSD) fuel, and retrofitting equipment with emissions-reduction devices, are required only "when practicable."

Governor Pataki, Silverstein Properties and others have gotten much favorable press coverage by stating that ULSD and the best available emissions-reduction devices are being used in WTC reconstruction. But we have information from air quality consultants and low-sulfur fuel suppliers that the reality on the ground is somewhat different. At #7 World Trade Center site, for example, only 3 out of 7 pieces of large, permanent diesel equipment were able to be retrofitted to reduce harmful emissions. Much more than good intentions is needed if citizens are not to be subjected, for many years, to the dangerous air pollutants that will be generated by this massive reconstruction.

We understand that the DGEIS, cannot absolutely *mandate* these toxic-emissions reduction measures, since there are factors which sometimes make them not "practicable." However, the DGEIS can do much more than it currently does to ensure that contractors cannot so easily evade their responsibility to protect our air quality. It is essential that the projects and their contractors be held accountable.

Therefore, Independence Plaza Tenants request that the following requirements be added to the DGEIS in order to reduce air pollution:

- Require that contracts with (and by) the MTA, the Port Authority, Con Edison, Verizon, and all other quasi- and non-government entities, contain the same provisions regarding diesel

emissions reduction as are included in current New York State contracts per Gov. Pataki's order, and in City law A-191.

- Require that all *moving* vehicles involved in Lower Manhattan reconstruction projects, including delivery trucks, also comply with diesel-emissions reduction provisions of the NYC A-191 law and the governor's order.
- Require the establishment of a Lower Manhattan Construction Command Center (LMCCC) and charge it with issuing regular, quarterly reports of non-compliance with air quality mitigation measures by each of the Lower Manhattan demolition and/or construction projects.
 - These reports should be posted on the LMDC web site and should also be sent in hard copy to Community Board 1 and to the City Council's environment committee.
 - The reports should include – for on-road vehicles as well as non-road equipment – the number of instances of non-compliance for each project, and the reasons for them.
 - In addition to non-compliance with diesel emissions requirements, the reports should include non-compliance with dust-control measures such as wetting down debris, and the reasons for same.
- Require that all *moving* vehicles involved in Lower Manhattan reconstruction projects, including delivery trucks, also comply with diesel-emissions reduction provisions of the NYC A-191 law and the governor's order.