

NRDC's New York Program Snapshots December 2006

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1. Solid Waste and Recycling

For almost two decades, NRDC has played an instrumental leading role in promoting recycling and waste reduction as key components of New York City's strategy for managing its 50,000 tons per day of residential and commercial solid waste. After helping to develop and pass the city's pioneering recycling law in 1989, and later rescuing what had become a successful program from a misguided attempt to save the City funds during the severe budget crisis in 2002 (NRDC made a successful case to Mayor Bloomberg that recycling is, in fact, cost-effective), NRDC's efforts have since shifted to expanding the program to grow beyond the current 20 percent recovery rate, including efforts to enhance curbside recycling and require the recycling of harmful electronic waste.

- *Advancing Electronics Recycling Legislation:* NRDC is working to build City Council, public, and industry support for the Electronic Equipment Recycling and Reuse Act (Intro. 104)—one of the most progressive and far-reaching electronic waste bills advanced in this country, and the first such bill ever introduced at the municipal level. A key component of the bill is that it requires the manufacturer

of electronic equipment—as opposed to the consumer—to bear the responsibility and cost of collecting and then recycling or reusing these items (known as the “extended producer responsibility” or “EPR” approach). The purpose of this approach is to provide financial incentives for electronics producers to design consumer goods that contain fewer toxins in a way that facilitates reuse and recycling. [Click here to view NRDC’s E-Waste Recycling fact sheet.](#)

- *Expanding Curbside Recycling Reforms:* In 2004, NRDC released our *Recycling Returns* report, which included a series of recommendations designed to boost New York City’s recycling rate, and make the program more cost-effective. Over the past year, we leveraged this report to influence the negotiations between the mayor and City Council over the City’s 20-year Solid Waste Management Plan (SWMP).

On July 19, 2006, the City Council overwhelmingly approved Bloomberg’s SWMP. The final plan incorporated several of our recommendations, including new measures aimed at increasing the collection of recyclables to 25percent in the near-term, and promoting public recycling efforts. Importantly, the plan also includes language directing the City Council to develop new rules for the recycling of computers and other electronic waste. Perhaps the most significant component of the new SWMP is the city’s commitment to establish an independent office of recycling—one of NRDC’s top priorities and a primary focus of our advocacy efforts. The new office will operate under the city’s Council on the Environment. To date, recycling management has fallen under the Sanitation Department’s jurisdiction, which we believe undermined the overall success and cost-effectiveness of the program.

To help build a stronger, and more economic, case for increased recycling in New York, NRDC also has been working hard to boost the market for recycled materials in the city. We are pleased to report that in December 2005—after several years of intense advocacy—the City Council passed a bill requiring a wide range of items purchased by the city to contain minimal levels of post-consumer recycled content.

For more information on New York City’s recycling program, please click here: <http://www.nrdc.org/cities/recycling/gnyc.asp>

2. Sustainable Vehicles

NRDC advocates for progressive policies at the regional level to reduce pollution emissions from vehicles—a major source of environmental health problems among urban dwellers and a leading contributor to global warming. In addition, our dependence on oil to fuel our vehicles has growing national security implications as the United States, possessing less than 3 percent of all known oil reserves, currently is forced to import almost 60 percent of our oil.

- *Advancing Hybrid Taxis:* Since the hybrid taxi bill passed the New York City

Council in June 2005—after considerable legal, research, and advocacy assistance by NRDC—our Urban team has been working to expand the number of hybrid taxis serving New York City streets. In the months immediately following the vote, we helped guide the Taxi and Limousine Commission (TLC) in the technical aspects of the new law’s implementation, which ultimately approved six hybrid models to be used as yellow taxis. More recently, we have been working closely with members of the City Council, the TLC, and industry to advance a set of bills that would put in place various incentives for clean air taxis and for-hire vehicles, as well as requirements for the TLC to provide promotional materials to taxi drivers and riders to increase awareness of the air quality and economic benefits of hybrid taxis. NRDC continues to discuss these issues with Council legislative staff and advocate for clean air taxi incentives. In the meantime, the number of hybrid vehicle models approved for use as taxis has increased to nine models. The most recent hybrids added to the roster include the Toyota Camry Hybrid and the Saturn VUE Green Line Hybrid.

- *Reducing Toxic Diesel Exhaust:* For several years, NRDC’s “Dump Dirty Diesel Campaign” has been the leader in reducing toxic diesel exhaust around New York City—an alarming public health threat that is responsible for the premature deaths of 1,800 New Yorkers every year and disproportionately affects people of color and lower-income communities. Due largely to NRDC’s efforts, the City Council has passed several critical laws governing city-owned fleets—including construction equipment, school buses, and sanitation trucks—and the MTA has made strong commitments to dramatically reduce the pollution from their entire fleet of more than 4,500 buses. Our work now focuses on ensuring that agreed upon measures are effectively implemented in a timely manner.

As part of our MTA advocacy, in late 2005 NRDC developed a database to calculate the emissions reductions from the Metropolitan Transportation Authority’s Clean-Fuel Bus Program. This tool allows us to easily calculate changes in the bus fleet’s emissions whenever the MTA buys new buses and, for the first time, gives us the ability to easily measure the relative emissions benefits of various technologies. Because the database is adaptable to other fleets, it has great value for other non-New York diesel pollution work—for example, we recently used it to estimate the emissions reductions that would result from a range of policy options being considered in Sao Paulo, Brazil.

NRDC’s Dump Dirty Diesel team also has been working to promote dirty diesel reduction programs in Albany that will extend the diesel fuel and retrofit obligations of the City laws to the State fleets. We are pleased to announce that the New York State Legislature passed the Diesel Emissions Reduction Act in June 2006, and it now awaits the Governor’s signature.

- *Reducing Greenhouse Gas Emissions from Passenger Vehicles:* In 2005, NRDC helped pave the way for New York State’s adoption of California’s revolutionary clean car bill (AB 1493)—the first law to regulate carbon dioxide emissions from

vehicles in order to reduce global warming pollution. Specifically, the new law would reduce CO₂ emissions from new vehicles 30 percent by 2016. Over the past year, NRDC worked with officials in New York to assist in the implementation of this groundbreaking policy, which is set to go into effect with 2009 model year.

3. New York Oceans and other Waterways

NRDC's New York team is working to clean up and restore local waterways severely degraded from decades of pollution and reckless development. In particular, we are focusing on the imperiled Jamaica Bay estuary in addition to other neighboring waterways, including Long Island Sound, that suffer from chronic combined sewer overflows (CSOs) and nutrient loads from the City's treated municipal wastewater. We also have worked at the state level to push for ocean governance reform to reverse the declining state of New York's coastal estuary and bay waters.

- *Safeguarding the Jamaica Bay Watershed:* NRDC co-chairs the Jamaica Bay Watershed Protection Plan Advisory Committee, a seven-member panel established in 2005 by New York City Local Law 71 to help advise the Department of Environmental Protection (DEP) in the development of a plan to protect and restore Jamaica Bay's water quality and ecological integrity. Jamaica Bay's more than 25,000 acres of open water, marsh, meadowland, beaches, dunes, and forests provide critical habitat for more than 80 fish species and many threatened and endangered species, such as the peregrine falcon and the Atlantic Ridley sea turtle. The wetlands also serve as flood protection and shoreline erosion control for the bay's surrounding homes and businesses in Brooklyn and Queens.

At the current rate of loss, scientists predict that the bay's distinctive marsh islands will vanish completely in less than twenty years. Poor, and in some places deteriorating, water quality remains a continuing problem for the bay, and may even be causing marsh loss. The exact cause of the bay's marsh loss is unclear; recent studies have focused on excessive sulfides in sediments due to water pollution, as well as a reduction in the amount of sediment washing up on the marshes due to a hardening of the bay's perimeter and the deep dredging that has occurred in sections of the bay. Nitrogen-rich wastewater and overflows from sewage treatment plants and stormwater runoff contribute to harmful algae blooms that deplete oxygen from the bay's water; when dissolved oxygen levels dip too low, wildlife that cannot swim away dies.

On June 29, 2006, the Jamaica Bay Watershed Protection Plan Advisory Committee submitted their preliminary recommendations to the Speaker of the City Council and the Department of Environmental Protection (DEP) Commissioner. The Committee's recommendations—fifteen of which were highlighted as priority recommendations deserving immediate attention—were developed with significant input from both the scientific community and public. Currently NRDC is helping the Advisory Committee set up further meetings with the local environmental community and community boards to solicit additional

ideas and public comments. The Committee will submit a list of final recommendations in June 2007.

- *Protecting the Water Quality of New York City's Waterways:* After decades of progress, the quality of the New York City's waterways is no longer improving because of chronic combined sewer overflows (CSOs)—more than 27 billion gallons of raw sewage and polluted stormwater overflow from the City's sewers into our waters yearly—as well as nutrient loads from the City's treated municipal wastewater. NRDC is fighting to improve the city's waste and storm water treatment system by fighting the city's challenge to permit conditions that would implement the TMDL (Total Maximum Daily Load) for nitrogen pollution released into Long Island Sound, which was approved by the EPA three years ago. We also are challenging permit conditions that fail to comply with legal requirements to fix the CSOs, but rather set forth half-measures and then propose to weaken water quality standards so that additional pollution controls aren't needed. If the permit becomes permanent, problems caused by sewer overflows would continue, and perhaps even become worse.

The difficulties of interagency coordination are a central issue that has arisen in the course of the New York City Department of Environmental Protection's attempts to comply with EPA's CSO Control Policy—in which we are participating through a DEP Citizens Advisory Committee as well as through the administrative litigation over the city's wastewater and stormwater discharge permits—and one of our major strategies on this has been to bring to bear as much pressure as possible, and to facilitate as much as possible, the coordination of multiple city agencies with jurisdiction over stormwater issues.

In addition to the ongoing litigation efforts described above, NRDC also has been working to craft a successful agreement between New York City and New York State that would give the City flexibility to install more advanced and less expensive technology than was contemplated even a few years ago, with the aim of achieving the same 65 percent reduction in nitrogen discharge required by the TMDL. We are pleased to report that after three years of on-again, off-again negotiations, the City and State of New York reached such an agreement, under which the City will make capital changes at its plants that should result in a 58 percent reduction of nitrogen discharges by 2017. The agreement allows the city to achieve these reductions through new technologies that will save the city several hundred million dollars in capital expenditures. NRDC played an important role in this campaign over the years, and will remain vigilant to ensure implementation of the consent agreement.

- *Protecting New York's Ocean Ecosystem:* In New York, NRDC is leading a coalition of over a dozen groups working to promote ocean and coastal protection. In June 2006, the coalition succeeded in getting the New York Ocean and Great Lakes Ecosystem Conservation Act passed along with an allocation of \$3 million for the first year of the act's implementation. That law establishes a state policy

to conserve, maintain and restore the health of the state's ocean and coastal ecosystems and establishes an ecosystem council to implement that policy. The council is now undertaking a comprehensive assessment of how to effectively integrate an ecosystem-based approach into the state's ocean management regime, as well as developing a coastal atlas, a priority list of research projects and pilot ecosystem based management projects. NRDC is participating in all phases of this effort to ensure that the principal goal of coastal and ocean ecosystem protection and conservation is effectively furthered by these efforts. To this end, NRDC will be attending and participating in council meetings, leading the NGO coalition, urging legislative support for additional financial resources for this initiative and educating the incoming governor regarding the need for action to address the threats that are leading to the serious decline of ocean and coastal resources in New York.

4. New York City Drinking Water

For the past several years, NRDC has played a leadership role in protecting New York City's upstate watershed—the irreplaceable source of drinking water for nine million downstate residents—by advocating for strong land acquisition and conservation easement policies on the city and state level, as well as by fighting ill-advised development projects both politically and in the courts. Our efforts have focused particularly on the six West-of-Hudson River reservoirs and the more than one million acres of watershed lands that drain into these Catskill and Delaware system reservoirs. If these watersheds are not adequately protected, it is likely that federal or state officials will order New York City to filter this huge supply at an enormous cost to city ratepayers (more than six billion dollars in capital expenses alone).

- *Promoting Land Acquisition and Conservation Easements in the Upstate Watershed:* NRDC is working to build support among New York City Council Members for legislation that would continue the City's watershed land acquisition and easement program for an additional ten-year period from 2007 to 2017. The new legislation sets a ten-year goal for the city to acquire an additional 75,000 strategically located acres in the watershed.

As we have worked to advance the watershed protection bill in the City Council, we also have developed an alternative strategy to leverage the pending 2007 expiration of the City's federal Filtration Avoidance Determination to ensure an extension of the land acquisition program in the event that the legislation does not pass this year. It is likely that the U.S. EPA will issue a continuing filtration waiver to replace the one scheduled to expire in May 2007, but only after establishing new requirements for watershed protection that New York City will be required to achieve. To this end, NRDC is pushing for the incorporation of a strong five- or ten-year land acquisition component that mimics the legislation in both the city's 2006 proposal to EPA and ultimately in EPA's 2007 final directive to the City as a condition of renewing the permit.

NRDC also has continued to push for state level legislation to meet our watershed land protection objectives. Specifically, we have been assisting Albany-based Environmental Advocates to advance the Community Preservation Act in the New York State Legislature. This Act—which would authorize towns to hold local referendums on adopting a real estate transfer surcharge to raise funds exclusively for land acquisition and easements—passed the Assembly, and continues to garner bi-partisan support in the Senate.

- *Land Protection in the East-of-Hudson Reservoirs:* In addition to West-of-Hudson watershed land acquisition efforts, NRDC also continues to implement a similar strategy for the East-of-Hudson Croton watershed. Recent efforts have focused on protecting open space bordering the Kensico Reservoir—the all-important terminal reservoir and natural filtering location for water flowing from the six huge reservoirs in the Catskill/Delaware system. Specifically, we are working with the New York City Department of Environmental Protection (DEP) and environmental allies in Armonk to halt plans for a shopping center to be built on a strategically critical 11-acre parcel of land immediately uphill from the eastern portion of the reservoir. Due to NRDC’s intensive advocacy, both the DEP and the town have agreed to put up significant funds to purchase the land, and negotiations with the developer are at a critical point. If the parties are unable to come to terms, NRDC is prepared to pursue legal avenues to prevent the development.
- *Fighting Harmful Development Projects New York Watershed Region:* NRDC is committed to fighting harmful development projects within critical watershed lands that pose a direct threat to New York City’s drinking water, as well as in bordering areas where increased sprawl is placing further pressure on the downstate water supply and endangering the prized rural character of the region.

For the past several years we have been leading a coalition of 11 New York City and local watershed organizations in a fight against the massive Belleayre Resort—the largest development proposal in the history of the State’s Catskill Park. The development envisions two large hotel complexes, hundreds of time-share units, at least one 18-hole golf courses, dozens of acres of new paved surfaces, and ancillary commercial structures built on mountainside lands that drain into the region’s two largest reservoirs (the Ashokan in Ulster County and the Pepacton in Delaware County). More than 100,000 trees and saplings would have to be destroyed to accommodate the project. The new construction will likely generate large volumes of stormwater runoff and pollution, which would flow into streams that feed the city’s unfiltered water supply. The steep topography of the development site (steeper, in fact, than the slopes of the neighboring Belleayre Ski Center) further increases the likelihood of unacceptable amounts of new pollution threatening the quality and safety of our drinking water.

NRDC and our environmental and political allies—including both the EPA’s regional administrator and the New York State comptroller—are building support

for the alternative “no-build on east” plan put forth by U.S. Representative Maurice Hinchey, which would permanently safeguard the entire 1,240 acre eastern portion of the property and allow for limited, environmentally sound development only on the 800-acre western parcel.

5. Energy Conservation, Efficiency and Clean Energy/Renewable Fuels

Reducing energy consumption through conservation and efficiency, and promoting clean renewable energy and biofuels, are key to NRDC’s priority objectives to curb global warming and reduce America’s dangerous dependence on oil. In New York, NRDC’s groundbreaking efforts on these fronts are serving as models for other regions, as well as for the nation as a whole. Importantly, NRDC regional work is proving that environmentally sustainable economic progress can be enhanced through technologies and performance standards for entire product lines and industries. NRDC’s market work already involves extensive dialogue and interaction with business leadership to craft labeling and incentive programs from which industry can profit while dramatically improving environmental performance.

- *The Regional Greenhouse Gas Initiative:* The Regional Greenhouse Gas Initiative (RGGI)—the pioneering bipartisan agreement by seven Northeast state governors (and spearheaded by Governor Pataki) to limit heat-trapping carbon dioxide emissions from power plants in the region—took an important step toward final implementation in September 2006 with the release of detailed rules that are to be adopted in each state. The accord creates a concrete emissions cap, combined with a market-based trading system that rewards innovative companies for quick action and lowers overall costs for everyone. The agreement caps power plant emissions at current levels beginning in 2009 and starts ramping down the limit in 2015, giving companies ample time to prepare for the new targets. By 2019, targets will be set 10 percent below current emissions. It also includes innovative measures to protect consumers, who can expect to see less pollution as well as lower energy bills thanks to new investment in energy efficiency.

The seven original states signed a memorandum of understanding in December 2005, and released a draft of the final rules in late March. In the next step, states will integrate the new standards into their respective state regulatory frameworks. While details remain to be worked out in a few important areas, the overall package is a solid starting point.

- *Utility Regulation and Decoupling:* NRDC has been working for several years to persuade Governor Pataki and the New York Public Service Commission to change the way the state regulates electric and gas utilities in order to remove a financial disincentive that currently discourages investment in energy efficiency and clean distributed generation. In New York (as in most states), utility profits are tied directly to sales; the more energy they sell, the more profit they make. We are proposing an alternative form of regulation that would “decouple” sales and profits, rewarding utilities that deliver reliable energy services most

efficiently regardless of sales. Such regulation would encourage utilities to help their customers improve energy efficiency or invest in on-site generation whenever those options are cost effective, regardless of the impact such investments have on sales. In April 2006, NRDC met with Governor Pataki and he agreed to move forward with decoupling in New York. This will help ensure that all of the utilities in the state become strong partners in our efforts to promote energy efficiency as the least cost energy resource in New York.

- *Renewable Energy Development:* NRDC is working hard to implement the New York State's new Renewable Portfolio Standard, adopted in 2004, which requires that 25 percent of our electricity come from renewable resources by 2013. We saw major progress toward this goal in 2005, as the first phase of the Maple Ridge wind project in Lewis County went into commercial operation. With 120 turbines (198 MW) in place already, to be followed by 55 more turbines (300 MW), this wind project is the largest east of the Mississippi and one of the largest in the United States. When Maple Ridge is completed, the amount of wind energy in New York State will have increased by 600 percent, with many more projects still in the pipeline, including the development of an offshore wind farm on Long Island Sound. NRDC is working to support siting guidelines for wind projects in New York that will ensure both that wind energy will reach its full potential, and that wind projects are protective of wildlife and the environment. Related to these efforts, NRDC has also helped to create a new organization in New York, ACENY, dedicated to educating the public about the benefits of renewable energy.

NRDC also is building consensus among diverse stakeholders about the importance of advanced biofuels technologies in addressing America's dangerous oil dependency and global warming pollution emissions. As part of our nationwide strategy on biofuels, NRDC has been working to advance a state-level policy in New York. We were instrumental in convincing Governor Pataki to announce a major new program on advanced biofuels in his January 2006 State of the State address and as part of his budget. The program addresses both consumer incentives and longer-term economic development options to attract this growing industry to the state. It also couples the push for biofuels with programs to try to improve the efficiency of vehicles—striking exactly the balance that NRDC is advocating.

- *Appliance Efficiency Standards:* In the summer of 2005, after an aggressive campaign by NRDC and our allies, New York adopted state efficiency standards with strong bipartisan support from key state decision-makers, Governor Pataki, and the New York State Energy Research Development Authority (NYSERDA). The state's new policy covers fourteen categories of residential and commercial products, ranging from torchiere lamps and ceiling fan lights to commercial automatic ice cube makers to TVs and power supplies. New York's action on efficiency standards was significant and beneficial on three levels. First, the standards adopted will help New York meet its growing electricity demands by requiring appliances and equipment to operate more efficiently, also lowering

consumer energy bills and reducing air pollution. Second, the adoption of efficiency standards for common electricity-hog products such as ceiling fans that had never been regulated on the federal level will put pressure on manufacturers and the federal government to take action nationally. As a result, sixteen national efficiency standards for products that had not previously been regulated at the federal level were adopted in the summer 2005. Third, the NRDC-led campaign for efficiency standards in New York led to the creation of a strong, diverse, and broad coalition—including the City of New York, KeySpan, National Grid, Con Edison, the New York Energy Consumers Council and the Association for Energy Affordability, and Carrier Corporation—that is now energized about efficiency standards. NRDC will continue and intensify our educational and advocacy work to lay the groundwork for successful implementation of state appliance standards in New York, and to ensure that New York moves forward both to support federal efficiency standards and to expand its efforts on state efficiency standards after the current set of standards is implemented.

- *Green Building:* Buildings consume 70 percent of the electricity in the United States, indirectly contributing to acid rain, smog, air pollution, and global warming. NRDC has made remarkable progress in our efforts to transform the building construction market with incentives for incorporating energy-saving, sustainable designs, and technologies that help reduce the environmental impact of residential and commercial buildings.

In New York City, NRDC has been leading a campaign to pass pioneering legislation as part of a wider effort to reduce the consumption of electricity, thereby reducing the greenhouse gas emissions from buildings. In October 2005, after years of intensive advocacy by NRDC, Mayor Bloomberg signed into law the City-Owned Green Buildings Bill, which sets higher environmental standards for city-owned and city-funded construction projects, as well as city-owned or city-funded building or space. In May 2006, Mayor Bloomberg remarked on this landmark legislation: “It will make New York City truly ‘the Green Apple’...by mandating energy conservation and environmentally conscious design in work on an estimated \$12 billion worth of city buildings, as well as private projects receiving substantial city funding.” NRDC also is working to improve environmental standards for non-city-owned buildings, including through amending the city’s current administrative code to allow expedited permitting for non-city-owned green buildings.

NRDC works closely with developers and the design community to move the green building agenda forward in New York City. Our efforts are reflected throughout the city in projects such as the Bank of America building, the new WTC 7 project of Silverstein properties, and the design guidelines for redevelopment of lower Manhattan. At the state level, New York recently approved an additional \$25 million for its green building tax credit program, thanks in large part to NRDC’s advocacy. Initiated in 2003, evidence of the

program's rapid effectiveness can be seen in additional green structures such as the new Hearst and New York Times buildings in Manhattan.

Learn more about building green by clicking here:

<http://www.nrdc.org/buildinggreen/>

6. Redevelopment in New York City

NRDC is an active supporter of urban redevelopment, which has the potential to strengthen cities, protect rural landscapes, and conserve energy, water and other natural resources. Importantly, urban redevelopment must be designed in a manner that is supportive of existing neighborhoods and residents, and respectful of the scale of the affected community.

- *Atlantic Yards Project:* NRDC recently submitted comments on the Empire State Development Corporation's Draft Environmental Impact Statement ("DEIS") for the proposed Atlantic Yards development project in Brooklyn. While NRDC agrees that a redevelopment project at this site makes sense for a lot of reasons, we believe that the proposed project in its current format is simply too big and incompatible with neighborhood scale.

The Atlantic Yards project would be the largest single construction project in the borough's history. Covering 22 acres at the edge of Downtown Brooklyn, the project would center on a 150 foot tall professional basketball arena for the New Jersey Nets. The arena would include between 18,000 to 20,500 seats, depending on the event. The project would also incorporate 16 buildings, ranging from 184 to 620 feet tall, towering above neighborhood buildings, which generally range from one to six stories high. Indeed, this development as described in the DEIS would eclipse the tallest building in the entire borough—the nearby 512 feet tall Williamsburg Savings Bank. And despite recently announced changes that could slightly decrease the height and bulk of several buildings, the project as a whole would still be both massive and significantly oversized, in comparison to the community in which it would be located.

In our DEIS comments, we identify five areas of concern where the project sponsor has failed to adequately mitigate, as required by state environmental law: 1) traffic congestion, parking availability and pedestrian safety; 2) open space; 3) sunlight blockage and shadow effects; 4) noise; and 5) air pollution.

[To read NRDC's complete comments, please click here.](#)