



Carter H. Strickland, Jr.
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373
T: (718) 595-4398
F: (718) 595-4479

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

December 16, 2013

Amendment to Subchapter 7 of the New York City Air Pollution Control Code

CEQR No. 13DEP024Y

This Negative Declaration for the proposed Local Law to amend the administrative code of the City of New York, in relation to the Air Pollution Control Code (“the Air Code”) of chapter 1 of title 24 of such code has been prepared in accordance with the City Environmental Quality Review Act (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, and Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617.

For local legislation actions, the City Council and the Office of the Mayor are co-lead agencies. On December 11, 2013, the City Council delegated its lead agency status to the Office of the Mayor. The Office of the Mayor subsequently transferred its lead agency status to the New York City Department of Environmental Protection (DEP). Therefore, DEP, asserting its lead agency status, conducted an environmental review of the proposed action. Based on a review of information about the project contained in the environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the DEP has determined that the proposed amendment would not have a significant adverse effect on the environment and is herein publishing a Negative Declaration.

PROJECT DESCRIPTION

The New York City Council is proposing to enact a Local Law by request of the Mayor to amend Subchapter 7 of Chapter 1 of Title 24 of the Administrative Code of the City of New York (“the Air Code”) by adding a new section which would seek to reduce the emissions of pollutants from heavy duty trade waste hauling vehicles. The Air Code regulates New York City’s air quality in addition to regulations set forth through state and federal standards. The DEP is responsible for updating and enforcing the Air Code which has the goal to preserve, protect and improve the air quality of New York City.

The proposed action seeks to require that all licensed or registered companies that provide trade waste services in New York City that are heavy duty trucks which exceed a weight of 16,000 pounds utilize best available retrofit

technology by the year 2020. Specifically, these trucks are to be equipped with engines that meet 2007 EPA engine standards or are to be appropriately retrofitted to match the air quality gains achieved by those standards. In addition, the air code amendment would include provisions related to (1) promulgating rules that define the best available retrofit technology, and (2) financial hardship waivers.

The proposed provision establishes a compliance date of 2020 that is reflective of business needs and costs and that takes into account historic replacement and truck purchasing behavior in the industry.

The proposed amendment to the Air Code is appended to the Environmental Assessment Statement as Attachment E.

PURPOSE AND NEED

Section 24-102 of the Administrative Code of the City of New York declares that it is the public policy of the City to preserve, protect, and improve the air resources of the City because every person is entitled to air that is not detrimental to life, health, and enjoyment of property. Specifically, Section 24-102 declares that it is the policy of the city to actively regulate, control and reduce air pollution. Section 1403(c) of the Charter of the City of New York and Section 24-105 of the Administrative Code authorize the commissioner to regulate and control the emissions of harmful air pollutants into the open air.

Heavy duty trade waste hauling vehicles are found across every city neighborhood and routinely expose residents to particulate matter (PM) and nitrogen oxide (NO_x) emissions at street level. Engines dating from 2007 and later produce 85% to 95% less PM and NO_x than engines from 2006 and earlier. These pollutants are known contributors to health related impacts, including asthma, respiratory and cardiovascular harm. It is an important public health and service quality goal to ensure that this fleet is brought up to the current EPA requirements for emissions mitigation and modernization.

STATEMENT OF NO SIGNIFICANT EFFECT

The DEP has determined that, as proposed, the amendment to the Air Code is not anticipated to have any potential significant adverse impacts on the quality of the environment. No significant adverse impacts are anticipated to occur to land use, zoning, neighborhood character, and public policy, socioeconomic conditions, visual character and shadows, and construction activities. Overall air quality within the City would improve and public health would benefit in having the proposed amendment in place. These conclusions are based on the information and analyses contained within the attached EAS.

SUPPORTING STATEMENTS

The above determination is based on an environmental assessment which finds that the project, as proposed, would not result in significant effects on the environment that would require the preparation of an Environmental Impact Statement.

For further information, please contact:

Mark N. Page, Jr.
Managing Director
Bureau of Environmental Planning and Analysis
New York City Department of Environmental Protection
59-17 Junction Boulevard, 11th Floor
Flushing, NY 11373
Phone: (718) 595-4395
email: mpage@dep.nyc.gov

Sincerely,



Angela Licata
Deputy Commissioner

Enclosures:

- c: Hon. Ruben Diaz, Jr. – Bronx Borough President
- Hon. Marty Markowitz – Brooklyn Borough President
- Hon. Scott M. Stringer – Manhattan Borough President
- Hon. Helen M. Marshall – Queens Borough President
- Hon. James P. Molinaro – Staten Island Borough President
- Hon. Christine C. Quinn – Speaker, City Council
- Hon. James F. Gennaro – Chair, Environmental Protection, City Council
- City Council Members
- Community Board Chairpersons
- Community Board District Managers
- Wesley O'Brien – Mayor's Office of Environmental Coordination
- Christine Billy – New York City Corporation Counsel
- John Cryan – New York State Department of Environmental Conservation
- Michael McSweeney – New York City Clerk
- Daniel Kass – New York City Department of Health
- Sergej Mahnovski – Mayor's Office of Long Term Planning and Sustainability
- Jayant Kairam – New York City Business Integrity Commission



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If "yes," STOP and complete the [FULL EAS FORM](#).

2. Project Name Amendment to Subchapter 7 of the New York City Air Pollution Control Code

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 13DEP024Y	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA) Proposed Intro No. 1160-A

<p>4a. Lead Agency Information</p> <p>NAME OF LEAD AGENCY New York City Department of Environmental Protection</p> <p>NAME OF LEAD AGENCY CONTACT PERSON Angela Licata</p> <p>ADDRESS 59-17 Junction Boulevard, 11th Floor</p> <p>CITY Flushing STATE NY ZIP 11373</p> <p>TELEPHONE 718-595-4398 EMAIL alicata@dep.nyc.gov</p>	<p>4b. Applicant Information</p> <p>NAME OF APPLICANT</p> <p>NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON</p> <p>ADDRESS</p> <p>CITY STATE ZIP</p> <p>TELEPHONE EMAIL</p>
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5. Project Description
The New York City Council is proposing to enact a Local Law to amend the Administrative Code of the City of New York, in relation to reducing the emissions of pollutants from heavy duty trade waste hauling vehicles.

Project Location

BOROUGH Citywide	COMMUNITY DISTRICT(S) C	STREET ADDRESS
TAX BLOCK(S) AND LOT(S)		ZIP CODE
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY		ZONING SECTIONAL MAP NUMBER

6. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP
<input type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:	
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

<input checked="" type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:

OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

- PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.

Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.

- SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP
 TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): N/A Waterbody area (sq. ft) and type: N/A
 Roads, buildings, and other paved surfaces (sq. ft.): N/A Other, describe (sq. ft.): N/A

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A
 NUMBER OF BUILDINGS: N/A GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
 HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? YES NO

If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
 AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	<i>Residential</i>	<i>Commercial</i>	<i>Community Facility</i>	<i>Industrial/Manufacturing</i>
Size (in gross sq. ft.)	N/A	N/A	N/A	N/A
Type (e.g., retail, office, school)	N/A units	N/A	N/A	N/A

Does the proposed project increase the population of residents and/or on-site workers? YES NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:
 Provide a brief explanation of how these numbers were determined:

Does the proposed project create new open space? YES NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO

If "yes," see [Chapter 2](#), "Establishing the Analysis Framework" and describe briefly:

9. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): See Attachment A

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: See Attachment A

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. Predominant Land Use in the Vicinity of the Project (check all that apply)

- RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify: N/A

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form . See Attachment C		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions . See Attachment D		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

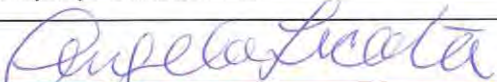
	YES	NO
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): N/A		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): N/A		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? **It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources</i> : Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources</i> : Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
<input type="checkbox"/> Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME Angela Licata, Deputy Commissioner	DATE 12/16/2013
SIGNATURE 	

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

Potentially Significant Adverse Impact

YES NO

IMPACT CATEGORY

Land Use, Zoning, and Public Policy

Socioeconomic Conditions

Community Facilities and Services

Open Space

Shadows

Historic and Cultural Resources

Urban Design/Visual Resources

Natural Resources

Hazardous Materials

Water and Sewer Infrastructure

Solid Waste and Sanitation Services

Energy

Transportation

Air Quality

Greenhouse Gas Emissions

Noise

Public Health

Neighborhood Character

Construction


2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Deputy Commissioner	LEAD AGENCY New York City Department of Environmental Protection
NAME Angela Licata	DATE 12/16/2013
SIGNATURE 	

ATTACHMENT A – PROJECT DESCRIPTION

INTRODUCTION

The New York City Council is proposing to enact a Local Law by request of the Mayor to amend the Administrative Code of the City of New York, in relation to the Air Pollution Control Code (“the Air Code”). The Air Code, contained within Chapter 1 of Title 24 of the Administrative Code, regulates New York City’s air quality in addition to regulations set forth through state and federal standards. The New York City Department of Environmental Protection (DEP) is responsible for updating and enforcing the Air Code which has the goal to preserve, protect and improve the air quality of the City.

Specifically, the proposed action would amend Subchapter 7 of Chapter 1 of the Air Code by adding a new section which would seek to reduce the emissions of pollutants from heavy duty trade waste hauling vehicles. Pursuant to the City Environmental Quality Review (CEQR) process, this document analyzes the potential environmental impacts of this proposed amendment to the Air Code.

PROPOSED AIR CODE AMENDMENT

Entities required to be licensed or registered by the New York City Business Integrity Commission (BIC) and authorized to provide trade waste removal services to commercial businesses maintain a large and ubiquitous heavy duty diesel truck fleet with a potential for significant emissions control.

A new section (24-163.11 Trade Waste Vehicles) is being added to Subchapter 7 (Equipment and Apparatus: Use and Maintenance) to reduce the emissions of pollutants from heavy duty trade waste hauling vehicles. This provision seeks to require that all licensed or registered companies that provide trade waste services in New York City that are heavy duty trucks which exceed a weight of 16,000 pounds utilize best available retrofit technology by the year 2020. Specifically, these trucks are to be equipped with engines that meet 2007 United States Environmental Protection Agency (EPA) engine standards or are to be appropriately retrofitted to match the air quality gains achieved by those standards.

Under the proposed amendment, the commissioner shall promulgate rules by June 30, 2018 which set forth the best available retrofit technology to be used by heavy duty trade waste hauling vehicles. This analysis evaluated the potential effects from utilizing the current best available retrofit technology – diesel particulate filters. It is expected that as technology progresses, cost and emission control of available technology would improve.

The proposed provision establishes a compliance date of 2020 that is reflective of business needs and costs of existing technology and that takes into account historic replacement and truck purchasing behavior in the industry. However, the proposed amendment does provide that a

financial hardship waiver can be issued by the chairperson of BIC for applications filed by January 1, 2019. Attachment B provides further discussion regarding the socioeconomic analysis of the proposed amendment.

The proposed amendment to the Air Code is appended to this Environmental Assessment Statement as Attachment E.

PURPOSE AND NEED

Section 24-102 of the Administrative Code of the City of New York declares that it is the public policy of the City to preserve, protect, and improve the air resources of the City because every person is entitled to air that is not detrimental to life, health, and enjoyment of property. Specifically, Section 24-102 declares that it is the policy of the city to actively regulate, control and reduce air pollution. Section 1403(c) of the Charter of the City of New York and Section 24-105 of the Administrative Code authorize the commissioner to regulate and control the emissions of harmful air pollutants into the open air.

Heavy duty trade waste hauling vehicles are found across every city neighborhood and routinely expose residents to particulate matter (PM) and nitrogen oxide (NO_x) emissions at street level. Engines dating from 2007 and later produce 85% to 95% less PM and NO_x than engines from 2006 and earlier. These pollutants are known contributors to health related impacts, including asthma, respiratory and cardiovascular harm.

Since 2007, new truck purchases have dramatically declined both in the New York City market and nationally. This is directly attributable to the protracted recession that began in 2007. As a point of reference, from 2004 – 2006, US truck sales averaged nearly 500,000 per year. By 2010, that number fell to 210,000. Mirroring the improving economic situation, sales reached 350,000 in 2012.¹ As further indication of growing investment, a recent national survey of haulers indicated that nearly 75% of the industry expects to keep flat or increase capital spending. Of that spending, nearly half will be on new diesel trucks and another 11% is expected to be directed towards purchases of compressed natural gas trucks (CNG).² In the New York City market, this slowdown has resulted in a reduction in turnover of trucks and the increasing age of trucks on the road. Since 2007, the average age of licensee trucks has increased from 11 years to 15.6 years and from 10.4 years to 14.2 years for registration trucks (CL2s), while the total fleet size has remained stable over the past five years.³

It is an important public health and service quality goal to ensure that this fleet is brought up to the current EPA requirements for emissions mitigation and modernization. In September 2013,

¹ U.S Department of Commerce, Bureau of Economic Analysis, *Motor Vehicle Unit Retail sales, Table 5 – Heavy Trucks, June 4, 2013*. Included in the unreleased study by MJ Bradley “New York City Commercial Refuse Truck Age Out Analysis” (2013).

² Hoffman, Michael. “Hauler Confidential: Q1 2013” *Waste Age*, April 2013

³ BIC regulates the city’s trade waste haulers through licenses and registrations. Licensees are authorized to haul putrescible and recyclable waste; CL2s are authorized to transport construction and demolition waste.

**Amendment to Subchapter 7 of the Air Pollution Control Code
Environmental Assessment Statement
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Attachment A
Page 3 of 3**

the Mayor signed legislation that would require city-owned heavy duty vehicles to meet a similar standard by 2017.

ATTACHMENT B - ENVIRONMENTAL ASSESSMENT ANALYSIS

The environmental review of the proposed amendment to the Air Pollution Control Code (“the Air Code”) evaluates the potential for significant adverse impacts that could occur as a result of the amendment. The proposed amendment includes a new provision aimed at reducing the emissions of pollutants from heavy duty trade waste hauling vehicles. Below is an assessment of the proposed amendment. The assessment focuses on potential impacts to socioeconomic conditions and air quality since the proposed amendment is only anticipated to have a potential for an impact in these environmental assessment categories.

Socioeconomic Conditions: Under CEQR, a socioeconomic impact is defined based on the potential for a proposed action to result in direct and indirect displacement (also known as secondary displacement) of businesses and residents. Indirect displacement can occur when compliance costs are so high that they could cause businesses or residents to be displaced at a sufficient scale to result in wide sweeping changes to an industry or business sector, or if costs would influence the location of businesses or drive their relocation or the relocation of the sectors of neighborhoods that rely upon them.

In order to understand the financial impact of the proposed mandate, it is necessary to model the profile of the fleet in 2020 in a “business-as-usual” state. To do this, a number of assumptions are critical, including rates of natural attrition, average age, and fleet size from 2013 to 2020. It is also essential to identify the most common types of trucks purchased in both fleets and project the costs of new, used and retrofit technologies in 2020. A final step is to determine the average financial impact of compliance on a large, medium-sized, and small firm. The table below outlines the cost of compliance discounted back to present dollars and after inflation and inclusive of natural turnover:

Split/Year	Companies	Avg Replacement per company	Per Company			2020 Financial Position (DPF Cost) (Average Net Income)***
			PV* of Avg New Truck Cost – High (\$200K)	PV of Avg Used Truck Cost – Low (\$40K)	PV of DPF** Cost (\$30K)	
Top 25%-2020 (CL2)	26	36	\$ (6,206,157)	\$ (1,241,231)	\$ (930,924)	\$ 3,430,885
Top 25%-2020 (License)	57	37	\$ (6,405,005)	\$ (1,273,755)	\$ (960,751)	\$ 3,401,058
Mid 50%-2020 (CL2)	469	4	\$ (680,334)	\$ (136,067)	\$ (102,050)	\$ 458,411
Mid 50%-2020 (License)	104	7	\$ (1,167,892)	\$ (233,578)	\$ (175,184)	\$ 385,277
Bot 25%-2020 (CL2)	104	1	\$ (162,618)	\$ (32,524)	\$ (24,393)	\$ 233,609
Bot 25%-2020 (License)	62	2	\$ (330,115)	\$ (66,023)	\$ (49,517)	\$ 208,485

*PV = present value

**DPF = diesel particulate filter (includes approximately \$4,000 for installation)

*** = uses financial data from 115 Licensees

Factoring in current truck turnover rates, attrition, and average ages, this proposal would cost the industry between \$171 million to \$484 million depending on which method of compliance is pursued. It is expected that individual companies would make decisions that best reflect their financial health and ability to obtain capital, with costs falling somewhere between the cost of

retrofitting and purchasing a new truck, amortized over time.¹ BIC maintains self-reported and unaudited financial information on licensees. In 2011, 115 companies reported average net incomes of \$402,000, with the largest firms reporting average net incomes of \$868,000. These firms account for 25% of the industry and maintain 80% of market share; yet individual shares are distributed evenly enough to indicate competitiveness and low concentration.² For the majority of companies, those that represent the “mid-50%” segment, they are projected to have average net incomes of \$385,000 - \$458,000 in 2020 after factoring the cost of retrofits.

Similar data on the CL2 industry is unavailable, but the number of firms and unregulated pricing suggest a competitive and healthy industry. Since the mandate compliance milestone would be in 2020, as the chart above reflects, there should be sufficient time for firms to obtain necessary funding to meet the mandate requirements. If a firm is unable to afford the measures necessary to meet the mandate, the proposal would include a waiver for financial hardship.

Finally, beginning in winter 2014, NYSERDA will release funding to New York City firms that are not under a legal mandate to upgrade to subsidize the cost of retrofitting trucks to 2007 standards or replacing with CNG trucks. There is a total of \$12 million expected to be available to finance up to 80% of retrofitting or for purchase of alternative fuel vehicles.

Thus, while the costs indicated above represent additional expenses for impacted firms, given the financial health, lead time including ability to obtain loans or other funding mechanisms, and muted industry response towards the mandate, it is not expected to damage either the level of service of the industry or its competitiveness. Therefore, it is not anticipated that this proposed provision would result in a significant adverse socioeconomic impact.

Air Quality: Under CEQR, an air quality impact is defined based on the potential for a project to adversely affect the ambient air quality. Complying with the proposed amendment to the Air Code would not result in any adverse air quality impacts. The proposed amendment would be aligned with the goals of the Air Code, which is to preserve, protect, and improve the air resources of New York City. The proposed amendment would reduce air pollutant emissions.

Today, 85% of the heavy duty truck fleet (roughly 7,000 out of more than 8,000 trucks) is composed of truck model years of 2007 or older.³ Without this legislation, approximately 37% of this fleet would meet the target EPA standard (model years of 2007 or newer) in 2020 through natural turnover and attrition. By 2030, 75% of the impacted heavy duty trade waste truck fleet would meet this standard. It is estimated that achievement of full compliance by 2020 would generate a reduction of up to 561 tons of PM and 7,966 tons of NO_x. This represents a reduction of 40% of PM and 35% of NO_x from the “business-as-usual” levels of these pollutants that we

¹ Maintenance savings were not considered, but estimates based on review of the fleet suggest at least 15% savings associated with newer vehicles. MJ&B Associates, *ibid*, 2013.

² 2012 Four Firm Concentration Ratio of 36 (scale: 0 – 100) and 2012 Herfindahl-Hirschman Index figure of 501 (scale: 0 – 10,000)

³ MJ&B Associates, “New York City Commercial Refuse Truck Age-out Analysis.”
<http://www.edf.org/transportation/reducing-commercial-waste-truck-pollution>. 2013

would see without this legislation. The PM reduction is the equivalent of taking 27,000 delivery trucks or 1,300 intercity coach buses off the road every year from 2020 to 2030.⁴

The decrease in emissions of particulate matter and nitrogen oxides would improve air quality and public health, and would result in a beneficial improvement. In addition, effective compliance would ensure that the commercial fleet would be relatively more modern, efficient and reliable than it is today. Therefore, the proposed amendment to the Air Code would not result in a significant adverse air quality impact.

⁴ MJ&B associates, *ibid.* 2013.

**Amendment to Subchapter 7 of the
New York City Air Pollution Control Code**

**Environmental Assessment Statement
CEQR # 13DEP024Y
Attachment C**

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY ASSESSMENT FORM**

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: New York City Department of Environmental Protection
2. Address: 59-17 Junction Boulevard, 11th Floor, Flushing, NY 11373
3. Telephone: 718-595-4398 Fax: 718-595-4479 E-mail: alicata@dep.nyc.gov
4. Project site owner: Not applicable.

B. PROPOSED ACTIVITY

1. Brief description of activity:

A proposed local law (Introduction No. 1160-A) to amend chapter one of title twenty-four of the Administrative Code of the City of New York ("the Air Code") by adding a new section related to reducing the emissions of pollutants from heavy duty trade waste hauling vehicles.

2. Purpose of activity:

To require that all licensed or registered companies that provide trade waste services in New York City that are heavy duty trucks which exceed a weight of 16,000 pounds utilize best available retrofit technology by the year 2020.

3. Location of activity: (street address/borough or site description):

Citywide.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

Not Applicable.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

No.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes _____ No If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

No City discretionary action is required other than the legislative action by the City Council and Mayor.

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy Questions	Yes	No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	✓ _____
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	✓ _____	_____
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	✓ _____
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	✓ _____
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	✓ _____
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	✓ _____
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	✓ _____
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	✓ _____	_____
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	✓ _____
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	✓ _____
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	✓ _____
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	✓ _____	_____
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	✓ _____	_____
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	✓ _____	_____
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	✓ _____	_____
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	✓ _____
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	✓ _____
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	✓ _____
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	✓ _____
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	✓ _____
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	✓ _____
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	✓ _____

Policy Questions cont'd

	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	✓ _____
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	✓ _____
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	✓ _____
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	_____	✓ _____
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	✓ _____
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	_____	✓ _____
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	✓ _____
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	✓ _____
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	_____	✓ _____
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	_____	✓ _____
39. Would the action affect any sites that have been used as landfills? (7.1)	✓ _____	_____
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	_____	✓ _____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	✓ _____
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	✓ _____
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	✓ _____	_____
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	_____	✓ _____
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	✓ _____
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	✓ _____
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	✓ _____	_____
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	✓ _____
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	✓ _____	_____
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	✓ _____

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Angela Licata, Deputy Commissioner

Address: 59-17 Junction Boulevard, 11th Floor, Flushing, NY 11373

Telephone: 718-595-4398

Applicant/Agent Signature: *Angela Licata* Date: 12/19/13

**ATTACHMENT TO
WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form
Amendment to Subchapter 7 of the New York City Air Pollution Control Code**

The accompanying Consistency Assessment Form has a number of questions answered "Yes". This attachment identifies and addresses these questions.

Q.8 The New York City Council is proposing to enact a Local Law to amend subchapter seven of chapter one of title twenty-four of the Administrative Code of the City of New York. Chapter one is referred to as the New York City Air Pollution Control Code. Specifically, the proposed action would add a new section which would seek to reduce the emissions of pollutants from heavy duty trade waste hauling vehicles. The proposed amendment seeks to require that all licensed or registered companies that provide trade waste services in New York City that are heavy duty trucks which exceed a weight of 16,000 pounds utilize best available retrofit technology by the year 2020. Specifically, these trucks are to be equipped with engines that meet 2007 EPA engine standards or are to be appropriately retrofitted to match the air quality gains achieved by those standards. This would reduce the emissions of pollutants and could improve the air quality and public health in the waterfront areas.

Q.14 See response to Q.8

Q.18 See response to Q.8

Q.19 See response to Q.8

Q.20 See response to Q.8

Q.21 See response to Q.8

Q.39 See response to Q.8

Q.43 See response to Q.8

Q.47 See response to Q.8

Q.49 The proposed action would limit emissions (primarily particulate matter) from the heavy duty diesel truck fleet. Reduction of particulate matter could protect and improve visual quality in New York City's coastal area.

Q.52 See response to Q.8

**Amendment to Subchapter 7 of the
New York City Air Pollution Control Code**

**Environmental Assessment Statement
CEQR # 13DEP024Y
Attachment D**

**JAMAICA BAY WATERSHED PROGRAM PLAN
PROJECT TRACKING FORM**

Jamaica Bay Watershed Protection Plan Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: 1a. Modification
2. Project Name:
3. Project Description:

Adding a new section to Subchapter 7 of the Air Code related to reducing the emissions of pollutants from heavy duty trade waste hauling vehicles to ensure that all licensed or registered vehicles utilize best available retrofit technology by the year 2020.
4. Project Sponsor:
5. Required approvals:
6. Project schedule (build year and construction schedule):

B. PROJECT LOCATION:

1. Street address:
2. Tax block(s): Tax Lot(s):
3. Identify existing land use and zoning on the project site:
4. Identify proposed land use and zoning on the project site:
5. Identify land use of adjacent sites (include any open space):
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
N/A	N/A
7. Is project within 100 or 500 year floodplain (specify)? 100 Year 500 Year No

C. GROUND AND GROUNDWATER

- 1. Total area of in-ground disturbance, if any (in square feet):
- 2. Will soil be removed (if so, what is the volume in cubic yards)?
- 3. Subsurface soil classification:
(per the New York City Soil and Water Conservation Board):
- 4. If project would change site grade, provide land contours (attach map showing existing in 1' contours and proposed in 1' contours).
- 5. Will groundwater be used (list volumes/rates)? Yes No
Volumes: Rates:
- 6. Will project involve dewatering (list volumes/rates)? Yes No
Volumes: Rates:
- 7. Describe site elevation above seasonal high groundwater:

D. HABITAT

- 1. Will vegetation be removed, particularly native vegetation? Yes No
If YES,
 - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
 - **List** species to remain on site.
 - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
- 2. Is the site used or inhabited by any rare, threatened or endangered species? Yes No
- 3. Will the project affect habitat characteristics? Yes No
If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at <http://www.dec.ny.gov/animals/29392.html>.
- 4. Will pesticides, rodenticides or herbicides be used during construction? Yes No
If YES, estimate quantity, area and duration of application.
- 5. Will additional lighting be installed? Yes No
If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. Surface area:		
Roof:	N/A	N/A
Pavement/walkway:	N/A	N/A
Grass/softscape:	N/A	N/A
Other (describe):	N/A	N/A

2. **Wetland** (regulated or non-regulated) area and classification:

N/A	N/A
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3. **Water surface area:**

N/A	N/A
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4. **Stormwater management** (describe):

Existing – how is the site drained?

N/A

Proposed – describe, including any infrastructure improvements necessary off-site:

N/A

**Amendment to Subchapter 7 of the
New York City Air Pollution Control Code**

**Environmental Assessment Statement
CEQR # 13DEP024Y
Attachment E**

PROPOSED AIR CODE AMENDMENT

Proposed Int. No. 1160-A

By Council Members Gennaro, Fidler, Koo, Richards, Rodriguez (by request of the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reducing the emissions of pollutants from heavy duty trade waste hauling vehicles.

Be it enacted by the Council as follows:

Section 1. Section 16-509 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. On or after January first, two thousand nineteen, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will meet the requirements of section 24-163.11 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration, unless such applicant has been issued a waiver for financial hardship, or has submitted an application for such waiver in accordance with the provisions of subdivision c of section 24-163.11 of the code and such application is pending with the commission.

§ 2. Subdivision a of section 16-513 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-

120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; [or] (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; or (x) whenever the licensee or registrant has been found by the commission or a

court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto.

§ 3. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.11 to read as follows:

§24-163.11 Trade waste vehicles. a. Definitions. When used in this section:

“Best available retrofit technology” means technology verified by the United States environmental protection agency or the California air resources board for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to a particular engine and application that has been approved for use by the commissioner.

“Heavy duty trade waste hauling vehicle” means any diesel-fuel powered vehicle with a gross weight of over sixteen thousand pounds that is owned or operated by an entity that is required to be licensed or registered by the New York city business integrity commission pursuant to section 16-505 of the code and that is operated in New York city for collection and/or removal of trade waste.

“Trade waste” shall have the same meaning as set forth in subdivision f of section 16-501 of the code.

b. Use of best available retrofit technology in heavy duty trade waste hauling vehicles. (1) Beginning January first, two thousand twenty, any heavy duty trade waste hauling vehicle shall utilize best available retrofit technology or be equipped with an engine certified to the applicable two thousand seven United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

(2) On or before June thirtieth, two thousand eighteen, the commissioner shall review the technology verified by the United States environmental protection agency and the California air resources board for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to a particular engine and application and shall promulgate rules setting forth the best available retrofit technology to be used by heavy duty trade waste hauling vehicles to which this section applies. Such rules shall be reviewed on a regular basis, but in no event less often than once every six months, and shall be revised, as needed.

c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship on the applicant. An application for such waiver must be filed with the business integrity commission on or before January first, two thousand nineteen, or in the case of an applicant that applies for a license or registration with the business integrity commission pursuant to section 16-505 of the code for the first time after January first, two thousand nineteen, an application for such waiver shall be filed no later than the date on which such license or registration application is filed with the commission. An application for renewal of an existing waiver must be filed no later than one hundred eighty days before the expiration of such waiver. Any waiver issued pursuant to this paragraph shall expire no later than two years after issuance. All waivers issued pursuant to this subdivision shall expire no later than January first, two thousand twenty-five. The provisions of paragraph one of subdivision b of this section shall not apply to an applicant that has submitted an application for a waiver in accordance with the provisions of this subdivision while such application is pending with the commission, nor for ninety days after the date of a denial of such waiver.

d. Enforcement. (1) In addition to the department, the business integrity commission shall have the authority to enforce this section and shall have the power to issue notices of violation. All notices of violation issued in accordance with this section shall be returnable to the board.

(2) Any owner or operator of a heavy duty trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or of the chairperson of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department or the business integrity commission electronically, or in such other manner as the department or the business integrity commission shall authorize, respectively, a certification that the condition has been corrected within sixty days from the date of the order. In any proceeding before the board, no civil penalty shall be imposed for a violation of this section if the respondent complies with the order of the commissioner or chairperson to correct and to certify correction of the violation within sixty days. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond sixty days from such order.

(3) For the purposes of this section, if the board finds that a certification of correction filed pursuant to paragraph two of this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this section for the violation may be imposed as if such false certification had not been filed with and accepted by the department or the business integrity commission. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

(4) Nothing in this section shall be construed to limit the authority of the business integrity commission to deny, suspend or revoke any license or registration in accordance with chapter one of title 16-A of the code or otherwise enforce the provisions of such chapter.

(5) The business integrity commission shall have the authority to promulgate any rules necessary to enforce the provisions of this section, including but not limited to establishing criteria for the issuance of waivers pursuant to subdivision c of this section and establishing procedures for owners and operators of heavy duty trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

§ 4. This local law shall take effect immediately.

jtb
12/11/13 10:13pm