



sanitation

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CITY ENVIRONMENTAL QUALITY REVIEW STATEMENT OF FINDINGS FOR THE NYC COMMERCIAL WASTE ZONE PROGRAM

Name of Action: NYC Commercial Waste Zone Program

CEQR Project Identification: 19DOS003Y

SEQRA Classification: Unlisted

Location: Citywide

Lead Agency: NYC Department of Sanitation
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A. INTRODUCTION AND SUMMARY OF PROPOSED ACTION

INTRODUCTION

This Statement of Findings is issued pursuant to Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process as set forth in New York City Mayoral Executive Order 91 of 1977, as amended and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR). This Statement of Findings has been prepared to: 1) certify that the procedural requirements have been met; 2) consider the relevant potential environmental impacts, facts, and conclusions disclosed in the Final Generic Environmental Impact Statement (FGEIS) for the **Commercial Waste Zone (CWZ) Program**; 3) weigh and balance the relevant environmental impacts of the Proposed Action with social, economic, and other considerations; and 4) provide a rationale for the decision of the Department of Sanitation (DSNY).

This statement sets forth the findings of the DSNY, as lead agency, with respect to the potential environmental impacts of the CWZ Program as analyzed in the FGEIS that DSNY issued on September 17, 2019.

PROCEDURAL HISTORY

DSNY issued an Environmental Assessment Statement for a Draft Generic Environmental Impact Statement (DGEIS) of the CWZ Program and a Notice of Positive Declaration and released for public comment a Draft Scope of Work on November 5, 2018. DSNY held a public scoping meeting on the Draft Scope of Work on December 11, 2018 from 5:30 to 8:30 PM at 125 Worth Street, Second Floor Auditorium, New York, NY, 10013. The period for submitting written comments on the Draft Scope of Work remained open until January 4, 2019. DSNY issued a Final Scope of Work that responded to the public comments on February 22, 2019. The DGEIS based on the Final Scope of Work was issued on February 22, 2019. Public notice of the availability of the DGEIS was duly published in the City Record, local newspapers, and on DSNY's website. Public hearings to receive comments on the DGEIS were held on March 11, 2019 from 9 AM to 12 PM and March 14, 2019 from 6 PM to 9 PM at 125 Worth Street, Second Floor Auditorium, New York, NY 10013. Written comments on the DGEIS were requested and were received by the lead agency until April 8, 2019. The FGEIS issued on September 17, 2019 included responses to public comments on the DGEIS.

SUMMARY OF PROPOSED ACTION

As explained in the FGEIS, reforming the City's commercial waste carting system seeks to achieve a series of stakeholder-driven goals developed over a year-long process. These include:

1. **Environmental Quality and Public Health:** Reduce truck traffic throughout the City to reduce air and noise pollution and improve quality of life for New Yorkers.
2. **Progress towards Zero Waste:** Reduce commercial waste disposal and incentivize recycling to conserve resources and reduce greenhouse gas emissions (GHGs) that cause climate change.
3. **Pricing:** Provide fair, transparent pricing with low prices for businesses large and small.
4. **Customer Service:** Strengthen customer service standards and establish accountability.
5. **Health and Safety:** Improve training and safety standards to make the industry safer for workers and the public.
6. **Labor and Worker Rights:** Improve industry compliance with labor standards and laws regulating workers' rights.
7. **Infrastructure and Waste Management:** Prioritize investments in clean, modern fleets that make up a reliable, resilient, and sustainable waste management system.
8. **Robust, competitive carting sector:** Create a system that works for carters of all sizes and prevents overreliance on any single company.

Accordingly, the City of New York is proposing to improve commercial waste carting by implementing a CWZ Program across the five boroughs of the City, consisting of 20 zones with 3 to 5 private carters authorized to operate per zone (the "CWZ Program" or "Proposed Action").

The CWZ Program would regulate the collection of commercial refuse, designated recyclables, and source-separated organic waste. It would exclude specialized or intermittent commercial waste streams, which would continue to be collected in the current manner under existing City and State regulatory requirements. The excluded waste streams include construction and demolition (C&D) debris; hazardous or radioactive waste; medical waste; electronic waste; textiles; yard waste (collected by landscapers); waste hauled by junk haulers or one-time bulk waste services; grease; and waste papers collected for the purposes of shredding or destruction.

The CWZ Program would be a non-exclusive system whereby private carters would competitively bid for the right to service businesses within geographic collection zones. Carters that win zone contracts would be obligated to meet certain contractual requirements aligned with the City's program goals and objectives, as further discussed below. The CWZ Program would standardize the carting contract process by requiring written service agreements between carters and customers and by making the pricing structure more transparent. Customers would be able to negotiate supplemental services beyond the required minimum, for an extra fee.

Each carter would be able to compete for one or more zones throughout the City based on its preferences. No carter would be able to win contracts for more than 15 zones. Qualification requirements would be further defined in a Request for Proposal (RFP). The RFP would provide details on the program goals, methods for implementation, and requirements that carters would respond to in order to apply for contracts with the City to collect waste within specific zones. While the RFP would define the maximum number of carters able to operate in a particular zone, and the City expects to award that number of contracts per zone, the number of carters selected for a zone would be determined by the number and quality of the proposals received and the qualifications of the carters. Additionally, the potential to submit proposals as a consortium with other carters or organized through a broker, as well as certain subcontracting allowances, would provide opportunities for an array of different carters.

Following selection, contracts for the opportunity to collect in a zone will have a 10-year term with extension options available. Extension options will be outlined in the contract, and any extension would be at the discretion of the City for the individual carter. Pricing would be negotiated between individual businesses and carters, subject to price caps for each carter determined through the contract-award process. The overall New York City Business Integrity Commission (BIC) rate cap for licensed carters of putrescible waste would no longer apply.

Under the CWZ Program, carters would be required to comply with current regulations so they could compete for business within the CWZ Program. The CWZ Program would encourage carters to comply with industry health and safety standards and policies, as well as BIC's health and safety guidance documents. Compliance with requirements for safety equipment and training and necessary equipment maintenance would be documented and tracked.

The CWZ Program would encourage carters to comply with existing recycling and source-separation regulations so they could compete for business within the CWZ Program. As part of the solicitation process, the CWZ Program would require carters to develop "zero waste" plans and identify innovative practices to support waste reduction, reuse, and recycling and provide for additional oversight and reporting requirements to ensure that these practices are being followed. With more recycling and organic materials being separated, less waste would be sent to landfills, saving resources and energy, consistent with the City's sustainability and recycling goals.

Billing would be fairer and more transparent, with written service agreements outlining rates and any fees so that New York City businesses would only pay for the waste that they produce. Implementing this non-exclusive CWZ system via an orderly transition will enable New York City businesses to preserve customer choice and keep prices competitive and the quality of service high while substantially reducing truck traffic associated with commercial waste collection.

The CWZ Program would be implemented in multiple steps. The competitive solicitation process would be expected to begin in 2020 and the evaluation and contracting with the City would be expected to last approximately one year. The RFP would be released for all zones, and all proposals would be reviewed and awarded concurrently. Once all contract agreements with the City are executed, customer transition would be expected to begin at the end of 2021 and could take up to two years following the execution of such agreements. Customer transitions to service by an authorized carter would be expected to be complete by 2023 or early 2024. DSNY would continue to serve as the project manager for the CWZ Program, and in this capacity would oversee the competitive solicitation, the negotiation of each zone's contract between the City and the carter for the right to collect waste, and the overall transition to CWZs. DSNY would continue to enforce regulations concerning commercial waste set-out, recycling, and organics separation. DSNY would also become the primary administrator of carter zone contracts under the program and would serve as carter of last resort if carters repeatedly fail to perform services for any reason.

DSNY would create a Division of Commercial Waste to administer the CWZ Program and consolidate DSNY's commercial waste outreach, enforcement, and regulatory functions in the agency under a single chain of command. The Division of Commercial Waste would oversee the solicitation and transition processes and ensure that the CWZ Program achieves its stated goals and requirements.

In summary, the CWZ Program would build on the current regulatory system, with a contract-based system where carters are subject to clear written requirements. The contracts awarded to the selected carters would be long-term; provide for transparent and fair pricing and customer service mechanisms; require improved environmental performance; and ensure compliance with and enforcement of existing and new requirements. Non-compliance could result in monetary penalties or loss of the contract. Overall, the CWZ Program would provide stability to the commercial waste industry by providing carters with predictable business and promoting long-term investments in recycling services and cleaner trucks.

DISCRETIONARY ACTIONS

Implementation of the CWZ Program would involve several discretionary approvals. The City entities that may be potentially involved in the environmental review and approval process for the Proposed Action are:

- Office of the Mayor, City of New York for authorizing legislation;
- New York City Council for authorizing legislation;
- DSNY acting as lead agency for the environmental review,¹ potential rulemaking, and CWZ Program implementation including approvals of zone contracts; and
- BIC for oversight and potential rulemaking.

City Council Bills to authorize a CWZ Program expected to be supported by the FGEIS include a version of Intro 1574 (to create a CWZ Program), and Intro 1082A (requiring GPS devices on carting trucks operating in a CWZ system) with a hearing held on June 27, 2019.

¹ Lead agency status has been delegated by the New York City Council and Office of the Mayor to DSNY.

B. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

Detailed analyses were provided in the FGEIS for land use, zoning, and public policy; socioeconomic conditions; solid waste and sanitation services; transportation; air quality; greenhouse gas emissions; and noise. The following CEQR technical areas did not warrant detailed discussion: community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; energy; public health; neighborhood character; and construction.

The FGEIS determined the CWZ Program would not result in significant adverse impacts in any of the analyzed categories.

LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Action is limited to regulatory changes regarding the collection of commercial solid waste throughout the City and would not change land use or result in any new or different development. Therefore, the analysis focused on the impact to public policy.

The CWZ Program would complement and reinforce certain existing legal requirements for the carting industry and DSNY and BIC would have the mechanism to enforce these laws and regulations if carters fail to comply. These include Local Law 145 of 2013 (LL145/2013), which requires all trucks to implement Best Available Retrofit Technology (BART) such as diesel particulate traps or be equipped with a U.S. Environmental Protection Agency (EPA)-certified 2007 model year or later engine by January 1, 2020, and LL56 of 2015 (LL56/2015), which requires all licensed carting trucks to be equipped with side guards designed to protect pedestrians and cyclists by January 1, 2024.

LL146/2013 requires DSNY to assess, at least annually, the available regional capacity to process organic waste and to designate certain categories of businesses that must separate this material for a beneficial use, such as composting or anaerobic digestion to produce biogas. Under the Proposed Action, there would be an increase in organic waste from 3 percent collection rate under the No Action condition to 6 percent collection rate throughout the City under the Proposed Action, due to improved diversion, recycling collection, and enforcement facilitated by the CWZ Program. Additional enforcement of other recycling requirements would also occur under the Proposed Action, for the same reasons. Under the Proposed Action, the blended recyclables collection rate is projected to increase to 38 percent, compared to 30 percent under the No Action condition.

The Proposed Action would support the goals of the City's Solid Waste Management Plan (SWMP) and would further the environmental sustainability objectives of *One New York: The Plan for a Strong and Just City (OneNYC)*. Finally, the Proposed Action would be consistent with goals of the New York City Waterfront Revitalization Program (WRP).

Therefore, the Proposed Action would not result in significant adverse impacts to land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

The CWZ Program would not result in significant adverse effects on the commercial waste carting industry, or on the customers of commercial waste carters. While the CWZ Program has the

potential to reduce the total number of commercial carters operating within the City of New York, carters that fail to win zone contracts may instead undertake the collection of CWZ Program excluded waste streams such as C&D, engage in other agreements such as subcontracts to support contracted carters and/or consolidate companies, concentrate on carting opportunities in the metropolitan area outside New York City, or leave the industry. Despite the potential for some carters to close, the remaining commercial carters continuing to operate in the Proposed Action condition are anticipated to continue providing effective waste collection services across the City.

In the Proposed Action, potential changes in commercial carting industry operational costs would not jeopardize the viability of the industry, or the ability to provide city-wide carting services at a reasonable cost to commercial businesses. In total, due to the efficiencies associated with zoned routing, including the reduction in routes necessary to collect an equal amount of waste, the total operational expenses to be incurred by the carting industry are anticipated to decrease by approximately 2 percent as compared with the No Action condition, despite additional equipment and administrative costs associated with the CWZ Program.

Expenses associated with commercial carting are anticipated to decrease in the Proposed Action condition because of efficiencies in the daily operation of the commercial carting industry. These efficiencies include some reduction in total industry staffing necessary to collect commercial waste in the Proposed Action condition. Based on the reported baseline employment estimates provided by the BIC 2015 Carter Financial Statements, the CWZ Program would reduce local carting industry employment by an estimated 2 percent compared to the No Action condition. However, because of the increase in diversion from disposal under the CWZ Program, employment within secondary markets such as the recyclable sorting and processing industry could increase. DSNY would maintain a list of displaced carting workers to facilitate their rehiring.

Business customers of commercial carting services would likely benefit from the CWZ Program. The CWZ Program would not result in a substantial increase to the expenses associated with the commercial waste collection. Customers, regardless of industry sector or location, would likely receive improved services, including free waste assessments, and access to a dedicated call center, at a competitive rate and with the increased transparency because of the CWZ Program.

Therefore, the CWZ Program would not result in significant adverse environmental impacts on the socioeconomic conditions of New York City, as the changes introduced by the CWZ Program would make carting more efficient, decreasing the expenses associated with the operation of the commercial carting industry compared to the No Action condition, which is not anticipated to substantially increase the cost of waste collection services for businesses within the City.

SOLID WASTE AND SANITATION SERVICES

The Proposed Action would not result in significant adverse impacts to solid waste or sanitation services.

One goal of the CWZ Program is to increase recycling and organics diversion. To help achieve this goal, those carters awarded contracts for the right to collect waste in a zone would be required to provide recycling and organics collection as standard services in addition to refuse collection and carters would be allowed to form consortiums or subcontract with other carters for these

services. In addition, under the Proposed Action, both carters and customers would be required by their contracts to comply with existing laws regarding recycling and organics separation of commercial waste, and they will be required by contract to comply with any new or revised laws or regulations enacted during the contract term. With more recycling and organic materials being separated under the Proposed Action, less waste would be sent to landfills, saving resources and energy, consistent with the City's sustainability and recycling goals.

As such, the Proposed Action would not increase the volume of waste being produced or collected but would reallocate the types of waste collected and the carters that collect it. Under the Proposed Action, there would be an expected shift in the waste streams collected due to an increase in diversion from an estimated 30 percent blended collection rate of recyclables and 3 percent of organics in the No Action condition to 38 percent blended collection rate of recyclables and 6 percent of organics with the Proposed Action.

The CWZ Program would be able to maintain adequate carting service for the commercial sector. DSNY would serve as a carter of last resort if a contracted zone carter were unable to perform.

The CWZ Program would not directly affect any facility identified in the SWMP for the transfer, sorting, or disposal of refuse, organics or recyclables, or change New York City's plan to rely on regional or remote disposal capacity such as landfills and waste-to-energy plants for refuse. Existing recycling and organic processing facilities within New York City and the region are anticipated to have adequate capacity to accommodate the increase in diversion resulting from the CWZ Program's implementation.

Another goal of the Proposed Action is to reduce truck traffic related to the commercial waste industry. In creating zones and limiting the number of carters servicing those zones, there is expected to be more efficient routing and more efficient truck loading (e.g., filling to capacity), reducing the overall waste carting truck traffic. This would support the SWMP truck traffic reduction goals and thereby reduce truck traffic-related impacts to communities, including noise and air emissions, and enhance pedestrian safety.

TRANSPORTATION

The Proposed Action would not result in a significant adverse impact with respect to transportation.

Under the Proposed Action, the number and type of carting customers would be expected to remain the same as under the No Action condition, but the limit on the number of carters within geographic zones would result in increased efficiency in waste collection routes and reduced vehicle miles traveled (VMT) and overall carter truck traffic.

To help achieve the Proposed Action's goal of increasing recycling and organic diversion, carters would be required to provide recycling and organics collection in addition to refuse collection as standard services. To do this, carters would be able to form consortiums or subcontract with other carters for these services. Recycling and organic waste collection trucks do not carry the same density of waste as standard putrescible waste collection trucks, thus a net increase in the total number of waste collection trucks would be expected because of the increased diversion to

recycling and organics. However, the increased efficiency coupled with the increased diversion to recycling and organics would result in an overall decrease of overlapping truck routes along road segments, which would result in decreased VMT within New York City and region-wide for travel to transfer stations and garages in New Jersey, Long Island, and nearby upstate New York counties with the Proposed Action. The Proposed Action is expected to reduce City-wide commercial carting truck VMT by 50 percent from the No Action condition, and by 47 to 60 percent within the case study areas.

Therefore, there would be no predicted exceedance of the *CEQR Technical Manual* Level 1 Traffic Screening threshold. Additionally, the collection times, duration of collections, collection dates, and frequency of collections would not significantly change with the Proposed Action. Therefore, detailed traffic analyses are not warranted and the Proposed Action is not anticipated to result in any significant adverse transportation impacts.

AIR QUALITY

The CWZ Program would not cause a significant adverse air quality impact.

As noted above, under the Proposed Action, the number and type of customers, pick-up times, and frequency of pick-ups would be expected to generally remain the same as under the No Action condition, but would result in an overall decrease of overlapping commercial carter truck routes and related trips.

The increased efficiency in routes coupled with the increased diversion to recycling and organics would result in an overall decrease of truck trips, which would result in decreased VMT within New York City and region-wide for truck routes to and from transfer stations and garages in Long Island, upstate New York, and New Jersey, reducing emission levels from commercial carting trucks.

With the expected 50 percent reductions in VMT from the CWZ Program, the fleet-wide emissions associated with commercial carting trucks would be reduced from levels in both the existing condition and No Action condition.

The Proposed Action would not result in an exceedance of the screening levels for carbon monoxide and fine particulate matter (PM_{2.5}) in the *CEQR Technical Manual* for incremental peak hour vehicles at intersections within any of the three case study areas; therefore, there would be no potential for mobile source air impacts from the Proposed Action.

GREENHOUSE GAS EMISSIONS

The Proposed Action would not result in a significant adverse impact with respect to greenhouse gas (GHG) emissions.

A key goal of the CWZ Program is to reduce local commercial carting travel by improving the efficiency of the carting system and reducing the amount of overlapping truck collection routes. The CWZ Program would not result in increased distances traveled by commercial waste from waste transfer stations to disposal facilities, such as landfills or waste-to-energy plants. Likewise, the CWZ Program would not require a change in the disposal technology for such waste. The

CWZ Program would reduce commercial carter truck VMT by an estimated 50 percent within the New York City region and thus would reduce GHG emissions from mobile sources. The increased diversion of organics from landfills under the CWZ Program would reduce GHG emissions from landfill disposal.

In addition, the contracts awarded to selected carters would include incentives to provide improved environmental performance. Some of these improvements could include the conversion of commercial carting vehicles to electric vehicles or the use of compressed natural gas, which is a cleaner fuel. These improvements in performance, if implemented, would further reduce GHG emissions with the CWZ Program.

As a result, GHG emissions are expected to be reduced with the CWZ Program compared to the baseline existing condition and No Action condition levels. Therefore, the Proposed Action would be consistent with the City's carbon neutrality goals (net-zero GHG emissions city-wide by 2050) under *OneNYC*.

NOISE

The Proposed Action would reduce inefficiencies in commercial waste collection routes, resulting in a 50 percent reduction in commercial carting truck VMT. As a result, the Proposed Action would not cause any roadway segments to experience an increase in maximum hourly truck volume. The Proposed Action would not require changes in operations that would affect collection times, duration of collections, collection dates, frequency of collections, or number of nighttime collections. Consequently, the Proposed Action would not generate any increase in noise from mobile sources.

Commercial carter trucks are stationary when compacting refuse and, therefore, would also be considered a stationary noise source at such times. The compacting cycle noise from all commercial carter trucks is already regulated by Subchapter 5, §24-225 of the New York City Noise Control Code to a consistent level of noise emission. Fewer commercial trucks are expected at any one time in the case study areas than under the No Action condition. Commercial carter trucks compacting refuse at a given location would not result in a change in the level of stationary noise generated during collections. Consequently, the Proposed Action would not generate any increase in noise from stationary sources.

Since the Proposed Action would not result in additional mobile or stationary source noise at any noise receptors, a more detailed noise analysis is not necessary, and the Proposed Action would not have the potential to result in a significant adverse noise impact.

CWZ TRANSITION PERIOD

As other cities around the United States have adopted similar programs to the Proposed Action, the City has been able to review their transition and implementation, adopt best practices, and implement lessons learned from these peer cities. These best practices and lessons learned have been incorporated into the planning, transition, and implementation of the CWZ Program to avoid significant adverse impacts to carting customers, solid waste services or the environment.

The CWZ Program would likely be implemented in multiple steps. The transition would begin with a period for competitive solicitation of contracts through RFP in 2020. Upon selection of the carters for the CWZ Program, a two-year transition period from 2021 to 2023 would begin customer transition to the awarded carters and allow for a smooth transition. Full implementation of the CWZ Program is expected in 2024.

The two-year transition period is longer than transition periods seen for commercial waste zone systems implemented in other cities. This is due to the size of the New York City commercial waste market in comparison to other cities and to allow a longer period for carters to adjust to new customers and service requirements. Customer transition may occur in multiple phases, with certain zones transitioning prior to other zones.

Overall, activities associated with the transition period of the Proposed Action are not expected to result in significant adverse impacts to land use, zoning and public policy; socioeconomic conditions; solid waste and sanitation services; transportation; air quality; greenhouse gas emissions; or noise.

C. ALTERNATIVES

Although the FGEIS did not identify a significant adverse impact from the Proposed Action with respect to any *CEQR* environmental category, nevertheless, two alternatives to the CWZ Program were considered.

NO ACTION ALTERNATIVE

The No Action Alternative analysis considers the environmental conditions that would exist if the CWZ Program were not implemented. Under the No Action Alternative, the commercial waste industry would remain relatively unchanged, except for any regulatory changes to the industry already expected by the Analysis Year of 2024.

As with the Proposed Action, the No Action Alternative would not result in significant adverse impacts to land use, zoning and public policy; socioeconomic conditions; solid waste and sanitation services; transportation; air quality; greenhouse gas emissions and noise. However, many benefits of the Proposed Action—advancing the City’s efforts to increase commercial recycling, reducing carter truck traffic and associated air, noise, and GHG emissions, improving carting industry operational standards and establishing a contract mechanism to enforce applicable regulations—would not be realized.

EXCLUSIVE ZONE ALTERNATIVE

Under the Exclusive Zone Alternative, a single carter would be awarded the exclusive right to provide collection services per designated service zones as compared with three to five carters per zone under the non-exclusive CWZ Program. The goals of the Exclusive Zone Alternative would be the same as the CWZ Program, and the same 20 zones would be used.

As with the Proposed Action, the Exclusive Zone Alternative would not result in significant adverse impacts to land use, zoning and public policy; socioeconomic conditions; solid waste and sanitation services; transportation; air quality; GHG emissions and noise.

The Exclusive Zone Alternative would reduce carter VMT somewhat more than the non-exclusive CWZ Program would. However, the Exclusive Zone Alternative raised concerns regarding anticipated price increases to customers due to reduced competition, increased risk of carter insolvency within a restrictive market, and reduced ability of a monopoly carting provider to meet the needs of the customer. The elimination of competition within commercial waste zones has the potential to increase the costs of commercial carting services on customers and could lead to a reduction in customer service and satisfaction due to the single-service provider monopoly created by an exclusive zone system. Further, implementing the Exclusive Zone Alternative has the potential to be a substantial logistical and administrative challenge, as few carters have the capacity to exclusively service a single zone, a larger number of customers would be required to change service providers in the transition period, and there could be potential future service disruption issues if the single carter is unable to successfully provide the necessary services with no alternative back-up provider except DSNY.

D. CONCLUSION

The CWZ Program would support the advancement of the City's efforts to increase commercial recycling, reduce carter truck traffic and associated air, noise, and GHG emissions, and improve carting industry operational standards. The CWZ Program would thereby help advance several key policy objectives, including improving roadway safety--complementing Vision Zero, furthering the environmental sustainability efforts of *OneNYC*, and reducing the environmental and community impacts of the commercial waste system, a goal of the City's SWMP.

The No Action Alternative would not accomplish the program's goals and objectives, and the excessive truck travel and other drawbacks of the current commercial waste system would continue. The Exclusive Zone Alternative would achieve the program's goals and objectives, but it was not preferred given concerns about the ability for exclusive carters to adequately provide waste collection services with exclusive zones, the lack of redundancy within the collection system, and the elimination of competition and customer choice within an exclusive zone system.

After considering the benefits and potential impacts of the CWZ Program disclosed in the FGEIS to improve the commercial waste industry, DSNY concludes that the social, economic, and environmental benefits provide a rationale to proceed with the Proposed Action.

E. CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the relevant potential environmental impacts, facts, and conclusions disclosed in the DGEIS, including comments on the DGEIS and the responses thereto, the FGEIS and the preceding written facts and conclusions, and having weighed and balanced relevant environmental impacts with social, economic, and other essential considerations required by 6 NYCRR 617.11, the NYC Department of Sanitation finds and certifies that:

- the requirements of Article 8 of the New York State Environmental Conservation Law (SEQRA) and its implementing regulations found at 6 NYCRR Part 617 and the requirements of City Environmental Quality Review (CEQR) found at Title 62, Chapter 5, of the Rules of the City of New York and as set forth in Executive Order 91 of 1977, as amended, have been met; and

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- consistent with social, economic, and other essential considerations of state and city policy, from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, that no significant adverse environmental impacts were predicted from the Proposed Action, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision mitigation measures that the FGEIS and this Statement of Findings have identified as practicable.



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Assistant Commissioner, DSNY Legal Affairs

October 1, 2019