Int. No. 2349

By Council Member Miller

..Title

A Local Law to amend the administrative code of the city of New York, in relation to increasing permitted capacity for export by rail

..Body

Be it enacted by the Council as follows:

      Section 1. Section 16-489.3 of the administrative code of the city of New York, as added by Local Law 152 of 2018, is amended to read as follows:

§ 16-498.3 Waiver. a. The commissioner may waive the reductions to permitted capacity and the limits to total quarterly capacity required by this chapter for the duration of any emergency.

b. After the reductions in permitted capacity required by section 16-498.1 have been implemented at a transfer station in a designated community district, the commissioner may, on a one-time basis, increase the permitted capacity of any such transfer station that seeks a modification to its permit solely to increase the amount of organic waste or metal, glass, plastic, paper or corrugated cardboard that is separated for recycling, provided that such increase shall be no greater than 20 percent of the transfer station’s then-existing permitted capacity.

c. The commissioner shall not implement, or if already implemented shall restore to the capacity prior to such implementation, the reductions in permitted capacity required by section 16-498.1 if a transfer station that has no less than three permanently constructed perimeter walls that rise from the base plane to the ceiling and has a permanent roof overhead (i) notifies the department of an intent to export by rail all or the majority of the waste accepted at any such transfer station; (ii) provides a site plan demonstrating that a public street will not be used for more than one thousand feet to transport such waste between such transfer station and rail facility; (iii) provides a declaration of intent by the applicable rail line to effectuate the construction and operation of a rail spur connection for such transfer station that can be utilized by the transfer station to handle all or a majority of such transfer station’s waste according to the project plan and timeline submitted pursuant to paragraph iv; and (iv) provides a project plan and timeline for the transport of all or the majority of the waste accepted at such transfer station by rail, except that such timeline shall not exceed four years from the date that the provisions of this subdivision are met. Such permitted capacity shall be reduced again, as required by section 16-498.1, if such transfer station does not transport all or the majority of the waste accepted at such transfer station by rail as provided in such timeline and such reduction shall remain in effect until such transfer station transports all or the majority of the waste accepted at such transfer station by rail for a period of one year.

§ 2. This local law takes effect immediately.

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