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**Sponsors:** Diana Reyna, Annabel Palma, Letitia James, Maria Del Carmen Arroyo, Stephen T. Levin, Melissa Mark-Viverito, Margaret S. Chin, Peter A. Koo, Brad S. Lander, Rosie Mendez, Donovan J. Richards, Albert Vann, Jumaane D. Williams, Andy L. King, G. Oliver Koppell, Ydanis A. Rodriguez, Robert Jackson, Fernando Cabrera, Darlene Mealy, James Vacca

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Proposed Int. No. 1170-A

By Council Members Reyna, Palma, James, Arroyo, Levin, Mark-Viverito, Chin, Koo, Lander, Mendez, Richards, Vann, Williams, King, Koppell, Rodriguez, Jackson, Cabrera, Mealy and Vacca

A Local Law to amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened community districts.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-F to read as follows:

CHAPTER 4-F - REDUCED PERMITTED CAPACITY AT SOLID WASTE TRANSFER STATIONS

16-490 - Definitions

16-491 - Preliminary Reductions of Unused Permitted Capacity

16-492 - Reductions of Overall Permitted Capacity  
16-493 - Emergency Waiver  
16-494 - Recycled Material  
16-495 - Overconcentrated Districts  
16-496 - Reporting  
16-497 - Notification

§ 16-490 Definitions. When used in this chapter, the following terms shall have the following meanings:

“Designated community districts” shall mean community district 1 in the borough of Brooklyn, community districts 1 and 2, collectively, in the borough of the Bronx, and community district 12 in the borough of Queens as identified at the time of the enactment of this chapter in the map of community districts established pursuant to section 2702 of the New York city charter;

“Emergency” shall mean any emergency condition or potential incident which requires a multi-agency response, including but not limited to severe weather, threats from natural hazards and natural disasters, power and other public service outages, labor unrest other than the keeping of the peace, water main breaks, transportation and transit incidents, hazardous substance discharges, building collapses, aviation disasters, explosions, acts of terrorism and such other emergency conditions and incidents which affect public health and safety;

“Exempted day” shall mean each of the following days: January second; the day after the third Monday in January; February thirteenth; the day after the third Monday in February; the day after the last Monday in May; July fifth; the day after the first Monday in September; the day after the second Monday in October; the Wednesday following the first Monday in November; November twelfth; the day after the fourth Thursday in November; and December twenty-sixth;

“Fill material transfer station” shall mean any structure, building or other premises, whether improved or unimproved, at which non-putrescible solid waste consisting solely of fill material is received for the purpose of subsequent transfer to another location, regardless of whether such fill material is subject to any processing or reduction in volume at such structure, building or premises;

“Non-putrescible solid waste transfer station” shall have the same meaning as given in subdivision a of

section 16-130 of this title;

“Operational date” shall mean the date on which a marine transfer station operated by the department and located in the same borough as a designated community district begins accepting residential waste from the department. For Bronx community districts 1 and 2, such term shall mean the date on which the first marine transfer station operated by the department and located in the city begins accepting residential waste from the department;

“Overconcentrated district” shall mean a community district that contains five percent or more of the total combined citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations; and

“Putrescible solid waste transfer station” shall have the same meaning as given in subdivision a of section 16-130 of this title.

§ 16-491 Preliminary reductions of unused permitted capacity. a. Subject to subdivisions b, c, d and e of this section, beginning January 1, 2015, the commissioner shall reduce the total permitted capacity for putrescible and non-putrescible solid waste transfer stations in designated community districts to the combined total of (i) one hundred twenty five percent of the average daily amount of putrescible solid waste delivered to each such designated community district for the three calendar years preceding the effective date of the local law that added this section and (ii) one hundred twenty five percent of the average quarterly amount of non-putrescible solid waste delivered to each such designated community district for the period of years beginning January 1, 2006, through the effective date of this section; provided that the permitted capacity of any putrescible or non-putrescible solid waste transfer station in designated community districts shall not be increased pursuant to this subdivision. For waste transfer stations that commenced operations or increased capacity during such period of years, the average daily or quarterly amount shall be measured from the date on which such operations commenced or permitted capacity increased.

b. Any reductions in permitted capacity required pursuant to this section shall be implemented on the

date that is the first date after January 1, 2015, that each solid waste transfer station permit targeted for reductions is issued or renewed for a solid waste transfer station in a designated community district. Any such reductions required in Bronx community districts 1 and 2 shall be imposed on such districts collectively.

c. In reducing permitted capacity for putrescible and non-putrescible solid waste transfer stations located in each designated community district pursuant to this section, the commissioner shall have the discretion to allocate reductions among transfer stations and among putrescible and non-putrescible waste, and shall consider factors including, but not limited to, the following:

i. The number and type of operating violations issued to each transfer station since the effective date of this local law and in the two years preceding its enactment;

ii. The amount of vehicular traffic generated by each transfer station relative to the amount of waste handled;

iii. The proximity of each transfer station to sensitive receptors, including residential uses, parks, hospitals and other health care facilities, and schools and community facilities, including, but not limited to, community centers, places of worship and libraries;

iv. The availability and usage of space for the idling of trucks on-site and/or off-street, and the adequacy of such space to handle levels of truck traffic generated at each transfer station;

v. Whether and to what extent each transfer station accepts source-separated organic material for composting or anaerobic digestion or source separated metal, glass, plastic, paper or cardboard for recycling;

vi. Whether and to what extent non-putrescible solid waste operations occur within an enclosed facility;

vii. The extent to which each transfer station's operations occur during overnight hours and on weekends;

viii. Whether the waste handled by each transfer station is putrescible; and

ix. Any violations or findings of hazardous workplace conditions or worker injuries or fatalities issued by the federal occupational safety and health administration to each transfer station.

d. The commissioner shall not impose the reductions to permitted capacity required by this section on any putrescible or non-putrescible solid waste transfer station in the designated community districts that exports by rail or barge all or the majority of the waste accepted at any such transfer station. For purposes of calculating the reductions imposed by subdivision a of this section, the average daily amount of putrescible solid waste and the average quarterly amount of non-putrescible solid waste delivered to any such transfer station shall be deducted from the calculation of the average daily and quarterly amount of such solid waste delivered to each respective designated community district.

e. On exempted days, putrescible solid waste transfer stations in the designated community districts shall be allowed to process waste in an amount equivalent to such transfer stations' permit limit prior to the reductions required by this section and section 16-492. Any waste processed by such transfer stations on exempted days shall not apply towards the average daily amount of putrescible solid waste delivered to any such transfer station.

§ 16-492 Reductions of overall permitted capacity. a. Subject to subdivisions b, c, d and e of this section, beginning January 1, 2016, or the relevant operational date, whichever is later, the commissioner shall reduce the total permitted capacity for putrescible and non-putrescible solid waste transfer stations in designated community districts to eighteen percent less than the average weekly amount of putrescible and the average quarterly amount of non-putrescible solid waste delivered to each designated community district for the previous year.

b. Any reductions in permitted capacity required pursuant to this section shall be implemented on the date that is the first date after January 1, 2016, or the relevant operational date, whichever applies, that each solid waste transfer station permit targeted for reductions is issued or renewed for a solid waste transfer station in a designated community district. Any such reductions required in Bronx community districts 1 and 2 shall be imposed on such districts collectively.

c. In reducing permitted capacity for putrescible and non-putrescible solid waste transfer stations

located in each designated community district pursuant to this section, the commissioner shall have the discretion to allocate reductions among transfer stations and among putrescible and non-putrescible waste, and shall consider factors including, but not limited to, the following:

i. The number and type of operating violations issued to each transfer station since the effective date of this local law and in the two years preceding its enactment;

ii. The amount of vehicular traffic generated by each transfer station relative to the amount of waste handled;

iii. The proximity of each transfer station to sensitive receptors, including residential uses, parks, hospitals and other health care facilities, and schools and community facilities, including, but not limited to, community centers, places of worship and libraries;

iv. The availability and usage of space for the idling of trucks on-site and/or off-street, and the adequacy of such space to handle levels of truck traffic generated at each transfer station;

v. Whether and to what extent each transfer station accepts source-separated organic material for composting or anaerobic digestion or source separated metal, glass, plastic, paper or cardboard for recycling;

vi. Whether and to what extent non-putrescible solid waste operations occur within an enclosed facility;

vii. The extent to which each transfer station's operations occur during overnight hours and on weekends;

viii. Whether the waste handled by each transfer station is putrescible; and

ix. Any violations or findings of hazardous workplace conditions or worker injuries or fatalities issued by the federal occupational safety and health administration to each transfer station.

d. The commissioner shall not impose the reductions to permitted capacity required by this section on any putrescible or non-putrescible solid waste transfer station in the designated community districts that exports by rail or barge all or the majority of the waste accepted at any such transfer station. For purposes of calculating the reductions imposed by subdivision a of this section, the average daily amount of putrescible solid waste and

the average quarterly amount of non-putrescible solid waste delivered to any such transfer station shall be deducted from the calculation of the average daily and quarterly amount of such solid waste delivered to each respective designated community district.

e. On exempted days, putrescible solid waste transfer stations in the designated community districts shall be allowed to process waste in an amount equivalent to such transfer stations' permit limit prior to the reductions required by this section and section 16-491. Any waste processed by such transfer stations on exempted days shall not apply towards the average weekly amount of putrescible solid waste delivered to any such transfer station.

§ 16-493 Emergency waiver. In the event of an emergency the commissioner shall have the authority to temporarily waive the permit capacity reductions required by this chapter.

§ 16-494 Recycled material. The commissioner shall promulgate rules to distinguish putrescible and non-putrescible waste from metal, glass, plastic, paper and cardboard that is recycled by any putrescible or non-putrescible solid waste transfer station in the designated community districts. The commissioner shall determine the average amount of metal, glass, plastic, paper and cardboard recycled for the three years preceding January 1, 2016, or the operational date, whichever is later, by each such transfer station and such average amount of recycled material shall not count toward the calculation of permitted capacity or average amount of putrescible and non-putrescible solid waste delivered to any such transfer station for purposes of the reductions imposed by section 16-492 of this chapter, provided that any such transfer station restricts use of this portion of its permitted capacity after January 1, 2016, or the operational date, whichever is later, exclusively to recycled material; and provided further that such amount shall not exceed twenty percent of such transfer station's permitted capacity as of January 1, 2016, or the operational date, whichever is later.

§ 16-495 Overconcentrated districts. a. After December 31, 2014, the commissioner shall not increase permitted capacity or volume for putrescible and non-putrescible solid waste transfer stations and fill material transfer stations in an overconcentrated district or increase permitted capacity for any community district which

would result in an overconcentrated district.

b. This section shall not preclude the commissioner from applying to increase the capacity of waste permitted by the state department of environmental conservation at marine transfer stations operated by the department.

§ 16-496 Reporting. Beginning January 1, 2015, and annually thereafter, except as otherwise provided, the commissioner shall report to the mayor and the council all department actions taken pursuant to this chapter. Such report shall include, but not be limited to, the following information:

i. An index of each permitted solid waste transfer station and the community district in which such transfer station is located;

ii. The type of material permitted for acceptance at each transfer station;

iii. The permitted capacity of each transfer station;

iv. The average amount of waste accepted daily at each transfer station for each quarter of the most recent calendar year;

v. Any change to each transfer station's permitted capacity, organized by community district, for the reported year;

vi. The feasibility and impact of attracting commercial waste to marine transfer stations through options such as lowered tip fees;

vii. The ability to reduce truck traffic traveling through residential neighborhoods by means other than through permit reductions;

viii. A list of transfer stations located outside of the city where waste generated in the city is delivered and the amount of waste delivered to each such transfer station for each quarter of the most recent calendar year, or, in the alternative, an assessment of available capacity at transfer stations and waste disposal facilities within 100 miles of the city; and

ix. The average cost per ton to deliver putrescible and non-putrescible waste, respectively, to solid waste



transfer stations located in the city.

16-497 Notification. At the end of each quarter, the commissioner shall notify the mayor and the council when the amount of waste delivered to transfer stations located in any community district is in excess of ninety percent of the total permitted capacity at putrescible and non-putrescible solid waste transfer stations located in any such community district and how the amount of waste accepted in any such community district relates to the used and unused permitted capacity in the rest of the city.

§ 2. This local law shall take effect immediately.

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