

Int. No. 495

By Council Members Levin, Reynoso, Palma, Arroyo, Miller, King, Levine, Chin, Richards, Rosenthal, Torres, Rodriguez, Cumbo, Mendez, Eugene, Dickens, Cabrera, Gibson, Cornegy, Johnson and Lander.

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 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 Reduction of Unused Permitted Capacity

16-492 - Reduction of Overall Permitted Capacity

16-493 - Allocating Reductions of Permitted Capacity

16-494 - Emergency Waiver

16-495 - Overconcentrated Districts

16-496 - Reporting

16-497 - Notification

§ 16-490 Definitions. When used in this chapter, terms defined in subdivision a of section 16-130 shall have the meanings given therein and 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 in the borough of the Bronx, and community district 12 in the borough of Queens, as identified on the effective date of this section in the map of community districts established pursuant to section 2702 of the New York city charter;

“Emergency” shall mean the same as “emergency conditions and potential incidents” described in subdivision a of section 497 of the New York city charter regardless of whether a multi-agency response is needed;

“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;

“Operational date” shall mean, for a designated community district, the first date on which a marine transfer station operated by the department and located in the same borough as such 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; and

“Overconcentrated district” shall mean a community district that contains five percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department.

§ 16-491 Preliminary reduction of unused permitted capacity. a. By January 1, 2016, the commissioner shall do the following for each designated community district other than Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such district to 125 percent of the average daily amount of putrescible solid waste delivered to such district for the 3 calendar years preceding the effective date of this section; provided that the

commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such district; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average daily amount of putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such district to 125 percent of the average quarterly amount of non-putrescible solid waste delivered to such district for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any non-putrescible solid waste transfer station in such district; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average quarterly amount of non-putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased.

b. By January 1, 2016, the commissioner shall do the following for Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such districts, collectively, to 125 percent of the average daily amount of putrescible solid waste delivered to such districts for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such districts; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average daily amount of putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such districts, collectively, to 125 percent of the average quarterly amount of non-putrescible solid waste delivered to such districts for the 3 calendar years preceding the effective date of this section; provided that the commissioner shall not increase the permitted capacity of any non-putrescible solid waste transfer station in such districts; provided further that, for waste transfer stations that commenced operations or increased capacity during such three-year period, the average quarterly amount of non-putrescible solid waste delivered to such station shall be measured from the date on which such operations commenced or permitted capacity increased.

c. Any reductions in permitted capacity required pursuant to this section for a designated community district shall be implemented at the time that the next solid waste transfer station permit is issued or renewed for a solid waste transfer station in such district.

d. On exempted days occurring after the date that reductions under this section are implemented for a designated community district, putrescible solid waste transfer stations in such designated community district may process waste in an amount equivalent to such transfer station's permitted capacity prior to the reductions required by this section and section 16-492. Any such processed waste shall not apply towards the average putrescible solid waste delivered to such transfer station for the purposes of this section or section 16-492.

§ 16-492 Reduction of overall permitted capacity. a. By January 1, 2017 or the relevant operational date, whichever is later, the commissioner shall do the following for each designated community district other than Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such district to 18 percent less than the average daily amount of putrescible solid waste delivered to such district for the year preceding the later of January 1, 2017 or the relevant operational date;

provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such district; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such district to 18 percent less than the average quarterly amount of non-putrescible solid waste delivered to such district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such district.

b. By January 1, 2017 or the relevant operational date, whichever is later, the commissioner shall do the following for Bronx community districts 1 and 2:

1. Reduce the total daily permitted capacity for putrescible solid waste transfer stations in such districts, collectively, to 18 percent less than the average daily amount of putrescible solid waste delivered to such designated community district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such districts; and

2. Reduce the total quarterly permitted capacity for non-putrescible solid waste transfer stations in such districts, collectively, to 18 percent less than the average quarterly amount of non-putrescible solid waste delivered to such designated community district for the year preceding the later of January 1, 2017 or the relevant operational date; provided that the commissioner shall not increase the permitted capacity of any putrescible solid waste transfer station in such districts.

c. Any reductions in permitted capacity required pursuant to this section for a designated community district shall be implemented at the time that the next solid waste transfer station permit is issued or renewed for a solid waste transfer station in such designated community district.

§ 16-493 Allocating reductions of permitted capacity. Where the commissioner is required to reduce the total permitted capacity for putrescible or non-putrescible solid waste transfer stations within a designated community district pursuant to section 16-491 or 16-492, the commissioner shall consider the following factors, at a minimum, when allocating such reductions to particular transfer stations within such district:

a. 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 such date;

b. The amount of vehicular traffic generated by each transfer station relative to the amount of waste handled, including whether and to what extent waste handled is imported or exported by barge or rail;

c. The proximity of each transfer station to sensitive receptors, including residential uses, parks, hospitals, schools, community centers, places of worship, libraries and other community or health care facilities;

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

e. Whether and to what extent non-putrescible solid waste operations for each transfer station occur within an enclosed facility;

f. 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;

g. The extent to which each transfer station's operations occur at night or on weekends;

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

i. 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.

§ 16-494 Emergency waiver. In the event of an emergency, the commissioner may temporarily waive the reductions to permitted capacity required by this chapter.

§ 16-495 Overconcentrated districts. a. After December 31, 2015, the commissioner shall not increase permitted capacity for any putrescible and non-putrescible solid waste transfer stations or fill material operations 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. On January 1, 2016 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 the following information:

a. An index of each permitted solid waste transfer station and for each such station, organized by community district:

1. The community district in which such transfer station is located;

2. The type of material permitted for acceptance at such transfer station;

3. The permitted capacity of such transfer station;

4. The average amount of waste accepted daily at such transfer station for each quarter of the previous calendar year;

5. Any change to such transfer station's permitted capacity required during the previous calendar year; and

6. Any change to such transfer station's permitted capacity implemented during the previous year;

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

c. The feasibility of reducing truck traffic traveling through residential neighborhoods by means other than reductions to permitted capacity for transfer stations;

d. 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 previous calendar year; and

e. 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 if the amount of waste delivered to solid waste transfer stations located within any community district is in excess of ninety percent of the total permitted capacity for putrescible or non-putrescible solid waste transfer stations in such community district and such notification shall include the percentage of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations and fill material operations, including transfer stations operated by or on behalf of the department, in such community district for the quarter and the percentage of the total citywide putrescible and non-putrescible solid waste delivered to such community district for the quarter.

§ 2. This local law shall take effect immediately.

1:00 p.m.
Int. 1170A/2013
LS 522