



*Supplemental Environmental Studies to the
Environmental Assessment Statement*

**Proposed Amendments to Rules
Concerning Operational Requirements
for Private Solid Waste Transfer Stations**

CEQR#: 05-DOS-004X

January 2005

Lead Agency Contact:

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Prepared for:

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**PROPOSED AMENDMENTS TO RULES CONCERNING OPERATIONAL
REQUIREMENTS FOR PRIVATE SOLID WASTE TRANSFER STATIONS**

**SUPPLEMENTAL ENVIRONMENTAL STUDIES
TO THE ENVIRONMENTAL ASSESSMENT STATEMENT FORM**

JANUARY 2005

CEQR # 05-DOS-004Y

LEAD AGENCY CONTACT:

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City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT

PART I, GENERAL INFORMATION

Reference Numbers

1. 05-DOS-004Y
CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)
ULURP REFERENCE NO. IF APPLICABLE

BSA REFERENCE NO. IF APPLICABLE
OTHER REFERENCE NO.(S) IF APPLICABLE
(e.g. Legislative Intro, CAPA, etc)

Lead Agency & Applicant Information
PROVIDE APPLICABLE INFORMATION

2a. Lead Agency
New York City Department of Sanitation
NAME OF LEAD AGENCY
Abas Braimah
NAME OF LEAD AGENCY CONTACT PERSON
125 Worth Street
ADDRESS
New York NY 10013
CITY STATE ZIP
646-885-4993 212-442-9090
TELEPHONE FAX
abrahmah@dny.nyc.gov
E-MAIL ADDRESS

2b. Applicant Information
same
NAME OF APPLICANT
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
ADDRESS
CITY STATE ZIP
TELEPHONE FAX
E-MAIL ADDRESS

Action Description
SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL Proposed Amendments to Rules Concerning the Operational Requirements for Solid Waste Transfer Stations
3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):
The Department of Sanitation is proposing certain amendments to rules concerning the design and operation of private solid waste transfer stations that will impose stricter controls on air emissions, odors, and dust from facility operations and certain other requirements. See Section 1.0, Project Description, of the Supplemental Environmental Studies.
3c. DESCRIBE THE PURPOSE AND NEED FOR THE ACTION(S) AND APPROVAL(S):
See Section 1.0, Project Description, of the Supplemental Environmental Studies.

Required Action or Approvals

4. CITY PLANNING COMMISSION [] Yes [X] No
[] Change in City Map [] Zoning Certification [] Site Selection - Public Facility
[] Zoning Map Amendment [] Zoning Authorization [] Disposition - Real Property [] Franchise
[] Zoning Text Amendment [] Housing Plan & Project [] UDAAP [] Revocable Consent [] Concession
[] Charter 197-a Plan
[] Zoning Special Permit, specify type:
[] Modification of
[] Renewal of
[] Other
5. UNIFORM LAND USE PROCEDURE (ULURP) [] Yes [X] No
6. BOARD OF STANDARDS AND APPEALS [] Yes [X] No
[] Special Permit [] New [] Renewal Expiration Date
[] Variance [] Use [] Bulk
Specify affected section(s) of Zoning Resolution
7. DEPARTMENT OF ENVIRONMENTAL PROTECTION [] Yes [X] No
[] Title V Facility [] Power Generation Facility [] Medical Water Treatment Facility

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL.

8. OTHER CITY APPROVALS Yes No
 Legislation Rulemaking; specify agency: _____
 Construction of Public Facilities Funding of Construction, Specify _____ Funding of Programs, Specify _____
 Policy or plan Permits, Specify: _____
 Other, explain: _____

9. STATE ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify _____

10. FEDERAL ACTIONS/APPROVALS/FUNDING Yes No
 If "Yes," identify _____

Action Type

11a. Unlisted, or Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended): _____
 11b. Localized action, site specific Localized action, change in regulatory control for small area Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: 2004
 Would the proposal be implemented in a single phase? Yes No NA.
 Anticipated period of construction: NA
 Anticipated completion date: _____
 Would the proposal be implemented in multiple phases? Yes No NA.
 Number of phases: NA
 Describe phases and construction schedule: _____

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY

(PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE NA
 STREET ADDRESS _____
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS _____
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY _____ ZONING SECTIONAL MAP NO. _____
 TAX BLOCK AND LOT NUMBERS _____ BOROUGH _____ COMMUNITY DISTRICT NO. _____

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT NA
 TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: _____ SQ.FT.
 PROJECT SQUARE FEET TO BE DEVELOPED: _____ SQ.FT.
 GROSS FLOOR AREA OF PROJECT: _____ SQ.FT.
 IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED IN THE NUMBER OF UNITS, SQ. FT. OR OTHER APPROPRIATE MEASURE: _____ % OF
 DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: _____ HEIGHT, _____ WIDTH, _____ LENGTH.
 LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: _____

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:
The action is generic and would apply to solid waste transfer stations, which may be located only in M1, M2, or M3 manufacturing zones, with certain additional restrictions under current law. The rules would impose certain design and operating requirements on currently permitted transfer stations and on proposed facilities seeking a permit from the Department of Sanitation.

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? Yes No
 IF 'YES', IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b ABOVE.

See Section 1.0 Project Description of the Supplemental Environmental Studies

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8 1/2 x 14 inches in size.
Not applicable to proposed action.

2. **PHYSICAL SETTING** (both developed and undeveloped areas) **NA**
 Total directly affected area (sq. ft.): _____ Water surface area (sq. ft.): _____
 Roads, building and other paved surfaces (sq. ft.): _____ Other, describe (sq. ft.): _____

3. **PRESENT LAND USE** **NA**
Residential
 Total no. of dwelling units _____ No. of low-to-moderate income units _____
 No. of stories _____ Gross floor area (sq. ft.) _____
 Describe type of residential structures: _____

Commercial
 Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Other: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 Specify type(s): _____ No. of stories and height of each building: _____

Industrial
 No. of bldgs _____ Gross floor area of each building (sq. ft.): _____
 No. of stories and height of each building: _____ Open storage area (sq. ft.): _____
 Type of use(s): _____
 If any unenclosed activities, specify: _____

Community Facility
 Type of community facility: _____ Gross floor area of each building (sq. ft.): _____
 No. of bldgs _____
 No. of stories and height of each building: _____

Vacant Land
 Is there any vacant land in the directly affected area? Yes No
 If yes, describe briefly: _____

Publicly accessible open space
 Is there any publicly accessible open space in the directly affected area? Yes No
 If yes, describe briefly: _____

Does the directly affected area include any mapped City, State, or Federal parkland? Yes No
 If yes, describe briefly: _____

Does the directly affected area include any mapped or otherwise known wetland? Yes No
 If yes, describe briefly: _____

Other land use
 No. of stories _____ Gross floor area of each building (sq. ft.): _____
 Type of use: _____

4. **EXISTING PARKING** **NA**
Garages
 No. of public spaces: _____ No. of accessory spaces: _____
 Operating hours: _____ Attended or non-attended? _____

Lots
 No. of public spaces: _____ No. of accessory spaces: _____
 Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

5. **EXISTING STORAGE TANKS** **NA**
 Gas or service stations? Yes No Oil Storage Facility? Yes No Other? Yes No
 If yes, specify: _____
 Number and size of tanks: _____ Last NYFD inspection date: _____
 Location and depth of tanks: _____

SEE CEQR TECHNICAL
MANUAL CHAPTER III F,
HISTORIC RESOURCES

6. CURRENT USERS NA

No. of residents: 0 No. and type of businesses: 0
No. and type of workers by business: 0 No. and type of non-residents who are not workers: 0

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that:

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark;
(b) is within a designated New York City Historic District;
(c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places;
(d) is within a New York State or National Register Historic District; or
(e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places?
Identify any resource. NA

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource. NA

SEE CEQR TECHNICAL
MANUAL CHAPTER III K,
WATERFRONT
REVITALIZATION
PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? [X] Yes [] No

(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

See Supplemental Studies for analysis of WRP impacts for this generic action.

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement? [] Yes [X] No

If yes, describe briefly:

10. PROPOSED LAND USE NA

Residential

Total no. of dwelling units No. of low-to-moderate income units Gross floor area (sq. ft.)
No. of stories Describe type of residential structures:

Commercial

Retail: No. of bldgs Gross floor area of each building (sq. ft.):
Office: No. of bldgs Gross floor area of each building (sq. ft.):
Other: No. of bldgs Gross floor area of each building (sq. ft.):
Specify type(s): No. of stories and height of each building:

Industrial

No. of bldgs Gross floor area of each building (sq. ft.):
No. of stories and height of each building:
Type of use(s): Open storage area (sq. ft.):
If any unenclosed activities, specify:

Community Facility

Type of community facility:
No. of bldgs Gross floor area of each building (sq. ft.):
No. of stories and height of each building:

Vacant Land

Is there any vacant land in the directly affected area? [] Yes [] No

If yes, describe briefly:

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? Yes No

If yes, describe briefly: _____

Does the directly affected area include any mapped City, State or federal park land? Yes No

If yes, describe briefly: _____

Does the directly affected area include any mapped or otherwise known wetland? Yes No

If yes, describe briefly: _____

Other land use:

Gross floor area (sq. ft.) _____ No. of stories: _____ Type of use: _____

11. PROPOSED PARKING NA

Garages

No. of public spaces: _____

Operating hours: _____

No. of accessory spaces: _____

Attended or non-attended? _____

Lots

No. of public spaces: _____

Operating hours: _____

No. of accessory spaces: _____

Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

No. and location of proposed curb cuts: _____

12. PROPOSED STORAGE TANKS NA

Gas or service stations? Yes No Oil Storage Facility? Yes No Other? Yes No

If yes, specify: _____

Number and size of tanks: _____

Location and depth of tanks: _____

13. PROPOSED USERS NA

No. of residents: _____

No. and type of businesses: _____

No. and type of workers by business: _____

No. and type of non-residents who are not workers: _____

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Will the action affect any architectural or archeological resource identified in response to either of the two questions at #7 in the Site Description section of this form? Yes No

If yes, describe briefly: _____

SEE CEQR TECHNICAL MANUAL CHAPTER III B, SOCIOECONOMIC CONDITIONS

15. DIRECT DISPLACEMENT

Will the action directly displace specific business or affordable and/or low income residential units? Yes No

If yes, describe briefly: _____

SEE CEQR TECHNICAL MANUAL CHAPTER III C, COMMUNITY FACILITIES

16. COMMUNITY FACILITIES

Will the action 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? Yes No

If yes, describe briefly: _____

Zoning Information

17. What is the zoning classification(s) of the directly affected area? **While the action is generic, waste transfer stations are allowed under the Zoning Resolution in M1, M2 and M3 districts.**

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use. NA

19. What is the proposed zoning of the directly affected area? NA

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use. NA

21. What are the predominant land uses and zoning classifications within a 1/4-mile radius of the proposed action? NA

Additional Information


22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites, and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

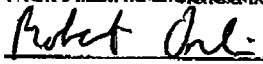
Analyses

23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):
- (a) LAND USE, ZONING AND PUBLIC POLICY See CEQR Technical Manual Chapter III A
 - (b) SOCIOECONOMIC CONDITIONS See CEQR Technical Manual Chapter III B
 - (c) COMMUNITY FACILITIES AND SERVICES See CEQR Technical Manual Chapter III C
 - (d) OPEN SPACE See CEQR Technical Manual Chapter III D
 - (e) SHADOWS See CEQR Technical Manual Chapter III E
 - (f) HISTORIC RESOURCES See CEQR Technical Manual Chapter III F
 - (g) URBAN DESIGN/VISUAL RESOURCES See CEQR Technical Manual Chapter III G
 - (h) NEIGHBORHOOD CHARACTER See CEQR Technical Manual Chapter III H
 - (i) NATURAL RESOURCES See CEQR Technical Manual Chapter III I
 - (j) HAZARDOUS MATERIALS See CEQR Technical Manual Chapter III J
 - (k) WATERFRONT REVITALIZATION PROGRAM See CEQR Technical Manual Chapter III K
 - (l) INFRASTRUCTURE See CEQR Technical Manual Chapter III L
 - (m) SOLID WASTE AND SANITATION SERVICES See CEQR Technical Manual Chapter III M
 - (n) ENERGY See CEQR Technical Manual Chapter III N
 - (o) TRAFFIC AND PARKING See CEQR Technical Manual Chapter III O
 - (p) TRANSIT AND PEDESTRIANS See CEQR Technical Manual Chapter III P
 - (q) AIR QUALITY See CEQR Technical Manual Chapter III Q
 - (r) NOISE See CEQR Technical Manual Chapter III R
 - (s) CONSTRUCTION IMPACTS See CEQR Technical Manual Chapter III S
 - (t) PUBLIC HEALTH See CEQR Technical Manual Chapter III T

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

Applicant Certification

24. Robert Michel
PREPARED BY NAME
Vice President, Urban Assoc.
PREPARED BY TITLE

PREPARED BY SIGNATURE
1/14/05
DATE

New York City Department of Sanitation
PRINCIPAL
Robert Ortho, Deputy Commissioner DSNY
NAME AND TITLE OF PRINCIPAL REPRESENTATIVE

SIGNATURE OF PRINCIPAL REPRESENTATIVE
1/14/05
DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.

**Impact
Significance**

**PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION
TO BE COMPLETED BY THE LEAD AGENCY**

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING AND PUBLIC POLICY	No
SOCIOECONOMIC CONDITIONS	No
COMMUNITY FACILITIES AND SERVICES	No
OPEN SPACE	No
SHADOWS	No
HISTORIC RESOURCES	No
URBAN DESIGN/VISUAL RESOURCES	No
NEIGHBORHOOD CHARACTER	No
NATURAL RESOURCES	No
HAZARDOUS MATERIALS	No
WATERFRONT REVITALIZATION PROGRAM	No
INFRASTRUCTURE	No
SOLID WASTE AND SANITATION SERVICES	No
ENERGY	No
TRAFFIC AND PARKING	No
TRANSIT AND PEDESTRIANS	No
AIR QUALITY	No
NOISE	No
CONSTRUCTION IMPACTS	No
PUBLIC HEALTH	No

2. Are there any aspects of the action relevant to the determination whether the action 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, explain them and state where, as a result of them, the action may have a significant impact on the environment.

No.

3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.

Please see attached Negative Declaration

5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment.

NA

**Lead Agency
Certification**

Robert Michel
PREPARED NAME

Vice President, Urban Assoc.
PREPARED TITLE

Robert M Michel
PREPARED SIGNATURE

1/14/09
DATE

New York City Department of Sanitation
PREPARED NAME

Robert Orla, Deputy Commissioner DSNY
NAME AND TITLE OF AGENCY REPRESENTATIVE

Robert Orla
SIGNATURE OF AGENCY REPRESENTATIVE

1/14/09
DATE

**PROPOSED AMENDMENTS TO RULES CONCERNING OPERATIONAL
REQUIREMENTS FOR PRIVATE SOLID WASTE TRANSFER STATIONS**

**SUPPLEMENTAL ENVIRONMENTAL STUDIES
TO THE ENVIRONMENTAL ASSESSMENT STATEMENT FORM**

JANUARY 2005

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APPENDICES

- A.** Proposed Amendments to Rules Concerning the Operational Requirements for Private Solid Waste Transfer Stations
- B.** New York City Waterfront Revitalization Program Consistency Assessment Form

1.0 DESCRIPTION OF ACTION

1.1 Purpose and Need

Introduction

The proposed action would revise the operational rules administered and enforced by the New York City Department of Sanitation (DSNY) for private solid waste transfer stations. As explained in greater detail below, the action is in part, a response to certain recommendations of the 2004 Commercial Waste Study undertaken by DSNY, to examine how commercial waste in New York City (“the City”) is managed and regulated. The proposed revisions to the operating rules for private solid waste transfer stations are intended to improve the regulations by imposing more stringent operation and maintenance requirements, while providing additional enforcement measures to minimize the potential environmental impacts of transfer station operations.

Background

DSNY collects and disposes of municipal solid waste (MSW) generated by residences, institutions, not-for-profit organizations, lot cleaning operations, and other government agencies. Private waste carting companies collect and dispose of MSW from commercial sources in the city. Both DSNY and commercial waste handlers recycle “source separated” materials including paper, cardboard, metal, glass, and plastic.

The collection and disposal of MSW from households and businesses, as well as waste from construction and demolition projects (C&D debris) in the City involves the delivery of waste to “transfer stations” where the waste is consolidated after any processing and transferred to larger vehicles (long-haul truck, rail car or vessel) for further transport and ultimate disposition (such as resource recovery, landfill, and/or recycling). Some waste is transported directly for disposal at facilities such as regional waste to energy facilities, without passing through a transfer station.

DSNY regulates three kinds of transfer stations: *Putrescible* (receiving organic waste having the tendency to decompose and cause odors, such as household and institutional garbage and commercial waste from supermarkets, restaurants and the food processing industry); *Non-putrescible* (receiving waste not having the tendency to decompose and cause odors, such as C&D debris waste); and *Fill Material*, a subset of non-putrescible

waste (receiving clean fill such as dirt, rock, concrete and masonry waste, typically from excavations and demolition work). Much C&D debris, and most fill material waste, is eventually recycled, often after processing such as sorting, crushing, and/or screening, which may take place in open yards. Putrescible transfer stations, by contrast, must be fully enclosed under current regulations.

After 1993, New York City had only one in-city disposal site: the Fresh Kills Landfill in Staten Island. To extend the life of Fresh Kills, in 1988 DSNY raised the tipping fee for commercial MSW disposal at Fresh Kills and at DSNY's Marine Transfer Stations. As a result, private waste handlers began increasingly to cart the city's commercial MSW to local private transfer stations for subsequent export to out-of-city disposal facilities, in order to save costs. DSNY continued to transport most of the City's residential waste via barge to Fresh Kills. In 1996, the State Legislature mandated the closure of Fresh Kills by January 1, 2002. The following year, DSNY began phasing down its use of Fresh Kills and driving its collection trucks either directly to disposal facilities outside the city or to private waste transfer stations within or outside the city, where the MSW is transferred to long-haul trucks (or trains) for transport to out-of-city disposal facilities such as landfills and resource recovery facilities.

In 2000, the City approved modifications to its *Comprehensive Solid Waste Management Plan (SWMP)*. The modifications reflected the closing of the Fresh Kills landfill in Staten Island and proposed the implementation of a long-term rail and vessel export system for the City's publicly managed MSW. Also in 2000, the New York City Council enacted Local Law 74 that required DSNY to conduct a comprehensive study of New York City's existing system for managing commercial putrescible and non-putrescible waste. The completed study was issued in April 2004. This study gave DSNY valuable suggestions on how to minimize potential environmental impacts from in-City transfer and transport of solid waste. DSNY considered these findings in undertaking the action now being considered in this environmental review: the proposed amendments to the operational rules for private solid waste transfer stations.

The Sanitation Commissioner is authorized to adopt rules relating to the operation and maintenance of private putrescible solid waste transfer stations and non-putrescible solid waste transfer stations (which include fill material and construction and demolition debris transfer stations) pursuant to §§753 and 1043 of the New York City Charter and §§16-130, 16-131, 16-131.1 and 16-131.2 of the New York City Administrative Code.

1.2 Proposed Action

These amendments would modify the Department's current rules governing the operation and maintenance of transfer stations, found in Subchapters A and B of Chapter 4 of Title 16 of the Rules of the City of New York. The proposed action would amend sections 4-01, 4-03, 4-05, 4-06, 4-07, 4-08, of chapter 4, subchapter A and sections 4-11, 4-14, 4-16, and 4-17 of chapter 4, subchapter B of Title 16 of the Rules of the City of New York (A copy of the proposed rules is provided in Appendix A). Each type of amendment is discussed in a separate subsection below.

Most of the proposed amendments are concerned with air contaminant, odor, and dust emissions from transfer stations. The proposed amendments to the operational regulations in many instances differ in certain respects for each of the three types of solid waste transfer stations in the City. For that reason, new requirements are listed below separately for construction and demolition, fill material, and putrescible solid waste transfer stations. For both non-Putrescible and putrescible transfer stations, new definitions are added for "air contaminants", "diesel engine", "gasoline engine", "intermodal solid waste container facility", "nonroad motor vehicle", "opacity", "particulate matter", "standard smoke chart", "stationary equipment", "US EPA Method 9", and "US EPA Method 22". Certain language has been added to clarify existing requirements and certain other language adds requirements that already exist in applicable state regulations. (Minor changes in wording that do not constitute a new requirement or significant change to an existing requirement are not included below.)

New Requirements for Permits for Construction and Demolition Debris Transfer Stations

- All indoor and outdoor transfer station debris storage, processing, handling, and tipping areas shall include appropriate functioning fire protection equipment and aisle space.
- There shall be adequate space at the transfer station to accommodate emergency vehicles.
- There shall be adequate access provided to all areas of the transfer station to facilitate the complete inspection of the transfer station.
- All drainage systems shall be kept clean, unclogged, and maintained to prevent leachate and wash water from accumulating.

- In addition to litter, no solid waste shall be allowed to accumulate on the streets or other areas abutting the transfer station.
- The receipt, processing, and storage areas of the transfer station shall be constructed of concrete or asphalt paving material (except for storage of clean fill) and equipped with adequate drainage and retention structures.
- The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.
- No solid waste, construction and demolition debris, fill material, dust or other material shall be tracked from the transfer station site onto a public roadway. A motor vehicle tire cleaning procedure shall be adopted to ensure compliance with this requirement.
- No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:
 - a density as dark or darker than number two on the “standard smoke chart” (or 40% opacity); or
 - a density as dark or darker than number one but less than number two (or 20%-40% opacity) that lasts for longer than two minutes in the aggregate in any sixty minute period.
 - the density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.
- No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.
- All stationary equipment and nonroad motor vehicles at the transfer station shall be maintained properly and inspected annually. All stationary equipment and nonroad motor vehicles at the transfer station that operate outdoors shall be inspected annually while in operation by an observer certified in US EPA Method 9 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-4 and trained in US EPA Method 22 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-7, to ensure the equipment is operating properly to

minimize air contaminant emissions, taking into account the model year and design capabilities of the engine. A written record of the inspection and any subsequent corrective measures performed to minimize air contaminant emissions shall be filed with the Department of Sanitation as part of the annual permit renewal application, and shall be included in the operational records required by subsection (p) of section 4-06 of this subchapter.

- The transfer station, its equipment and nonroad motor vehicles shall be subject to inspection at all times during its hours of operation. Interference with Department personnel performing any function or duty is prohibited. In addition to any other penalties prescribed by law, failure to comply with subchapter A (non-putrescible transfer station rules) may result in suspension or termination of the permit.

New Operation and Maintenance Requirements for Fill Material Transfer Stations

- All transfer station debris storage, processing, handling, and tipping areas shall include appropriate functioning fire protection equipment and aisle space.
- There shall be adequate space at the transfer station to accommodate emergency vehicles.
- There shall be adequate access provided to all areas of the transfer station to facilitate the complete inspection of the transfer station.
- The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.
- All drainage systems shall be kept clean, unclogged and maintained to prevent leachate and waste water from accumulating and flowing onto the street or public roadway.
- No solid waste shall be allowed to accumulate on the streets or other areas abutting the transfer station.
- No solid waste, construction and demolition debris, fill material, dust or other material shall be tracked from the transfer station site onto a public roadway.
- All means of vehicular access into and out of the transfer station shall be surfaced with a material such as asphalt, concrete, $\frac{3}{4}$ inch or larger gravel or wood planking that shall prevent dust generation and prevent the tracking of transfer station site material or dirt onto the public roadway outside of the facility. Such surfacing shall extend the width of the entrance and exit and at least 20 feet into the transfer station site so that all trucks exiting must drive over this surfaced area before driving onto the public roadway.

- A motor vehicle tire cleaning procedure shall be adopted that shall prevent the tracking of solid waste, dust, or other solid or liquid material from the transfer station site onto a public roadway.
- No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:
 - a density as dark or darker than number two on the “standard smoke chart” (or 40% opacity) ; or
 - a density as dark or darker than number one but less than number two (or 20%-40% opacity) that lasts for longer than two minutes in the aggregate in any sixty minute period.
 - the density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.
- No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.
- All stationary equipment and nonroad motor vehicles at the transfer station shall be maintained properly and inspected annually. All stationary equipment and nonroad motor vehicles at the transfer station that operate outdoors shall be inspected annually while in operation by an observer certified in US EPA Method 9 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-4 and trained in the US EPA Method 22 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-7 to ensure the equipment is operating properly to minimize air contaminant emissions, taking into account the model year and design capabilities of the engine. A written record of the inspection and any subsequent corrective measures performed to minimize air contaminant emissions shall be filed with the Department of Sanitation as part of the annual permit renewal application, and shall be included in the operational records required under existing rules.

- The transfer station, its equipment, and nonroad motor vehicles shall be subject to inspection at all times during its hours of operation. Interference with Department personnel performing any function or duty is prohibited.

New Design and Equipment Requirements for Putrescible Solid Waste Transfer Stations

- Transfer station ventilation equipment shall be capable of maintaining negative air pressure, including during periods when the transfer station doors are open, that is sufficient to prevent the escape of malodorous air from the transfer station. Such ventilation equipment shall be capable of maintaining a minimum of six air changes per hour (ach), or greater, if necessary to maintain negative air pressure.
- Odor control equipment shall automatically neutralize odors in exhaust air as it is ventilated from the enclosed building. The odor control equipment shall include a permanent hard-piped high-pressure system, suspended above the facility's tipping floor with rings of mist nozzles strategically aimed at fans and exhaust vents. The odor-neutralizing agent shall be applied as a mist in the vicinity of exhaust points from the building. A scented masking agent is not an odor-neutralizing agent.
- The commissioner may authorize the use of alternative ventilation equipment and odor control equipment upon a showing that such equipment is no less effective than the measures set forth above in controlling odors from the transfer station to meet all applicable standards.
- Documentation verifying compliance with ventilation and odor control requirements, including as-built drawings of the ventilation and odor control equipment and the type of odor-neutralizing agent to be used, and a letter of completion issued by the New York City Department of Buildings shall be filed with the Department within 90 days of installation completion and as part of the annual transfer station permit renewal application.
- All transfer station debris storage, processing, handling, and tipping areas shall include appropriate fire detection and protection equipment.
- An automatic water-misting system to suppress dust generation within the transfer station shall be installed and fully operational. At a minimum, such system shall be capable of pumping water through piping to high-pressure mist nozzles that will atomize the water and produce a fine mist that will automatically be dispersed at timed intervals sufficient to suppress dust generation.

New Operation and Maintenance Requirements for Putrescible Solid Waste Transfer Stations

- No transfer station shall be operated unless it has obtained a permit from the Department, and complies with the terms thereof, this section, and any other applicable law, rule, or regulation.
- The transfer station shall be operated and maintained in a manner consistent with the site plan submitted to the Department.
- The transfer station shall be operated and maintained in a manner consistent with the engineer's report submitted to the Department.
- Odor control measures required in this subchapter shall be fully operational and shall effectively neutralize odor.
- All drainage systems and grit and grease traps shall be kept unclogged. Leachate or wash water may not accumulate on the floor.
- The total volume of solid waste at a transfer station, including waste that has been processed, shall not exceed the allowable volume as stated in the permit. The allowable volume of any transfer station shall be calculated by the department and shall be based on storage capacity (estimated in total cubic yardage) of the transfer station. In no event shall such allowable volume exceed that granted by the New York State Department of Environmental Conservation.
- The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.
- No solid waste, construction and demolition debris, fill material, dust or other material shall be tracked from the transfer station site onto a public roadway.
- A motor vehicle tire cleaning procedure shall be adopted that shall prevent the tracking of solid waste, dust, or other solid or liquid material from the transfer station site onto a public roadway.
- No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:
 - a density as dark or darker than number two on the "standard smoke chart" (or 40% opacity) or;
 - a density as dark or darker than number one but less than number two (or 20%-40% opacity) that lasts for longer than two minutes in the aggregate in any sixty minute period.
 - the density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its

emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

- No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.
- No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.
- All stationary equipment and nonroad motor vehicles at the transfer station shall be maintained properly and inspected annually. All stationary equipment and nonroad motor vehicles at the transfer station that operate outdoors shall be inspected annually while in operation by an observer certified in US EPA Method 9 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-4 and trained in US EPA method 22 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-7 to ensure the equipment is operating properly to minimize air contaminant emissions, taking into account the model year and design capabilities of the engine. A written record of the inspection and any subsequent corrective measures performed to minimize air contaminant emissions shall be filed with the Department of Sanitation as part of the annual permit renewal application, and shall be included in the operational records required under existing rules.
- The transfer station, its equipment, and nonroad motor vehicles shall be subject to inspection at all times during its hours of operation. Interference with Department personnel performing any function or duty is prohibited.

1.3 Impact Screening

Prior to an assessment of specific types of potential impacts in Chapter 2, some general points about the effect of the operational rule amendments are worthy of note.

Through this proposed action, operational rules would become more stringent and provide additional enforcement measures that will serve to minimize the potential environmental impacts of transfer station operations. For that reason, the potential impacts of these changes are envisioned to be beneficial, as the amended rules would tend to reduce existing levels of dust, odor, and air pollution that waste transfer stations

may cause in surrounding communities. The only potential exception to this is the financial effect of additional requirements on the private waste transfer industry, which CEQR considers under the category of socioeconomic impacts. A screening for potential socioeconomic impacts is conducted in Section 2.2.

The following chapters discuss the potential environmental impacts of the proposed operational rule amendments.

2.0 POTENTIAL IMPACTS OF THE PROPOSED ACTION

2.1 Land Use, Zoning and Public Policy

A land use analysis typically characterizes the use and development trends in the areas that may be affected by the proposed action. Then the lead agency makes a determination as to whether the proposed action is compatible with or may change the existing land use conditions. The analysis considers an action's compliance with and effect on the area's zoning and other applicable public policies. Under CEQR, adverse land use impacts can occur if a proposed action includes incompatible uses that interfere with the proper functioning of the area or its land use patterns, or land uses that adversely alter neighborhood character. With regard to zoning and public policy, an action is considered to have a significant adverse impact if it creates a land use that does not comply with the underlying zoning, conflicts with public policies and plans for the site or the surrounding area, or results in significant changes to current regulations or policy.

The *CEQR Technical Manual* recommends that a proposed action be assessed in relation to land use, zoning and public policy. For each of these areas, a determination is made of the potential for significant impact by the proposed action. If the action does have a potentially significant impact, appropriate analytical steps are taken to evaluate the nature of the impact, possible alternatives and possible mitigation.

The proposed action would amend the rules governing the operational rules for solid waste transfer stations. Compared to the current operational rules, in most respects, the proposed rules would become more stringent and provide additional enforcement measures that will serve to minimize the potential environmental impacts of transfer station operations. Since the proposed action would only serve to improve the environment around the transfer stations, no significant adverse land use or zoning impacts are anticipated.

The proposed action would not conflict with current solid waste management public policy. Solid waste in New York City must be managed in accordance with the *Comprehensive Solid Waste Management Plan*. Actions that affect the generation or management of New York City waste need to be evaluated for consistency with the Plan, which favors the transport of solid waste by rail or vessel to reduce associated truck traffic. DSNY was required by Local Law 74 of 2000 to conduct the *Comprehensive*

Commercial Waste Management Study of the existing system to manage commercial putrescible and non-putrescible solid waste. The proposed operational rules under examination in this document were developed in light of recommendations that are a part of the recently completed *Comprehensive Commercial Waste Management Study*. That study evaluated the existing system for managing commercial putrescible and non-putrescible solid waste and several specific recommendations were proposed for the improvement of solid waste transfer station operations. These recommendations included requiring improved odor control, dust control, and ventilation systems at solid waste transfer stations in New York City, and are proposed to be added to the operational rules of solid waste transfer stations.

Since the proposed generic action is in accordance with solid waste management public policy, no significant adverse impacts to public policy are expected.

2.2 Socioeconomics

A socioeconomic assessment discloses the changes that are expected to occur as a result of the action and is used to determine if the changes are significant. For example, an action may cause an increase or decrease in the population of a specific area or surrounding areas, housing prices may rise or fall, or local businesses may be caused to close or may see an increase in activity. An action that imposes regulatory restrictions may, under certain conditions, have the potential to negatively impact the industry involved and indirectly negatively impact other industries.

The *CEQR Technical Manual* recommends a detailed assessment of socioeconomic conditions if an action displaces a residential population or the profile of the neighborhood becomes substantially altered. The *CEQR Technical Manual* recommends determining if the action significantly displaces businesses or employees or if the action results in new development that is markedly inconsistent with existing uses. The *CEQR Technical Manual* also recommends an evaluation of the potential impact of an action on the business conditions of a specific industry, either directly or indirectly, as well as the impact on employment and economic viability.

The *CEQR Technical Manual* acknowledges that an action that does not displace may still have an effect on a major industry or commercial operation in the city. The new operational rules have the potential to affect the private waste transfer industry, including existing facilities, by imposing new regulations that require new capital and, to a lesser extent, operating costs. Therefore, an industry assessment was undertaken based on the impact of the new operational regulations, as discussed below.

The proposed new operational regulations would place more stringent requirements on the operations of waste transfer stations. According to the *CEQR Technical Manual*, a detailed investigation is appropriate when either of the following questions cannot be answered with a clear “no”.

- Would the action significantly affect business conditions in any industry or any category of businesses within or outside of the study area?
- Would the action indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?

With respect to odor, dust, and air contaminants, it should be noted that certain performance requirements currently exist for transfer stations under the City Zoning Resolutions, current transfer station operating rules, the City Air Code, and state regulations set forth in 6 NYCRR Part 360. See the Commercial Waste Study for a discussion of these requirements. Given that the operational conditions imposed will undoubtedly have some cost impact on the industry, a more detailed assessment is appropriate to determine the extent of that impact and whether it will diminish the viability of the private waste transfer industry as a whole. A reasonable way of measuring economic impacts in this case is to estimate what the new requirements might add to the average cost per ton of handling waste for the waste transfer industry and potentially for the industry's customers.

New operational rules set forth opacity limits for air emissions from certain internal combustion powered stationary equipment and nonroad motor vehicles at waste transfer stations. The opacity limits are taken from existing limits applicable to such equipment under the City's Air Code. Nevertheless, adding such limits to the transfer station regulations may have cost implications, insofar as the industry may have to improve their maintenance of equipment and nonroad motor vehicles to remain in compliance and may, in some cases, have to replace non-complying engines. The opacity requirements would not directly cause any transfer station to close. The costs, if any, of meeting the new requirements will vary from operator to operator. Any additional costs will be absorbed and/or passed on to the customer and to some extent spread over time. Therefore, the effect of these opacity amendments will not impact the viability of the industry as a whole.

Another area where costs would be imposed on the private waste transfer industry is in the implementation of new facilities system requirements to control various potential impacts. These include enhanced odor control, ventilation, and dust control. No new employees would be required. The *DSNY Comprehensive Commercial Waste Management Study* quantified the potential capital costs of various enhancements for both putrescible and non-putrescible facilities, and for different facility sizes. A dust control misting system is estimated to cost from \$66,000 for a smaller putrescible waste facility to \$120,000 for a large facility. Upgrading odor control is estimated to cost from \$40,000 for a smaller putrescible facility to \$90,000 for a larger facility. The estimated cost for upgrading ventilation systems for putrescible facilities ranges from \$50,000 for a smaller facility to \$170,000 or more for larger facilities. When all three areas requiring

upgrades are considered (odor control, ventilation, dust control), the total investment required for a facility may be over \$400,000. Applied to all 19 putrescible waste transfer stations in the City, this could total up to \$7.6 million. This figure likely overstates the aggregate capital costs to the industry and is thus conservative, as many such facilities will not require upgrades in all categories: some facilities that currently achieve six air changes per hour as per the Building Code and properly control odors and dust may not have to invest significant amounts to comply with the new rules. The incremental costs that would be required can be placed in the context of existing industry costs by determining how much they will add to the average cost per ton for commercial waste disposal, when amortized over 10 years. Comparing these costs with the annual tonnage for the private putrescible waste disposal industry yielded an incremental cost per ton of up to \$0.25, which is less than ½ of 1% increase over the industry cost of \$83 per ton.¹ Incremental costs for non-putrescible transfer stations are discussed below.

Some minor additional operational costs would be incurred as well. These include the chemicals for odor control systems, and potential increased utility costs such as electricity to power the enhanced ventilation system and water for hand-piped interior dust control.

For non-putrescible transfer stations, the overall capital costs per facility, as a result of the proposed action, are estimated to be less than \$100,000. The principal improvements would be gravel or paved entrance areas and implementing tire-cleaning procedures. This is less than for putrescible stations, because no additional odor control or upgraded ventilation is required. Drainage systems are already required under current rules. As the number of non-putrescible waste transfer station (including both construction and demolition and fill material facilities) is 45, the total capital costs are estimated to total less than \$4.5 million. No reliable cost per ton data was available for non-putrescible facilities. However, incremental costs per ton, when amortized over 10 years, were calculated to be \$0.05. This was based on dividing the estimated incremental costs for the non-putrescible waste transfer station industry with the annual 2003 tonnage of non-putrescible waste transferred by the private industry. As with putrescible facilities, there may be minor increases in operating costs (e.g. utilities) associated with the proposed rule amendments for both types of transfer stations, consultant costs would be necessary, depending on the improvements required.

¹ Figure given by Ellen Ryan at the Business Integrity Commission on 8/16/04.

The above analysis suggests that there will be some financial impact to the private solid waste transfer industry as a result of imposition of the proposed operating rules. According to the *CEQR Technical Manual*, an impact of an action that would measurably diminish the viability of a specific industry that has substantial economic value to the City's economy would be considered significant and adverse, requiring consideration of mitigation. The proposed operational rules would not jeopardize the viability of this industry; therefore, no significant impacts are expected and no mitigation measures are necessary.

2.3 Community Facilities and Services

Community facilities are public or publicly funded facilities like schools, hospitals, libraries, day-care centers, and fire and police departments. The CEQR analysis looks at the potential effect a proposed action has on the services these facilities provide to a local community. The CEQR process seeks to determine the type of potential constraints placed on community facilities by a proposed action, to assess if current service levels are sufficient.

Under *CEQR Technical Manual* guidelines, an assessment of a proposed action's impact on community facilities is warranted if the action adds more than 100 residential units or has a direct or indirect effect on a particular facility. A direct effect constitutes a physical altering or displacement of a community facility as a result of the action. An indirect effect would be an increase to an area population that affects the level of service provided by community facilities.

The proposed action includes regulations and enforcement to improve air quality (emissions, odors, and dust) at solid waste transfer stations. More specifically, the regulations and enforcement measures ensure that stationary equipment and nonroad motor vehicles are maintained to minimize air emissions, and require more effective odor control equipment and improved dust suppression measures at putrescible solid waste transfer stations. In addition, the amendments clarify and enhance certain general operations and maintenance requirements for private solid waste transfer stations, including: ensuring access for emergency vehicles and for Department officers during inspections; guaranteeing the receipt, process, and storage of non-putrescible solid waste in accordance with the transfer station site plan submitted; and maintaining the drainage systems currently in use to minimize odor-causing residue build up. Furthermore, fill material and construction and demolition debris transfer stations will be required to pave their receipt, processing, and storage areas. Both Fill and C&D transfer stations would have to employ a tire cleaning procedure.

Compared to the current operational rules, in most respects, these rules would become more stringent and provide additional enforcement measures that will serve to minimize the potential environmental impacts of transfer station operations.

As the proposed generic action would only amend the rules governing the operational rules for solid waste transfer stations, no significant adverse impacts on community facilities are expected. The proposed action would not cause the addition of more than 100 residential units to an area in New York City, directly displace a community facility, or increase the local population of an area that would create an indirect impact on community facilities.

2.4 Open Space

Open space is publicly or privately owned land that is designated for public access. This includes land set aside for leisure or active recreation or land designed to protect or enhance the natural environment.

Assessing the impact of an action on open space, as per the *CEQR Technical Manual*, involves evaluating the action's direct and indirect effects. Direct effects include publicly accessible open space being physically lost or displaced, changed with regard to its usage, limited to the public or significantly affected by noise and air pollution, odors, or shadows. Indirect effects occur if the action changes the total population of an area and noticeably diminishes the ability of the open space to serve the current or future population.

The proposed action would amend the operational rules for solid waste transfer stations. Compared to the current operational rules, in most respects, these rules would become more stringent and provide additional enforcement measures that will serve to minimize the environmental impacts of transfer station operations. The proposed action would not directly or indirectly impact open space and is not expected to result in significant adverse open space impacts. The amended operational rules are not likely to lead to the direct displacement or alteration of existing open space resources. Indirect effects on the City's open space resources are not anticipated as the new rules are not anticipated to result in a population change that would alter current usage levels of open space.

2.5 Shadows

The shadows cast by newly constructed buildings or structures can have potentially adverse impacts in a particular area or surrounding areas. Shadows can have damaging effects on open spaces, historic districts, or important natural features. An evaluation is necessary to determine the impact of shadows created from a new building or structure.

The *CEQR Technical Manual* recommends that shadows be assessed for new buildings or structures taller than 50 feet. Assessment for structures less than 50 feet tall is recommended only if the structure is adjacent to important public resources. These include historic resources, parks or important natural features.

As the proposed action only would tend to limit further potential environmental impacts of transfer station operations, no significant adverse shadow impacts are expected to occur.

2.6 Historic Resources

The term “historic resource” encompasses districts, buildings, structures, sites and objects of historical, cultural, aesthetic, or archaeological importance. Because historic resources play an important role in maintaining the character of a city, the *CEQR Technical Manual* calls for a determination of whether the proposed action disturbs the City’s historic resources including both architectural and archaeological resources. An in-ground disturbance to an area not previously excavated is considered worthy of an archaeological assessment. An architectural assessment is deemed necessary for new construction, demolition or significant physical alteration to any building, structure, or object. Significant impacts include changes in scale, visual prominence or visual context of any building, structure, or object; construction including but not limited to excavation vibration, subsidence, dewatering or falling objects; changes to significant historical landscapes and elimination of publicly accessible areas; and new shadows or lengthening of existing shadows over historic landscapes or structures.

The proposed changes to solid waste transfer stations operational requirements would tend to limit potential impacts from solid waste transfer station operations. The regulations would not directly lead to an in-ground disturbance or new construction, or the demolition or alteration of a new or existing structure. Therefore, significant adverse historic resources impacts are not anticipated as a result of the proposed action.

2.7 Urban Design and Visual Resources

Urban design and visual resources comprise the "look" of a neighborhood. This includes the neighborhood's physical appearance, the size and shape of buildings, their arrangement on blocks, the street patterns and noteworthy views. An analysis under CEQR considers an action's potential to affect the visual character, visual design or resources of an area.

The *CEQR Technical Manual* recommends a detailed assessment of urban design and visual resources if a project would have substantially different bulk or setbacks that exist in an area and if substantial new above-ground construction would occur in an area that has important views, natural resources or landmark structures.

Solid waste transfer stations are sited in industrial zoned areas (M1, M2, and M3) of the City that tend to lack noteworthy visual resources, important views, and natural resources or view corridors. The proposed generic action only addresses the environmental impacts of transfer station operations, and will not by itself change the appearance of any transfer stations. Any significant change to a transfer station's appearance contemplated for a permit action would be subject to an individualized assessment. Therefore, no significant adverse urban design or visual resources impacts are anticipated as a result of the proposed operational rules for solid waste transfer stations.

2.8 Neighborhood Character

Neighborhood character is an amalgam of the various elements that give neighborhoods their distinct personality. Neighborhood character is derived from the combination of varying urban elements, such as land use, urban design, visual and historic resources, socioeconomics, traffic and noise. These elements come together to create the feeling and context of a neighborhood. Therefore, when considering the neighborhood character, all elements of a neighborhood should be evaluated together.

With regard to neighborhood character, the *CEQR Technical Manual* recommends a detailed assessment if the action results in a substantial change in a neighborhood's land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic or noise.

As a generic action, substantial change in land use, urban design and visual resources, historic resources, socioeconomic conditions, traffic or noise are not expected as a result of this action (see sections 2.1 Land Use, 2.2 Socioeconomic Conditions, 2.6 Historic Resources, 2.7 Urban Design and Visual Resources, 2.15 Traffic and Parking 2.18 Noise for a discussion of each of these technical sections). As such, the proposed action is not expected to have a significant adverse impact on the character of neighborhoods. The proposed action to amend the operational rules for solid waste transfer stations would tend to reduce the potential for adverse impacts from transfer station operations, and would not have any adverse effects on the components of neighborhood character.

2.9 Natural Resources

The *CEQR Technical Manual* defines a natural resource as an area "capable of providing habitat for plant and animal species or capable of functioning to support environmental systems and maintain the City's environmental balance." Included in the list of natural resources are surface water, groundwater, drainage systems and wetlands. Other resources to consider are dunes, beaches, coastal resources, grasslands, woodlands, landscaped areas, gardens, parks and built structures used by wildlife.

The *CEQR Technical Manual* recommends several screening criteria when determining whether an assessment of natural resource impacts should be performed. An area must be substantially devoid of natural resources or contain no built structure that is known to contain or may be used for protected species. An area must not contain subsurface conditions that affect neighboring natural resources, and the action must not disturb nearby natural resources for no further assessment to be warranted. Finally, a proposed action may be deemed to disturb a natural resource, but a regulatory agency with jurisdiction over the resource, under certain conditions may deem the disturbance environmentally insignificant, if for example, the action is considered a necessary improvement. If the action does not meet all of these conditions or if it is unknown whether it meets one or more of these conditions, then an assessment of natural resources is appropriate.

Solid waste transfer stations are located in manufacturing districts across the city. These areas are typically built-up urban environments where significant natural resources do not exist. The proposed action is a generic action to amend the operational rules for solid waste transfer stations and would tend to further limit the potential for adverse impacts from such facilities. As such, it would not be expected to result in significant adverse impacts on New York City's natural resources.

2.10 Hazardous Materials

According to the definition set forth in the *CEQR Technical Manual*, a hazardous material is "any substance that poses a threat to human health or the environment." Hazardous materials of particular note are heavy metals, volatile organic compounds, semivolatile organic compounds, methane, polychlorinated biphenyls (PCBs), pesticides, dioxins and hazardous wastes as defined by the Resource Conservation and Recovery Act.

The *CEQR Technical Manual* recommends three screening criteria to be considered before a lead agency decides that no further examination of potential hazardous materials impacts is required. First, no elevated levels of hazardous materials may exist on the site. Second, an action may not create increased pathways to exposure to hazardous materials. Third, an action may not introduce new activities or processes using hazardous materials such that risk of human or environment exposure is increased. If these conditions are not met, a detailed hazardous materials assessment should typically be performed.

Significant adverse impacts from hazardous materials are not anticipated as a result of the proposed action. The proposed generic action would amend the rules governing operational procedures of solid waste transfer stations in New York City. Such facilities may not accept hazardous waste. The rules would further limit potential impacts from transfer station operations. The proposed action would not result in adverse impacts from the handling or disposal of hazardous waste or hazardous materials.

2.11 Waterfront Revitalization

Proposed actions subject to CEQR that are situated within the designated boundaries of the New York City Coastal Management Zone should be assessed for their consistency with the City's Local Waterfront Revitalization Program (LWRP). The LWRP establishes the City's Coastal Zone and includes policies dealing with residential and commercial development, water dependent and industrial uses, commercial and recreational boating, coastal ecological systems, water quality, flooding and erosion, solid waste and hazardous substances, public access, scenic resources, and historical and cultural resources. The LWRP policies address basic issues: fish and wildlife, flooding and erosion, water resources, air and scenic quality, public access and recreation resources, energy development and solid waste disposal, and development. CEQR recommends any proposed action within the Coastal Zone boundaries be assessed for consistency with the LWRP.

The proposed generic action would amend the operational rules of solid waste transfer stations. The rules would further limit the potential for adverse environmental impacts from transfer station operations. As discussed in the attached consistency form for the Local Waterfront Revitalization Program (LWRP), the proposed action is consistent with the LWRP.

2.12 Infrastructure

The infrastructure of a city is made up of the physical systems that support its population. These systems include water supply, wastewater treatment, sanitation, energy, roadways, bridges, tunnels, and public transportation. CEQR evaluates the impact on water supply, wastewater treatment and stormwater management together and the other physical systems individually in separate sections.

According to the *CEQR Technical Manual*, actions that require exceptionally large amounts of water, for example a power plant, should be evaluated for their potential impact on the demand for the city's water supply. In addition, if an action results in very large flows of wastewater that could impact the capacity of sewage treatment plants, an assessment is recommended.

The proposed generic action would amend the operational rules of private solid waste transfer stations and would not cause the closure of property-operated facilities, as discussed in Section 2.2, above. A significant adverse impact on the City's water supply, wastewater treatment, stormwater management, or other infrastructure is not anticipated as a result of this action.

2.13 Solid Waste and Sanitation Services

In New York City, the Department of Sanitation has the responsibility to collect and dispose of municipal solid waste and recyclable materials generated by residences, some non-profit institutions, tax-exempt properties and public agencies. Private waste carters collect commercial waste in the City. The Department of Sanitation and the private carters haul waste to solid waste management facilities where the waste is processed and sent to recycling or disposal facilities out of New York City.

The *CEQR Technical Manual* suggests that regulatory changes affecting the generation or management of solid waste in New York City may require evaluation for consistency with the *Comprehensive Solid Waste Management Plan*. The Plan establishes a hierarchy of waste management methods that encourages the future use of vessels and rail to ship solid waste to facilities outside of the City.

The proposed rules would not affect existing DSNY operations and would not increase the generation of solid waste. The action would amend the operational requirements for private or commercial solid waste transfer stations in New York City. The proposed operational rules were developed, in part, in light of recommendations made in the recently completed *Comprehensive Commercial Waste Management Study*. This study is available for viewing on the DSNY website. The *Comprehensive Commercial Waste Management Study* evaluated the existing system for managing commercial putrescible and non-putrescible solid waste and several specific recommendations were proposed for the improvement of solid waste transfer station operations. Included in the study are recommendations regarding improved odor control, dust control, and ventilation systems at private solid waste transfer stations in New York City.

The *Comprehensive Commercial Waste Management Study* was intended to enable the City to plan for the management of commercial waste in an efficient and environmentally sound manner and to assist in the development of a new *Comprehensive Solid Waste Management Plan*. The proposed action would enable private transfer stations to manage commercial or municipal waste in a manner that is consistent with City's policies for solid waste management. The proposed rules will reduce the potential for adverse impacts from private solid waste transfer stations, and would not cause the closure of properly operated facilities, as discussed in Section 2.2, above. The proposed

amendments to the rules would therefore not have a significant adverse impact upon solid waste and sanitation services.

2.14 Energy

As part of the environmental review process, energy consumption should be assessed in light of any proposed action. The consumption of energy encompasses sources used for heating, electricity and transportation and includes fossil fuels (oil, coal, gas, etc.), hydroelectric power and miscellaneous sources like wood, solid waste or other combustible materials.

The *CEQR Technical Manual* recommends a detailed assessment of energy use for actions that significantly impact the transmission or generation of energy or that generate a substantial indirect consumption of energy.

The action would amend operational requirements for New York City solid waste transfer stations. While certain additional equipment required by some transfer stations may require additional energy to operate, it will be a negligible amount. No significant impact on energy consumption in the City is anticipated as a result of this action. As individual solid waste transfer station permit actions are proposed, the proposed facilities would be assessed for the potential of significant impact on energy consumption in the City.

2.15 Traffic and Parking

Traffic and parking analyses are used to determine whether a proposed action can be expected to have a significant adverse impact on street and roadway conditions and on parking facilities. In particular, the analyses seek to determine how traffic flow and operating conditions, parking conditions, goods delivery and vehicular and pedestrian safety are affected by the action.

The *CEQR Technical Manual* recommends a traffic and parking assessment if the action generates low or low-to-moderate density development in particular sections of the City. The *CEQR Technical Manual* also suggests an assessment if the action creates 50 or more peak-hour vehicle trips.

The proposed generic amendments to the operational regulations for solid waste transfer stations would not generate new residential or commercial development or generate an increase in truck traffic on the City's roadways. As such, the proposed action is not expected to significantly impact traffic and parking in the City.

2.16 Transit and Pedestrians

Transit and pedestrian analyses are used to determine whether a proposed action can be expected to have a significant adverse impact on public transportation facilities and services and on pedestrian flows. In particular, these analyses seek to address how rail and subway facilities and services, bus service and pedestrian flows and conditions are affected by the action.

The *CEQR Technical Manual* has guidelines for determining if a proposed action warrants a detailed transit and pedestrian assessment. If an action would result in development less than shown in Table 3O-1 of the *CEQR Technical Manual* a transit and pedestrian assessment is usually not warranted, except in unusual circumstances. If the proposed action is projected to result in fewer than 200 peak hour transit trips a transit assessment is generally not warranted. And, if an action would result in residential or office projects that are less than 50 percent of the levels identified in Table 3O-1 a detailed pedestrian assessment is usually not required.

The proposed generic action would not significantly impact transit and pedestrians in New York City. The action would amend operational requirements for New York City solid waste transfer stations and would not generate demand for transit facilities or alter pedestrian flows. Development is unlikely to occur as a result of this action that would exceed the density levels in Table 3O-1 of the *CEQR Technical Manual* and would require a traffic and pedestrian analysis. In addition, the proposed action will not add more than 200 peak hour transit trips in the City, precluding the need for a detailed transit assessment.

2.17 Air Quality

With regard to air quality, the *CEQR Technical Manual* seeks to determine a proposed action's effects on ambient air quality, or effects on the project because of ambient air quality. Ambient air quality is the quality of surrounding air. Ambient air can be affected by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources." This can occur during operation and/or construction of a proposed action. The pollutants of most concern are carbon monoxide, lead, nitrogen dioxide, ozone, relatively coarse inhalable particulates (PM₁₀), fine particulate matter (PM_{2.5}), and sulfur dioxide.

The *CEQR Technical Manual* recommends an assessment of the potential impact of mobile sources on air quality when an action increases traffic or causes a redistribution of traffic flows, creates any other mobile sources of pollutants (such as diesel train usage), or adds new uses near mobile sources (e.g., roadways, parking lots, garages). The *CEQR Technical Manual* recommends assessments when new stationary sources of pollutants are created, when a new use might be affected by existing stationary sources, or when stationary sources are added near existing sources and the combined dispersion of emissions would impact surrounding areas.

The proposed action would have no significant adverse impacts related to air quality in New York City. The action would amend the operational requirements for solid waste transfer stations. This action would not increase or redistribute City traffic flows, nor would it create new sources of stationary pollutants or add to existing sources and combine the dispersion of emissions on surrounding areas.

The proposed operational regulations for solid waste transfer stations include several requirements that would serve to reduce the amount of dust, odors, and contaminants emitted from the operation of transfer stations and would also help to reduce the potential cumulative impacts that transfer stations have on air quality in the City. Some of the more salient operational requirements that would benefit air quality are listed below. For a more complete list of the proposed operational requirements that would benefit air quality, see Section 1.2 - Proposed Action and Appendix A.

- The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.
- No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:
 - a density as dark or darker than number two on the “standard smoke chart”(or 40% opacity); or
 - a density as dark or darker than number one but less than number two (or 20%-40% opacity) that lasts for longer than two minutes in the aggregate in any sixty minute period.
 - the density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.
- No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.
- Within 180 days of the effective date of this rule, all means of vehicular access into and out of non-putrescible transfer stations shall be surfaced with a material such as asphalt, concrete or ¾ inch or larger gravel or wood planking, that shall prevent dust generation and prevent the tracking of material from inside the transfer station site onto the public roadway.
- Putrescible transfer station ventilation equipment shall be capable of maintaining negative air pressure, including during periods when the transfer station doors are open, that is sufficient to prevent the escape of malodorous air from the transfer station, and shall utilize hard-piped misting systems for dust control.
- Odor control equipment shall automatically neutralize odors in exhaust air from putrescible transfer stations as it is ventilated from the enclosed building. The odor-neutralizing agent shall be applied as a mist in the vicinity of exhaust points from the building.

2.18 Noise

CEQR defines noise simply as unwanted sound. The *CEQR Technical Manual* recommends an analysis of three principal types of noise sources: mobile sources, stationary sources and construction sources. The noise levels associated with the environmental noise assessment are not simply hazardous noise levels that cause hearing loss, but significant noise levels below the hazardous level that have a potential detrimental impact on quality of life in New York City. The density of New York City makes noise assessment vital because of the high potential for noise sources to disrupt sleep, interrupt activities requiring concentration and cause stress-related illnesses.

As per the *CEQR Technical Manual*, a noise-impact screening considers whether the action generates any mobile or stationary sources of noise or will be located in areas with high ambient noise levels. These areas would include highly trafficked thoroughfares, airports, railroads or other loud activities.

The proposed generic action would amend the operational requirements for the City's solid waste transfer stations. The proposed action would not cause new mobile or stationary sources of noise. To the extent that new ventilation equipment may be required at a facility, such installation would, if appropriate, be subject to an individualized assessment for the respective facility permit action. Therefore, no significant adverse noise impacts are anticipated.

2.19 Construction Impacts

Although the construction of new buildings or structures is temporary in nature, it can have disruptive and noticeable effects. The determination of whether these effects are significant, and if mitigating steps are required, is generally based on the duration and magnitude of the impact. Most projects consider the impacts that are related to traffic, air quality and noise. Assessments of other technical areas can also be appropriate for particular actions.

The *CEQR Technical Manual* calls for an analysis of construction impacts for any action that involves construction or that would induce construction. The level of detail necessary for the analysis is based on the duration of the potential impact.

The proposed action would amend the operational requirements for private solid waste transfer stations and would not directly result in the construction of such facilities. Certain facilities would be required to pave entrance areas and install upgraded ventilation, odor, and/or dust suppression systems. However, these improvements would not be expected to require extended or complex construction so as to cause construction period impacts that may be considered significant and adverse. Therefore, the proposed action is not expected to lead to significantly adverse construction impacts.

2.20 Public Health

Public health involves the activities a society undertakes to create and maintain conditions in which people can be healthy. The *CEQR Technical Manual* recommends an assessment of potential impacts on the public health Citywide or on the health of a community or certain group of individuals affected by the proposed action. For a large city, many public health concerns are closely related to air quality, hazardous materials, construction and natural resources.

The *CEQR Technical Manual* states that when deciding whether an assessment is appropriate, special consideration should be given to urban public health concerns. A health assessment may be warranted if an action increases vehicular traffic or emissions; if the action increases exposure to heavy metals or other contaminants or there is the presence of contamination from historic spills or releases of substances that might have affected or affect groundwater; if the action involves solid-waste management practices that could attract vermin, or would have potentially significant adverse impacts to sensitive receptors; or if the action involves vapor infiltration to buildings or soil, exceeds accepted federal, state, or local standards, or if the action involves an activity that results in a significant health concern (e.g. the Williamsburg Bridge Lead Removal Project).

No significant adverse impacts to public health are expected as a result of the proposed generic action. The proposed action would not increase vehicular traffic or increase exposure to hazardous material or contaminants. The action would amend the operational requirements for New York City solid waste transfer stations. Regulations for air ventilation systems and dust control devices and procedures are a part of these proposed amendments (see Air Quality section 2.17) and would help contain emissions from mobile and stationary sources associated with the operation of transfer stations. Therefore, no significant adverse air quality or associated public health impacts are anticipated as a result of this action. In addition, any permits issued for new transfer station capacity would undergo an individualized environmental review, which would include an assessment of the potential for significant public health impacts.

APPENDICES

APPENDIX A
Proposed Amendments to Rules Concerning the Operational
Requirements for Private Solid Waste Transfer Stations

**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION**

**NOTICE OF ADOPTION OF FINAL RULES
GOVERNING THE DEPARTMENT OF SANITATION'S OPERATIONAL
REQUIREMENTS REGARDING TRANSFER STATIONS**

NOTICE IS HEREBY GIVEN in accordance with the requirements of section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of Sanitation by section 753(a) and (b) of the New York City Charter and by section 16-131 of the Administrative Code of the City of New York that the Department adopts the following rule governing the operational requirements of transfer stations. This rule amends Subchapters A and B of Chapter 4 of Title 16 of the Rules of the City of New York. The Department published a Notice of Opportunity to Comment on the proposed rule in the City Record on August 27, 2004. The Department held a public hearing on the proposed rule on October 26, 2004. Pursuant to section 16-131(e) of the Administrative Code of the City of New York the Department submitted the final rule to the City Council for an additional thirty-day statutory review period on January 14, 2005. Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Section 1. Section 4-01 of subchapter A of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

§ 4-01 Definitions.

When used in this subchapter:

Air contaminant. "Air contaminant" shall mean any particulate matter or any gas or any combination thereof in the open air, other than uncombined water or air.

Commissioner. "Commissioner" shall mean Commissioner of Sanitation of the City of New York or his or her representative.

Construction and demolition debris. "Construction and demolition debris" shall mean non-putrescible solid waste resulting from any excavation, or any construction, demolition, alteration, repair, or renovation of any structure, building or premises.

Construction and demolition debris transfer station. "Construction and demolition debris transfer station" shall mean any structure, building or other premises, whether improved or unimproved, at which non-putrescible solid waste, including any amount of construction and demolition debris, is received for the purpose of subsequent transfer to another location, regardless of whether such non-putrescible solid waste is subject to any processing or reduction in volume at such structure, building or premises, but shall not include transfer stations at which any amount of putrescible solid waste is received.

Designated recyclable materials. "Designated recyclable materials" shall have the same meaning as that used in §16-306 of the Administrative Code of the City of New York and rules promulgated pursuant thereto.

Diesel engine. "Diesel engine" shall mean an engine that operates on or is capable of operating on diesel fuel.

Equipment. "Equipment" shall mean all implements used in the operation of the construction and demolition debris or fill material transfer station, including but not limited to motor-driven machinery.

Fill material. "Fill material" shall mean only clean material consisting of earth, ashes, dirt, concrete, rock, gravel, stone or sand, provided that such material shall not contain organic matter having the tendency to decompose with the formation of malodorous by-products.

Fill material transfer station. "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.

Gasoline engine. "Gasoline engine" shall mean an engine that operates on or is capable of operating on gasoline fuel.

Intermodal solid waste container facility. "Intermodal solid waste container facility" shall mean a facility or premises served by rail or vessel at which intermodal containers are transferred from transport vehicle to transport vehicle for the purpose of consolidating intermodal containers for shipment by rail or vessel to an authorized disposal or treatment facility, where the contents of each container remain in their closed containers during the transfer between transport vehicles, and storage remains incidental to transport at the location where the containers are consolidated, and that is required to register with the Department of Sanitation pursuant to sections 16-130 and 16-131 of the Administrative Code of the City of New York and Subchapter D of this Chapter.

Non-putrescible solid waste. "Non-putrescible solid waste" shall mean solid waste, whether or not contained in receptacles, that does not contain organic matter having the tendency to decompose with the formation of malodorous by-products, including but not limited to dirt, earth, plaster, concrete, rock, rubble, slag, ashes, waste timber, lumber, plexiglass, fiberglass, ceramic tiles, asphalt, sheetrock, tar paper, tree stumps, wood, window frames, metal, steel, glass, plastic pipes and tubes, rubber hoses and tubes, electric wires and cables, paper and cardboard.

Non-putrescible solid waste transfer station. "Non-putrescible solid waste transfer station" shall mean any structure, building or other premises, whether improved or unimproved, at which only non-putrescible solid waste is received for the purpose of subsequent transfer to another location, regardless of whether such non-putrescible solid waste is subject to any processing or reduction in volume at such structure, building or premises. Such term shall include construction and demolition debris and fill material transfer stations but not intermodal solid waste container facilities.

Nonroad motor vehicle. "Nonroad motor vehicle" shall mean equipment that is propelled by a diesel engine or gasoline engine in or upon which a person or material may be transported on the ground and that is used or is located at a transfer station. A nonroad motor vehicle shall include, but not be limited to, front end loaders, backhoes and bulldozers and shall not include cars, trucks or locomotives.

Opacity. "Opacity" shall mean the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Particulate matter. "Particulate matter" shall mean any liquid, other than water, or any solid that is or tends to be capable of becoming windblown or being suspended in air.

Person. "Person" shall mean any individual, corporation, partnership, association, firm, trust, estate or any other legal entity whatsoever.

Putrescible solid waste. [The term "putrescible] "Putrescible solid waste" shall mean solid waste containing organic matter having the tendency to decompose with the formation of malodorous by-products.

Solid waste. "Solid waste" shall mean all putrescible and non-putrescible materials or substances, other than those materials or substances described in paragraph [(2)] (b) of this definition, that are discarded or rejected, including but not limited to, garbage, refuse, waste collected by any person required to be licensed or permitted pursuant to [Subchapter eighteen of Chapter two of Title twenty] Chapter one of Title sixteen-A of the Administrative Code of the City of New York, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal. Such term shall include recyclable materials, as defined in §16-303 of Title sixteen of the Administrative Code of the City of New York.

(a) A material is discarded or rejected if it is:

- (1) spent, useless, worthless or in excess to the owners at the time of such discard or rejection;
- (2) disposed of;
- (3) burned or incinerated, including material burned as a fuel for the purpose of recovering usable energy; or
- (4) accumulated, stored or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.

(b) The following are not solid waste for the purpose of this section:

- (1) domestic sewage;
- (2) any mixture of domestic sewage and other wastes that passes through a sewer system to publicly owned treatment works for treatment, except any material that is introduced into such system in order to avoid the provisions of this subchapter, Article 157 of the New York City Health Code, Title sixteen of the Administrative Code of the City of New York, or of state regulations promulgated to regulate solid waste management facilities;
- (3) industrial wastewater discharges that are actual point source discharges subject to permits under Article seventeen of the Environmental Conservation Law; provided that industrial wastewaters while they are being collected, stored or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;
- (4) irrigation return flows;
- (5) radioactive materials that are source, special nuclear, or by-product material under the Federal Atomic Energy Act of 1954, as amended, 42 U.S.C. S 2011 et seq.;
- (6) materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(7) hazardous waste as defined in §27-0901 of the Environmental Conservation Law, including material containing hazardous waste; and

(8) regulated medical waste as defined in Title fifteen of Article twenty-seven of the New York [state] State Environmental Conservation Law, in Title thirteen of Article thirteen of the New York State Public Health Law or in §16-120.1 of the Administrative Code of the City of New York or any rules promulgated pursuant to such provision of law.

Standard smoke chart. “Standard smoke chart” shall mean the Ringelmann chart, as published by the United States bureau of mines, photographically reduced to 1/18th in size for use in the field.

Stationary equipment. “Stationary equipment” shall mean equipment powered by a diesel engine or gasoline engine that will remain stationary during use and that is used or is located at a transfer station. Stationary equipment shall include, but not be limited to, cranes, excavators, crushers, screeners, chippers and shredders.

Transport vehicle. “Transport vehicle” shall mean any motor vehicle, rail car, vessel, or other means of transportation used to deliver solid waste into, or remove solid waste from, a non-putrescible solid waste transfer station.

US EPA Method 9. “US EPA Method 9” shall mean the United States Environmental Protection Agency method, codified at Title 40 Code of Federal Regulations Part 60, Appendix A-4, for use by a certified observer to visually determine the opacity of air contaminant emissions from a stationary source.

US EPA Method 22. “US EPA Method 22” shall mean the United States Environmental Protection Agency method, codified at Title 40 Code of Federal Regulations Part 60, Appendix A-7, for use by a trained and knowledgeable observer to visually determine the presence of and amount of time that visible air contaminant emissions occur.

§2. Section 4-03 of subchapter A of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

§ 4-03 Permit Required.

No person or public agency other than the Department of Sanitation may conduct, operate or use any pier or part thereof, or any piece or parcel of land or land under water within the City of New York as a non-putrescible solid waste transfer station without having first obtained for each pier or part thereof, or for each piece or parcel of land or land under water, in addition to any other permit required by law, a permit from the Commissioner, as required by this subchapter. Any non-putrescible solid waste transfer station permit issued pursuant to this subchapter shall be conditioned upon compliance with any rules regarding the siting and hours of operation of non-putrescible solid waste transfer stations [required to be promulgated by the Department of Sanitation pursuant to §16-131(b) of the Administrative Code of the City of New York] set forth in subchapter C of this chapter.

§3. Sections 4-05, 4-06, 4-07 and 4-08 of subchapter A of chapter 4 of title 16 of the rules of the city of New York are amended to read as follows:

§ 4-05 Permits for Construction and Demolition Debris Transfer Stations.

(a) For the purposes of this section, "transfer station" shall mean a construction and demolition debris transfer station, unless otherwise specified, and each such transfer station shall obtain a permit pursuant to this section.

(b) An application for a permit or renewal thereof to operate a transfer station shall include:

(1) Copies of all materials submitted to the New York State Department of Environmental Conservation in connection with the transfer station's application for any permit required pursuant to Title six of NYCRR Part 360 or its successor, including but not limited to an application for an initial permit to construct and/or operate, or an application to modify or renew a permit, or if no such permit is required pursuant to Title six of NYCRR Part 360 or its successor, copies of all materials submitted to the New York State Department of Environmental Conservation in connection with a registration or an exemption pursuant to Title six of NYCRR Part 360. If the copy of the site plan submitted to the New York State Department of Environmental Conservation does not so indicate, or if no site plan was required to be submitted to the New York State Department of Environmental Conservation, a site plan shall be submitted indicating: the transfer station's tax block and lot number; property boundaries, including a metes and bounds description of the property consistent with the deed submitted pursuant to paragraph (10) of this subsection; zoning district; borough; the locations of fences, gates, entrances and exits, parking spaces and truck spaces where transport vehicles may wait prior to their deposit or removal of solid waste; and the location and dimensions of each area where non-putrescible solid waste shall be received, processed and stored;

(2) a written statement by a registered architect or licensed professional engineer certifying that:

(i) As designed, the transfer station is capable of complying with the applicable performance standards of the Zoning Resolution of the City of New York and the applicable provisions of the New York City Health Code, including but not limited to Articles 135 and 141;

(ii) A system for the sanitary disposal of sewage and waste water has been installed at the transfer station in accordance with the provisions of Articles 143 and 145 of the New York City Health Code and all applicable laws and rules governing the discharge of sewage and waste water;

(iii) The transfer station is capable of complying with all the requirements of §4-06 of this subchapter;

(iv) Any necessary ventilation equipment has been installed;

(v) Cross connection control has been provided to ensure that waste water does not mix with the drinking water supply;

(vi) There is sufficient space at the transfer station for the largest anticipated transport vehicle to safely enter and exit the transfer station;

(vii) Transport vehicles may enter and exit the transfer station via lawful truck routes;

(viii) There is adequate ingress and egress at the transfer station to accommodate emergency vehicles; and

(ix) There is adequate ingress and egress at the transfer station to facilitate the complete inspection of the transfer station.

(3) (i) A map describing not less than one square mile of the area surrounding the proposed transfer station, clearly marking the lawful truck routes where transport vehicles may transport solid waste into and out of the transfer station, and connecting roadways permitted to be used by transport vehicles, as certified by a registered architect or licensed professional engineer in subparagraph (vii) of paragraph (2) of this subsection; and

(ii) the estimated number and type of transport vehicles to be used, and the daily, weekly and monthly number of vehicle arrivals and departures at the transfer station.

(4) A certified copy of a Certificate of Occupancy or, where applicable, a temporary Certificate of Occupancy, from the Department of Buildings of the City of New York, indicating the appropriate Use Group pursuant to the Zoning Resolution of the City of New York and, if applicable, a copy of a written variance for the zoning lot from the Board of Standards and Appeals or any successor agency; and/or a copy of a certification or authorization of the Department of Small Business Services of the City of New York;

(5) A certification from a title insurance corporation, as such [corporation] corporation is defined in §6401 of the Insurance Law, or from a duly authorized agent thereof, establishing the ownership of the property upon which the transfer station is sited or proposed to be sited;

(6) Documentary evidence demonstrating that all penalties, including those of the Environmental Control Board, imposed upon the applicant, the property owner, and any other person in control of or having an interest in the transfer station operation, for violations of Article 157 of the New York City Health Code, or Title sixteen, Title seventeen, [Subchapter eighteen or chapter two of Title twenty] Chapter one of Title sixteen-A, Chapter one of Title twenty-six and Title twenty-seven of the Administrative Code of the City of New York, or rules promulgated thereunder, that relate to the ownership or operation of a non-putrescible solid waste transfer station, putrescible solid waste transfer station, dump or fill material operation, have been paid or otherwise satisfied;

(7) Documentary evidence demonstrating that all fees due the Department of Sanitation for use of Department disposal facilities and/or for Department disposal services from the applicant, the property owner, and any other person in control of having or having an interest in the transfer station, have been paid or otherwise satisfied;

(8) Proof of workers' compensation coverage, or that the applicant is exempt from Workers' Compensation Law §57, and proof of disability benefits coverage, or that the applicant is exempt from Workers' Compensation Law §220, Subdivision 8 (Disability Benefits Law);

(9) A written and notarized acknowledgment by the applicant and, if different from the applicant, the fee owner of the real property, that the applicant and/or fee owner may be held primarily liable by the City of New York for the removal of all solid waste and any other material from the transfer station;

(10) A certified copy of the deed, as recorded in the office of the City Register or, in Richmond County, the County Clerk, setting forth a metes and bounds description of the property, and, if applicable, a copy of the lease or sublease or a certified copy of the lease or sublease if such lease or sublease is recorded, for the premises at which the transfer station is located or proposed to be located. The permittee shall notify the Commissioner within ten business days if the ownership of the property has changed or any other conveyance of title has taken place. Any new acknowledgments required pursuant to paragraph (9) of this subsection shall be provided simultaneously;

(11) A copy of all permits or other authorizations to construct or operate required under local and state laws and regulations, including the New York State Environmental Conservation Law and Title six of the NYCRR or its successor;

(12) A surety bond or an irrevocable letter of credit in a sum to be determined by the Commissioner of Sanitation. This sum shall not exceed the estimated cost to the Department of the removal of all solid waste and material defined in paragraph [(2)] (b) of the definition of "solid waste" set forth in §4-01 of this subchapter, from the transfer station, in the event that such removal becomes necessary and the permittee fails to remove such solid waste and material. A bond shall be executed by the applicant and a surety authorized to conduct business within the State of New York and approved by the Commissioner and, in the case of an irrevocable letter of credit, such letter of credit shall be issued by a financial institution authorized to conduct business within the State of New York. Such bond or letter of credit shall name the Department as obligee. The face amount of the bond or letter of credit shall be based on the size of the transfer station and the volume and nature of the material to be removed. The Commissioner of Sanitation may from time to time review the adequacy of such surety bond or letter of credit and thereafter require an applicant or permittee to obtain an increase in the amount of the bond or irrevocable letter of credit not to exceed the estimated cost of the removal of such solid waste and material. The Commissioner may authorize an applicant to provide other security, including cash, if the Commissioner finds that compliance with the bond or letter of credit requirement is not reasonably possible and the public interest would be served by such authorization. A surety bond issued pursuant to this subsection shall not expire until six months have elapsed after the revocation, surrender, expiration or other termination of the permit;

(13) The names, addresses, and dates of operation of any solid waste management facility or related businesses, currently or previously owned or operated by the applicant, or any principal of the applicant, such as private carting companies, other types of non-putrescible solid waste transfer stations, and putrescible solid waste transfer stations, whether or not located in New York City;

(14) The applicant's business address and telephone number. If the applicant is a corporation, the application must (1) state the names and home and business addresses of the principals of the corporation; (2) contain the signature of a corporate officer; (3) have the corporate seal impressed thereon; and (4) include a copy of the New York State corporation filing receipt. If the applicant is a partnership, the application must (1) state the names and home and business addresses of all partners; (2) include a copy of the partnership papers, certified by the County Clerk. If the applicant is required to file a certificate pursuant to §130 of the General Business Law, a certified copy of such certificate shall be submitted to the Department. The applicant shall also submit the names and addresses of all persons or entities, other than a financial institution licensed to do business in the state of New York, to which the applicant is indebted in an amount equal to or greater than three thousand dollars (\$3,000). The permittee shall have the continuing duty to inform the Department of Sanitation of any changes in the principals of the business entity owning or operating the transfer station. For purposes of this subparagraph, "principal" includes, but is not limited to, any director, officer (for example, president, vice-president, secretary, treasurer, board chairman, chief executive officer) or partner of a business entity, and shall include any shareholder (including another business entity) who owns ten percent or more of any class of issued company stock;

(15) The types of non-putrescible solid waste, in addition to construction and demolition debris, that will be received, processed and stored at the transfer station;

(16) The total volume of each type of non-putrescible solid waste, as well as the total aggregate volume of non-putrescible solid waste, to be present at the transfer station at one time; and

(17) At the request of the Commissioner, the applicant shall supply any additional information that is reasonably necessary to clarify that the transfer station is capable of complying with §4-06 of this subchapter.

(c) Any initial application for a transfer station permit shall include all documentation required pursuant to this section in one single package. This package shall constitute the transfer station permit application.

(d) A permit to operate a transfer station shall not be issued by the Commissioner unless the applicant has submitted a complete application.

(e) Review of any application submitted pursuant to this section may be suspended or terminated if the transfer station applicant is found to be operating any facility required to be permitted pursuant to §16-130 of the Administrative Code of the City of New York without a permit therefor or in violation of any such permit.

(f) A permit issued pursuant to this section shall be for a term not to exceed one year, and shall specify the volume of each type of non-putrescible solid waste permitted to be received, processed and stored by the transfer station.

(g) The annual fee for a permit issued pursuant to this section shall be three thousand five hundred dollars (\$3500).

§ 4-06 Operation and Maintenance of Construction and Demolition Debris Transfer Stations.

(a) For the purposes of this section, "transfer station" shall mean a construction and demolition debris transfer station, unless otherwise specified.

(b) No transfer station shall be operated unless it has obtained a permit pursuant to §4-05 of this subchapter, and is in compliance with the terms thereof, this section, and any other applicable law, rule or regulation.

(c) Equipment and personnel shall be provided for the safe and sanitary receipt, tipping, sorting, processing, compaction and storage of non-putrescible [solidwaste] solid waste at the transfer station. Sufficient standby equipment shall be provided to ensure that no storage problem or public nuisance or condition hazardous to public health or safety is created during scheduled or unscheduled equipment maintenance, or equipment breakdown. All indoor transfer station solid waste receipt, tipping, sorting, processing, compaction and storage areas shall include appropriate fire detection and protection equipment and all outdoor transfer station solid waste receipt, tipping, sorting, processing, compaction and storage areas shall include appropriate functioning fire protection equipment and aisle space.

(d) The transfer station shall comply with the applicable performance standards of the Zoning Resolution of the City of New York and the applicable provisions of the New York City Health Code, including but not limited to Articles 135 and 141.

(e) A system for the sanitary disposal of sewage and waste water shall be functioning at the transfer station in accordance with the provisions of Articles 143 and 145 of the New York City Health Code and all applicable laws and rules governing the discharge of sewage and waste water.

(f) Cross connection control shall be in place to ensure that waste water does not mix with the drinking water at the transfer station.

(g) There shall be sufficient space at the transfer station for transport vehicles to enter and exit safely.

(h) Transport vehicles shall enter and exit the transfer station via lawful truck routes.

(i) There shall be adequate ingress and egress at the transfer station to accommodate emergency vehicles. There shall be adequate space at the transfer station to accommodate emergency vehicles.

(j) There shall be adequate ingress and egress at the transfer station to facilitate the complete inspection of the transfer station. There shall be adequate access provided to all areas of the transfer station to facilitate the complete inspection of the transfer station.

(k) All non-putrescible solid waste transferred into and out of the transfer station shall be weighed or measured by volume. Records shall be maintained of such weights or measurements for a period of three years and included in the operational records required by subsection (p) of this section.

(l) Indoor and outdoor areas of the transfer station shall be illuminated during its hours of operation. Such illumination shall not create a nuisance.

(m) A transfer station shall be operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety.

(n) All equipment in use at the transfer station shall be maintained in proper working order. Equipment maintenance shall be scheduled and provided on a regular basis. Records of such maintenance shall be included in the operational records required by subsection (p) of this section.

(o) Transfer stations shall be kept free of vectors, including, but not limited to rodents, insects and other pests, and of any condition conducive to vectors. Written confirmation of at least weekly engagement of a certified exterminator shall be available at all times, and shall be included in the operational records required by subsection (p) of this section.

(p) Operational records for the transfer station including, but not limited to, all asset liability and capital and proprietary accounts, operating expenses, administrative expenses, tax returns and equipment expenses shall be maintained for a period of not less than three years. Such records shall also include a clear and legible daily log of the quantity of solid waste received and removed, specifying the point of origin and destination of the solid waste transported daily, as well as the quantity and type of material which has been brought to the transfer station for separation and/or processing. The daily log shall also include the names and addresses of the owner and/or operator of transport vehicles entering or exiting the transfer station. The daily log shall also include the weight or volume of each designated recyclable material separated by the transfer station. Such records shall be maintained on the premises and be readily available for inspection by representatives of the Department. The permittee shall submit to the Department a copy of any report required to be filed with the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360. Any such report shall be submitted to the Department at the same time it is submitted to the New York State Department of Environmental Conservation. In addition, the permittee shall submit to the Department quarterly reports that contain the following information, calculated by weight or volume on a monthly basis[;] : the total amount of solid waste received; the origin of the solid waste received; the destination of the solid waste removed, including a listing, by type of material, of any material recovered for recycling, reuse or sale for reuse. Quarterly reports shall be submitted on forms prescribed by or acceptable to the Department. The report for the quarter ending on March 31 shall be due on April 30; the report for the quarter ending on June 30 shall be due on July 30; the report for the quarter ending September 30 shall be due on October 30; and the report for the quarter ending December 31 shall be due on January 30.

(q) Operators of transfer stations that receive materials that are required to be recycled, reused or sold for reuse pursuant to §16-306 of the Administrative Code of the City of New York and rules promulgated pursuant thereto, shall recycle, reuse or sell for reuse or cause to be recycled, reused or sold for reuse such materials and shall comply with such provisions of the collection rules of the

Department, including, as of September 30, 1993, 16 RCNY §1-10(g), as are applicable to such transfer stations.

(r) The presence at a transfer station of any material other than non-putrescible solid waste is prohibited.

(s) The transfer station shall not emit odors, including odors of deodorizing materials, so as to violate the performance standards of the Zoning Resolution of the City of New York or the applicable provisions of the Air Pollution Control Code of the Administrative Code of the City of New York or to create a public nuisance.

(t) Non-putrescible solid waste shall be received, processed and stored only in the [area] areas specifically designated [for receipt of non-putrescible solid waste] in the site plan submitted pursuant to paragraph (1) of subsection (b) of §4-05 of this subchapter. Non-putrescible solid waste shall not be permitted to spill beyond areas in which it is permitted by this subchapter and by the site plan and engineering report submitted to the Department of Environmental Conservation pursuant to 6 NYCRR Part 360. Non-putrescible solid waste that spills beyond the areas in which it is permitted shall be removed immediately.

(u) The permittee shall be allowed to receive at the transfer station only the specific types of non-putrescible solid waste set forth within the permit.

(v) The permittee shall not be allowed to receive, process or store any type of non-putrescible solid waste in excess of the maximum allowable volume of each type of non-putrescible solid waste set forth within the permit.

(w) Transfer stations shall not be allowed to maintain non-putrescible solid waste above the following heights:

(1) if all receipt, processing and storage of non-putrescible solid waste is conducted within a completely enclosed structure at a transfer station, then the maximum pile height of non-putrescible solid waste shall be unlimited, except as otherwise provided by state and local law.

(2) if any receipt, processing or storage of non-putrescible solid waste is conducted at any unenclosed area of a transfer station located more than three hundred (300) feet from a residential zone, then the maximum pile height of non-putrescible solid waste shall be eight (8) feet, except that the maximum pile height of:

(i) non-putrescible solid waste consisting solely of separated concrete, rock, gravel, asphalt, brick, dirt or metal shall be forty (40) feet;

(ii) non-putrescible solid waste consisting solely of separated, chipped wood, shall be thirty (30) feet.

(3) if any receipt, processing or storage of non-putrescible solid waste is conducted in an unenclosed area of a transfer station located three hundred (300) feet or less from a residential zone, then the maximum pile height of all non-putrescible solid waste shall be eight (8) feet.

(x) The total volume of non-putrescible solid waste, including non-putrescible solid waste which has been processed, at a transfer station shall not exceed the allowable volume as stated in the permit issued pursuant to §4-05 of this subchapter. The allowable volume of any transfer station shall be calculated by the Department and shall be based on the storage capacity (estimated in total cubic yardage) of the transfer station. In no event shall such allowable volume exceed that granted by the New York State Department of Environmental Conservation.

(y) Opaque fencing shall surround the perimeter of the unenclosed areas of the transfer station. The fencing must be equal to or greater than the following minimum heights:

(1) if any receipt, processing or storage of non-putrescible solid waste is conducted in an unenclosed area of a transfer station located more than three hundred (300) feet from a residential zone, then the minimum fence height shall be ten (10) feet [.] ; and

(2) if any receipt, processing or storage of non-putrescible solid waste is conducted in an unenclosed area of a transfer station located three hundred (300) feet or less from a residential zone, then the minimum fence height shall be fifteen (15) feet.

(z) Equipment used in the operation of the transfer station shall be contained within the property line, and under no circumstances shall such equipment be stored on city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(aa) All drainage systems shall be kept clean, unclogged and functioning[. Leachate or wash water shall not flow into the street] and shall be maintained to prevent leachate and wash water from accumulating or flowing onto city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(bb)

(1) Noise levels generated by operation of and at the transfer station, including the sound of transport vehicles entering or exiting the facility, shall be controlled to prevent sound levels beyond the transfer station property line from exceeding the following Leq decibel (A) weighted energy equivalent ambient sound levels:

Impacted Zones	Time of Day	
	<u>7 a.m.-10 p.m.</u>	<u>10 p.m.-7 a.m.</u>
R1 - R3.....	62 decibels	52 decibels
All other residential, commercial, or manufacturing zones.....	67 decibels	57 decibels

(2) If the existing ambient sound level, excluding any contributions from the transfer station, exceeds these limits, the operation of the transfer station shall not cause the Leq sound level to be increased;

(3) Leq is the equivalent steady-state sound level which contains the same acoustic energy as the time varying sound level during any one-hour period;

(4) The (A) weighted sound level shall be measured with the slow metering response characteristic of a sound level meter which complies with standards established by the American National Standards Institute specifications for sound level measurement; and

(5) Mufflers are required on all internal combustion-powered equipment used at the transfer station, and sound levels for such equipment must not exceed 80dB(A) at a distance of fifty feet from the operating equipment; provided that the decibel level beyond the property line of the transfer station shall not exceed the decibel levels set forth above.

(6) Notwithstanding paragraphs (1) through (5) of this subsection, noise generated by back-up warning signals required by the United States Occupational Safety and Health Administration shall not be included in determining whether noise levels comply with this subsection.

(cc) A sign, no smaller than four feet by four feet, shall be posted at all entrances to the transfer station and shall conspicuously indicate the transfer station's hours of operation, the types of waste it accepts and does not accept, the expiration date of its permits to operate pursuant to §16-130 of the Administrative Code and 6 NYCRR Part 360, and the Department of Sanitation's complaint telephone number.

(dd) Doors and gates allowing vehicles to enter or leave the transfer station, including any structure at such station, shall be kept closed except when vehicles are entering or leaving;

(ee) No litter or solid waste shall be allowed to accumulate on the streets or other areas abutting the transfer station.

(ff) Where a transfer station is fully or partially enclosed, [within thirty days of the effective date of this Rule,] exhaust air shall be vented through air filters, dust collectors, and/or other equipment [which] that removes particulate matter and malodorous by-products.

(gg) Gasoline or diesel fuel shall not be used within a fully or partially enclosed transfer station to power any equipment unless means are provided to safely vent exhaust gases.

(hh) No transport vehicle required to be licensed or permitted pursuant to Title twenty of the Administrative Code of the City of New York shall deposit any material at or remove any material from a transfer station unless such transport vehicle is appropriately licensed or permitted.

(ii)

(1) Entrance into or exit from a transfer station by a transport vehicle shall be permitted only under the supervision of an attendant, and

(2) The loading or unloading of any transport vehicle shall be continuously supervised by an attendant. The attendant shall not permit the unlawful deposit or removal of any material.

(jj) There shall be no burning of materials at a transfer station.

(kk) Within one year of the effective date of the rule that added this sentence, the receipt, processing and storage areas of the transfer station, as set forth in the site plan, shall be constructed of concrete or asphalt paving material, and equipped with adequate drainage and retention structures. A concrete or asphalt pad is not required for the separate storage of processed or unprocessed uncontaminated clean fill material that has not been commingled with any other solid waste.

(ll) The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.

(mm) No solid waste, construction and demolition debris, fill material, dust or other material shall be tracked from the transfer station site onto a city street, or public highway as defined in section 134 of the New York State Vehicle and Traffic Law.

(nn) Within one hundred eighty days of the effective date of the rule that added this sentence, a motor vehicle tire cleaning procedure shall be adopted that shall prevent the tracking of solid waste, dust or other material from the transfer station site onto a city street, or public highway as defined in section 134 of the New York State Vehicle and Traffic Law.

(oo) No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:

(1)(i) A density that appears as dark or darker than number two on the standard smoke chart, or 40% opacity, or of an opacity that obscures vision to a degree equal to or greater than smoke of number two density on the standard smoke chart, or 40% opacity; or

(ii) A density that appears as dark or darker than number one on the standard smoke chart, or 20% opacity, but less than number two on said chart, or 40% opacity, or of an opacity that obscures vision to a degree equal to or greater than smoke of number one density on the standard smoke chart, or 20% opacity, but less than number two on said chart, or 40% opacity, if such an emission continues for longer than two minutes in the aggregate in any sixty minute period.

(2) The density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(pp) No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.

(qq) No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.

(rr) All stationary equipment and nonroad motor vehicles at the transfer station shall be maintained properly and shall be inspected annually. All stationary equipment and nonroad motor vehicles at the transfer station that operate outdoors shall be inspected annually while in operation by an observer certified in the US EPA Method 9 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-4 and trained in the US EPA Method 22 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-7, to ensure the equipment is operating properly to minimize air contaminant emissions, taking into account the model year and design capabilities of the engine. A written record of the inspection and any subsequent corrective measures performed to minimize air contaminant emissions shall be filed with the Department as part of the annual permit renewal application, and shall be included in the operational records required by subsection (p) of section 4-06 of this subchapter.

(ss) The transfer station, its equipment and nonroad motor vehicles shall be subject to inspection at all times during its hours of operation. Interference with Department personnel performing any function or duty is prohibited.

(tt) The Commissioner may grant exemptions from provisions of this section, other than subsections (ll) through (rr) of this section, if he or she determines, after completion of any applicable environmental review, that granting such exemptions would not have a significant adverse effect on the environment, provided that granting such exemptions is not otherwise inconsistent with law. The duration of any such exemption shall not exceed the applicable permit term.

§ 4-07 Permits for Fill Material Transfer Stations.

(a) For the purposes of this section, "transfer station" shall mean a fill material transfer station, unless otherwise specified, and each transfer station shall obtain a permit pursuant to this section.

(b) An application for a permit or renewal thereof to operate a transfer station shall include:

(1) Copies of all materials submitted to the New York State Department of Environmental Conservation in connection with a transfer station's application for any permit required pursuant to Title six of NYCRR Part 360 or its successor, including but not limited to an application for an initial permit to construct and/or operate, or an application to modify or renew a permit, or if no such permit is required pursuant to Title six of NYCRR Part 360 or its successor, copies of all materials submitted to the New York State Department of Environmental Conservation in connection with a registration or an exemption pursuant to Title six of NYCRR Part 360. If the copy of the site plan submitted to the New York State Department of Environmental Conservation does not so indicate, or if no site plan was required to be submitted to the New York State Department of Environmental Conservation, a site plan shall be submitted indicating: the transfer station's tax

block and lot number; property boundaries, including a metes and bounds description of the property consistent with the deed submitted pursuant to paragraph (10) of this subsection; zoning district; borough; the locations of fences, gates, entrances and exits, parking spaces and truck spaces where transport vehicles may wait prior to their deposit or removal of solid waste; and the location and dimensions of each area where non-putrescible solid waste shall be received, processed and stored;

(2) a written statement by a registered architect or licensed professional engineer certifying that:

(i) As designed, the transfer station is capable of complying with the applicable performance standards of the Zoning Resolution of the City of New York and the applicable provisions of the New York City Health Code, including but not limited to Articles 135 and 141;

(ii) A system for the sanitary disposal of sewage and waste water has been installed at the transfer station in accordance with the provisions of Articles 143 and 145 of the New York City Health Code and all applicable laws and rules governing the discharge of sewage and waste water;

(iii) The transfer station is capable of complying with all the requirements of §4-08 of this subchapter;

(iv) Any necessary ventilation equipment has been installed;

(v) Cross connection control has been provided to ensure that waste water does not mix with the drinking water supply;

(vi) There is sufficient space at the transfer station for the largest anticipated transport vehicle to safely enter and exit the transfer station;

(vii) Transport vehicles may enter and exit the transfer station via lawful truck routes;

(viii) There is adequate ingress and egress at the transfer station to accommodate emergency vehicles; and

(ix) There is adequate ingress and egress at the transfer station to facilitate the complete inspection of the transfer station.

(3)

(i) A map describing not less than one square mile of the area surrounding the proposed transfer station, clearly marking the lawful truck routes where transport vehicles may transport solid waste into and out of the transfer station, and connecting roadways permitted to be used by transport vehicles, as certified by a registered architect or licensed professional engineer in subparagraph (vii) of paragraph (2) of this subsection; and

(ii) the estimated number and type of transport vehicles to be used, and the daily, weekly and monthly number of vehicle arrivals and departures at the transfer station.

(4) A certified copy of a Certificate of Occupancy or, where applicable, a temporary Certificate of Occupancy, from the Department of Buildings of the City of New York, indicating the appropriate Use Group pursuant to the Zoning Resolution of the City of New York and, if applicable, a copy of a written variance for the zoning lot from the Board of Standards and Appeals or any successor agency; and/or a copy of a certification or authorization of the Department of Small Business Services of the city of New York;

(5) A certification from a title insurance corporation, as such corporation is defined in §6401 of the Insurance Law, or from a duly authorized agent thereof, establishing the ownership of the property upon which the transfer station is sited or proposed to be sited;

(6) Documentary evidence demonstrating that all penalties, including those of the Environmental Control Board, imposed upon the applicant, the property owner, and any other person in control of or having an interest in the transfer station operation, for violations of Article 157 of the New York City Health Code, or Title sixteen, Title seventeen, [Subchapter eighteen of Chapter two of Title twenty] Chapter one of Title sixteen-A, Chapter one of Title twenty-six and Title twenty-seven of the Administrative Code of the City of New York, or rules promulgated thereunder, that relate to the ownership or operation of a non-putrescible solid waste transfer station, putrescible solid waste transfer station, dump or fill material operation, have been paid or otherwise satisfied;

(7) Documentary evidence demonstrating that all fees due the Department of Sanitation for use of Department disposal facilities and/or for Department disposal services from the applicant, the property owner, and any other person in control of having or having an interest in the transfer station, have been paid or otherwise satisfied;

(8) Proof of workers' compensation coverage, or that the applicant is exempt from Workers' Compensation Law §57, and proof of disability benefits coverage, or that the applicant is exempt from Workers' Compensation Law §220, subdivision 8 (disability benefits law);

(9) A written and notarized acknowledgment by the applicant and, if different from the applicant, the fee owner of the real property, that the applicant and/or fee owner may be held primarily liable by the City of New York for the removal of all solid waste and any other material from the transfer station;

(10) A certified copy of the deed, as recorded in the office of the City Register or, in Richmond County, the County Clerk, setting forth a metes and bounds description of the property, and, if applicable, a copy of the lease or sublease or a certified copy of the lease or sublease if such lease or sublease is recorded, for the premises at which the transfer station is located or proposed to be located. The permittee shall notify the Commissioner within ten business days if the ownership of the property has changed or any other conveyance of title has taken place. Any new acknowledgments required pursuant to paragraph (9) of this subsection shall be provided simultaneously;

(11) A copy of all permits or other authorizations to construct or operate required under local and state laws and regulations, including the New York State Environmental Conservation Law and Title six of the NYCRR or its successor;

(12) A surety bond or an irrevocable letter of credit in a sum to be determined by the Commissioner of Sanitation. This sum shall not exceed the estimated cost to the Department of the removal of all solid waste and material defined in paragraph [(2)] (b) of the definition of "solid waste" set forth in §4-01 of this subchapter, from the transfer station, in the event that such removal becomes necessary and the permittee fails to remove such solid waste and material. A bond shall be executed by the applicant and a surety authorized to conduct business within the State of New York and approved by the Commissioner and, in the case of an irrevocable letter of credit, such letter of credit shall be issued by a financial institution authorized to conduct business within the State of New York. Such bond or letter of credit shall name the Department as obligee. The face amount of the bond or letter of credit shall be based on the size of the transfer station and the volume and nature of the material to be removed. The Commissioner of Sanitation may from time to time review the adequacy of such surety bond or letter of credit and thereafter require an applicant or permittee to obtain an increase in the amount of the bond or irrevocable letter of credit not to exceed the estimated cost of the removal of such solid waste and material. The Commissioner may authorize an applicant to provide other security, including cash, if the Commissioner finds that compliance with the bond or letter of credit requirement is not reasonably possible and the public interest would be served by such authorization. A surety bond issued pursuant to this subsection shall not expire until six months have elapsed after the revocation, surrender, expiration or other termination of the permit;

(13) The names, addresses, and dates of operation of any solid waste management facility or related businesses, currently or previously owned or operated by the applicant, or any principal of the applicant, such as private carting companies, other types of non-putrescible solid waste transfer stations and putrescible solid waste transfer stations, whether or not located in New York City;

(14) The applicant's business address and telephone number. If the applicant is a corporation, the application must (1) state the names and home and business addresses of the principals of the corporation; (2) contain the signature of a corporate officer; (3) have the corporate seal impressed thereon; and (4) include a copy of the New York State Corporation Filing Receipt. If the applicant is a partnership, the application must (1) state the names and home and business addresses of all partners; (2) include a copy of the partnership papers, certified by the county clerk. If the applicant is required to file a certificate pursuant to §130 of the General Business Law, a certified copy of such certificate shall be submitted to the Department. The applicant shall also submit the names and addresses of all persons or entities, other than a financial institution licensed to do business in the state of New York, to which the applicant is indebted in an amount equal to or greater than three thousand dollars (\$3,000). The permittee shall have the continuing duty to inform the Department of Sanitation of any changes in the principals of the business entity owning or operating the transfer station. For purposes of this [subdivision] subsection, "principal" includes, but is not limited to, any director, officer (for example, president, vice-president, secretary, treasurer, board chairman, chief executive officer) or partner of a business entity, and shall include any shareholder (including another business entity) who owns ten percent or more of any class of issued company stock;

(15) The types of fill material that will be received, processed and stored at the transfer station;

(16) The total volume of each type of fill material, as well as the total aggregate volume of fill material, to be present at the transfer station at one time; and

(17) At the request of the Commissioner, the applicant shall supply any additional information that is reasonably necessary to clarify that the transfer station is capable of complying with §4-08 of this subchapter.

(c) Any initial application for a transfer station permit shall include all documentation required pursuant to this section in one single package. This package shall constitute the transfer station permit application.

(d) A permit to operate a transfer station shall not be issued by the Commissioner unless the applicant has submitted a complete application.

(e) Review of any application submitted pursuant to this section may be suspended or terminated if the transfer station applicant is found to be operating any facility required to be permitted pursuant to §16-130 of the Administrative Code of the City of New York without a permit therefor or in violation of any such permit.

(f) A permit issued pursuant to this section shall be for a term not to exceed one year, and shall specify the volume of fill material permitted to be received, processed and stored by the transfer station.

(g) The annual fee for a permit issued pursuant to this section shall be three thousand five hundred dollars (\$3500).

§ 4-08 Operation and Maintenance of Fill Material Transfer Stations.

(a) For the purposes of this section, "transfer station" shall mean a fill material transfer station, unless otherwise specified.

(b) No transfer station shall be operated unless it has obtained a permit pursuant to §4-07 of this subchapter, and is in compliance with the terms thereof, this section, and any other applicable law, rule or regulation.

(c) Equipment and personnel shall be provided for the safe and sanitary receipt, tipping, sorting, processing, compaction and storage of fill material at the transfer station. Sufficient standby equipment shall be provided to ensure that no storage problem or public nuisance or condition hazardous to public health or safety is created during scheduled or unscheduled equipment maintenance, or equipment breakdown. All transfer station solid waste receipt, tipping, sorting, processing, compaction and storage areas shall include appropriate functioning fire protection equipment and aisle space.

(d) The transfer station shall comply with the applicable performance standards of the Zoning Resolution of the City of New York and the applicable provisions of the New York City Health Code, including but not limited to Articles 135 and 141.

(e) A system for the sanitary disposal of sewage and waste water shall be functioning at the transfer station in accordance with the provisions of Articles 143 and 145 of the New York City Health Code and all applicable laws and rules governing the discharge of sewage and waste water.

(f) Cross connection control shall be in place to ensure that waste water does not mix with the drinking water at the transfer station.

(g) There shall be sufficient space at the transfer station for transport vehicles to enter and exit safely.

(h) Transport vehicles shall enter and exit the transfer station via lawful truck routes.

(i) There shall be adequate ingress and egress at the transfer station to accommodate emergency vehicles. There shall be adequate space at the transfer station to accommodate emergency vehicles.

(j) There shall be adequate ingress and egress at the transfer station to facilitate the complete inspection of the transfer station. There shall be adequate access provided to all areas of the transfer station to facilitate the complete inspection of the transfer station.

(k) All fill material transferred into and out of the transfer station shall be weighed or measured by volume. Records shall be maintained of such weights or measurements for a period of three years and included in the operational records required by subsection (p) of this section.

(l) Indoor and outdoor areas of the transfer station shall be illuminated during its hours of operation. Such illumination shall not create a nuisance.

(m) A transfer station shall be operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety.

(n) All equipment in use at the transfer station shall be maintained in proper working order. Equipment maintenance shall be scheduled and provided on a regular basis. Records of such maintenance shall be included in the operational records required by subsection (p) of this section.

(o) Transfer stations shall be kept free of vectors, including, but not limited to rodents, insects and other pests, and of any condition conducive to vectors. Written confirmation of at least weekly engagement of a certified exterminator shall be available at all times, and shall be included in the operational records required by subsection (p) of this section.

(p) Operational records for the transfer station including, but not limited to, all asset liability and capital and proprietary accounts, operating expenses, administrative expenses, tax returns and equipment expenses shall be maintained for a period of not less than three years. Such records shall also include a clear and legible daily log of the quantity of solid waste received and removed,

specifying the point of origin and destination of the solid waste transported daily, as well as the quantity and type of material which has been brought to the transfer station for separation and/or processing. The daily log shall also include the names and addresses of the owner and/or operator of transport vehicles entering or exiting the transfer station. The daily log shall also include the weight or volume of each designated recyclable material separated by the transfer station. Such records shall be maintained on the premises and be readily available for inspection by representatives of the Department. The permittee shall submit to the Department a copy of any report required to be filed with the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360. Any such report shall be submitted to the Department at the same time it is submitted to the New York State Department of Environmental Conservation. In addition, the permittee shall submit to the Department quarterly reports that contain the following information, calculated by weight or volume on a monthly basis: the total amount of solid waste received; the origin of the solid waste received; the destination of the solid waste removed, including a listing, by type of material, of any material recovered for recycling, reuse or sale for reuse. Quarterly reports shall be submitted on forms prescribed by or acceptable to the Department. The report for the quarter ending on March 31 shall be due on April 30; the report for the quarter ending on June 30 shall be due on July 30; the report for the quarter ending September 30 shall be due on October 30; and the report for the quarter ending December 31 shall be due on January 30.

(q) Operators of transfer stations that receive materials that are required to be recycled, reused or sold for reuse pursuant to §16-306 of the Administrative Code of the City of New York and rules promulgated pursuant thereto, shall recycle, reuse or sell for reuse or cause to be recycled, reused or sold for reuse such materials and shall comply with such provisions of the collection rules of the Department, including, as of September 30, 1993, 16 RCNY §1-10(g), as are applicable to such transfer stations.

(r) The presence at a transfer station of any material other than fill material is prohibited.

(s) The transfer station shall not emit odors, including odors of deodorizing materials, so as to violate the performance standards of the Zoning Resolution of the City of New York or the applicable provisions of the Air Pollution Control Code of the Administrative Code of the City of New York or to create a public nuisance.

(t) Fill material shall be received, processed and stored only in the [area] areas specifically designated [for receipt of fill material] in the site plan submitted pursuant to [paragarph] paragraph (1) of subsection (b) of §4-07 of this subchapter. Fill material shall not be permitted to spill beyond areas in which it is permitted by this subchapter and by the site plan and engineering report submitted to the Department of Environmental Conservation pursuant to 6 NYCRR Part 360. Fill material that spills beyond the areas in which it is permitted shall be removed immediately.

(u) The permittee shall be allowed to receive at the transfer station only the specific types of fill material set forth within the permit.

(v) The permittee shall not be allowed to receive, process or store fill material in excess of the maximum allowable volume of fill material set forth within the permit.

(w) Transfer stations shall not be allowed to maintain fill material above the following heights:

(1) if all receipt, processing and storage of fill material is conducted within a completely enclosed structure at a transfer station, then the maximum pile height of fill material shall be unlimited, except as otherwise provided by state and local law.

(2) if any receipt, processing or storage of fill material is conducted at an unenclosed area of a transfer station located more than three hundred (300) feet from a residential zone, then the maximum pile height of fill material shall be forty (40) feet.

(3) if any receipt, processing or storage of fill material is conducted in an unenclosed area of a transfer station located three hundred (300) feet or less from a residential zone, then the maximum pile height of fill material shall be eight (8) feet.

(x) The total volume of fill material shall not exceed the allowable volume as stated in the permit issued pursuant to §4-07 of this subchapter. The allowable volume of any transfer station shall be calculated by the Department and shall be based on the storage capacity (estimated in total cubic yardage) of the transfer station. In no event shall such allowable volume exceed that granted by the New York State Department of Environmental Conservation.

(y) Opaque fencing shall surround the perimeter of the unenclosed areas of the transfer station. The fencing must be equal to or greater than the following minimum heights:

(1) if any receipt, processing or storage of fill material is conducted in an unenclosed area of a transfer station located more than three hundred (300) feet from a residential zone, then the minimum fence height shall be ten (10) feet; and

(2) if any receipt, processing or storage of fill material is conducted in an unenclosed area of a transfer station located three hundred (300) feet or less from a residential zone, then the minimum fence height shall be fifteen (15) feet.

(z) Equipment used in the operation of the transfer station shall be contained within the property line, and under no circumstances shall such equipment be stored on city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(aa) All drainage systems shall be kept clean, unclogged and functioning]. Leachate or wash water shall not flow onto the street] and shall be maintained to prevent leachate and wash water from accumulating or flowing onto city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(bb)

(1) Noise levels generated by operation of and at the transfer station, including the sound of transport vehicles entering or exiting the facility shall be controlled to prevent sound levels beyond the transfer station property line from exceeding the following Leq decibel (A) weighted energy equivalent ambient sound levels:

Impacted Zones	Time of Day	
	7 a.m.-10 p.m.	10 p.m.-7 a.m.
R1 - R3.....	62 decibels	52 decibels
All other residential, commercial, or manufacturing zones.....	67 decibels	57 decibels

(2) If the existing ambient sound level, excluding any contributions from the transfer station, [exceed] exceeds these limits, the operation of the transfer station shall not cause the Leq sound level to be increased;

(3) Leq is the equivalent steady-state sound level which contains the same acoustic energy as the time varying sound level during any one-hour period;

(4) The (A) weighted sound level shall be measured with the slow metering response characteristic of a sound level meter which complies with standards established by the American National Standards Institute [specification] specifications for sound level measurement; and

(5) Mufflers are required on all internal combustion-powered equipment used at the transfer station, and sound levels for such equipment must not exceed 80dB(A) at a distance of fifty feet from the operating equipment; provided that the decibel level beyond the property line of the transfer station shall not exceed the decibel levels set forth above.

(6) Notwithstanding paragraphs (1) through (5) of this subsection, noise generated by back-up warning signals required by the United States Occupational Safety and Health Administration shall not be included in determining whether noise levels comply with this subsection.

(cc) A sign, no smaller than four feet by four feet, shall be posted at all entrances to the putrescible solid waste transfer station and shall conspicuously indicate the putrescible solid waste transfer station's hours of operation, the types of waste it accepts and does not accept, the expiration date of its permits to operate pursuant to §16-130 of the Administrative Code and 6 NYCRR Part 360, and the Department of Sanitation's complaint telephone number.

(dd) Doors and gates allowing vehicles to enter or leave the transfer station, including any structure at such station, shall be kept closed except when vehicles are entering or leaving;

(ee) No litter or solid waste shall be allowed to accumulate on the streets or other areas abutting the transfer station.

(ff) Where a transfer station is fully or partially enclosed, [within thirty days of the effective date of this Rule,] exhaust air shall be vented through air filters, dust collectors, and/or other equipment which removes particulate matter and malodorous by-products.

(gg) Gasoline or diesel fuel shall not be used within a fully or partially enclosed transfer station to power any equipment unless means are provided to safely vent exhaust gases.

(hh) No transport vehicle required to be licensed or permitted pursuant to Title twenty of the Administrative Code of the City of New York shall deposit any material at or remove any material from a transfer station unless such transport vehicle is appropriately licensed or permitted.

(ii)

(1) Entrance into or exit from a transfer station by a transport vehicle shall be permitted only under the supervision of an attendant, and

(2) The loading or unloading of any transport vehicle shall be continuously supervised by an attendant. The attendant shall not permit the unlawful deposit or removal of any material.

(jj) There shall be no burning of materials at a transfer station.

(kk) The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.

(ll) No solid waste, construction and demolition debris, fill material, dust or other material shall be tracked from the transfer station site onto a city street, or public highway as defined in section 134 of the New York State Vehicle and Traffic Law.

(mm) Within one hundred eighty days of the effective date of the rule that added this sentence, all means of vehicular access into and out of the transfer station shall be surfaced with a material such as asphalt, concrete, ¾ inch or larger gravel or wood planking, that shall prevent dust generation and prevent the tracking of material from inside the transfer station site onto city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law. Such surfacing shall extend the width of the entrance and exit and at least 20 feet into the transfer station site so that all trucks exiting must drive over this surfaced area before driving onto city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(nn) Within one hundred eighty days of the effective date of the rule that added this sentence, a motor vehicle tire cleaning procedure shall be adopted that shall prevent the tracking of solid waste, dust or other material from the transfer station site onto a city street, or public highway as defined in section 134 of the New York State Vehicle and Traffic Law.

(oo) No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:

(1)(i) A density that appears as dark or darker than number two on the standard smoke chart, or 40% opacity, or of an opacity that obscures vision to a degree equal to or greater than smoke of number two density on the standard smoke chart, or 40% opacity; or

(ii) A density that appears as dark or darker than number one on the standard smoke chart, or 20% opacity, but less than number two on said chart, or 40% opacity, or of an opacity that obscures vision to a degree equal to or greater than smoke of number one density on the standard smoke

chart, or 20% opacity, but less than number two on said chart, or 40% opacity, if such an emission continues for longer than two minutes in the aggregate in any sixty minute period.

(2) The density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(pp) No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.

(qq) No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.

(rr) All stationary equipment and nonroad motor vehicles at the transfer station shall be maintained properly and shall be inspected annually. All stationary equipment and nonroad motor vehicles at the transfer station that operate outdoors shall be inspected annually while in operation by an observer certified in the US EPA Method 9 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-4 and trained in the US EPA Method 22 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-7, to ensure the equipment is operating properly to minimize air contaminant emissions, taking into account the model year and design capabilities of the engine. A written record of the inspection and any subsequent corrective measures performed to minimize air contaminant emissions shall be filed with the Department as part of the annual permit renewal application, and shall be included in the operational records required by subsection (p) of section 4-06 of this subchapter.

(ss) The transfer station, its equipment and nonroad motor vehicles shall be subject to inspection at all times during its hours of operation. Interference with Department personnel performing any function or duty is prohibited.

(tt) The Commissioner may grant exemptions from provisions of this section, other than subsections (kk) through (rr) of this section, if he or she determines, after completion of any applicable environmental review, that granting such exemptions would not have an adverse effect on the environment, provided that granting such exemptions is not otherwise inconsistent with law. The duration of any such exemptions shall not exceed the applicable permit term.

§4. Section 4-11 of subchapter B of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

§ 4-11 Definitions.

When used in this subchapter:

Air contaminant.“Air contaminant” shall mean any particulate matter or any gas or any combination thereof in the open air, other than uncombined water or air.

Diesel engine.“Diesel engine” shall mean an engine that operates on or is capable of operating on diesel fuel.

Equipment.“Equipment” shall mean all implements used in the operation of the putrescible solid waste transfer station, including but not limited to motor-driven machinery.

Gasoline engine.“Gasoline engine” shall mean an engine that operates on or is capable of operating on gasoline fuel.

Intermodal solid waste container facility.“Intermodal solid waste container facility” shall mean a facility or premises served by rail or vessel at which intermodal containers are transferred from transport vehicle to transport vehicle for the purpose of consolidating intermodal containers for shipment by rail or vessel to an authorized disposal or treatment facility, where the contents of each container remain in their closed containers during the transfer between transport vehicles, and storage remains incidental to transport at the location where the containers are consolidated, and that is required to register with the Department of Sanitation pursuant to sections 16-130 and 16-131 of the Administrative Code of the City of New York and Subchapter D of this Chapter.

Non-putrescible solid waste.[The term "non-putrescible"] “Non-putrescible solid waste” shall mean solid waste, whether or not contained in receptacles, that does not contain organic matter having the tendency to decompose with the formation of malodorous by-products, including but not limited to dirt, earth, plaster, concrete, rock, rubble, slag, ashes, waste timber, lumber, plexiglass, fiberglass, ceramic tiles, asphalt, sheetrock, tar paper, tree stumps, wood, window frames, metal, steel, glass, plastic pipes and tubes, rubber hoses and tubes, electric wires and cables, paper and cardboard[;] .

Nonroad motor vehicle.“Nonroad motor vehicle” shall mean equipment that is propelled by a diesel engine or gasoline engine in or upon which a person or material may be transported on the ground and that is used or is located at a transfer station. A nonroad motor vehicle shall include, but not be limited to, front end loaders, backhoes and bulldozers and shall not include cars, trucks or locomotives.

Opacity.“Opacity” shall mean the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Particulate matter.“Particulate matter” shall mean any liquid, other than water, or any solid that is or tends to be capable of becoming windblown or being suspended in air.

Person.“Person” shall mean any individual, corporation, partnership, association, firm, trust, estate or any other legal entity whatsoever.

Putrescible solid waste.[The term "putrescible"] “Putrescible solid waste” shall mean solid waste containing organic matter having the tendency to decompose with the formation of malodorous by-products[;] .

Putrescible solid waste transfer station.[The term "putrescible"] “Putrescible solid waste transfer station” shall mean any structure, building or other premises, whether improved or unimproved, at which any amount of putrescible solid waste is received for the purpose of subsequent transfer to another location, regardless of whether such putrescible solid waste is mixed with non-putrescible solid waste or is subject to any processing or reduction in volume at such structure, building or premises. Facilities permitted or exempt pursuant to 6 NYCRR Subparts 360-3 and 360-5 or their successors and intermodal solid waste container facilities are not putrescible solid waste transfer stations[;] .

Solid waste.“Solid waste” shall mean all putrescible and non-putrescible materials or substances, other than those materials or substances described in paragraph (2) of this definition, that are

discarded or rejected, including but not limited to, garbage, refuse, waste collected by any person required to be licensed or permitted pursuant to [Subchapter eighteen of Chapter two of Title twenty] Chapter one of Title sixteen-A of the Administrative Code of the City of New York, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal. Such term shall include recyclable materials, as defined in [subdivision] subsection (i) of §16-303 of Title sixteen of the Administrative Code of the City of New York.

(1) A material is discarded or rejected if it is:

(i) spent, useless, worthless or in excess to the owners at the time of such discard or rejection;

(ii) disposed of;

(iii) burned or incinerated, including material burned as a fuel for the purpose of recovering useable energy; or

(iv) accumulated, stored or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.

(2) The following are not solid waste for the purpose of this section:

(i) domestic sewage;

(ii) any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except any material that is introduced into such system in order to avoid the provisions of this Rule, Article 157 of the New York City Health Code, Title sixteen of the Administrative Code of the City of New York, or of state regulations promulgated to regulate solid waste management facilities;

(iii) industrial wastewater discharges that are actual point source discharges subject to permits under Article seventeen of the Environmental Conservation Law; provided that industrial wastewaters while they are being collected, stored or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;

(iv) irrigation return flows;

(v) radioactive materials that are source, special nuclear, or by-product material under the Federal Atomic Energy Act of 1954, as amended, 42 U.S.C. S 2011 et seq.;

(vi) materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(vii) hazardous waste as defined in §27-0901 of the Environmental Conservation Law, including material containing hazardous waste; and

(viii) regulated medical waste as defined in Title fifteen of Article twenty-seven of the New York State Environmental Conservation Law, in Title thirteen of Article thirteen of the New York State Public Health Law or in §16-120.1 of the Administrative Code of the City of New York or any rules promulgated pursuant to such provisions of law.

Standard smoke chart. “Standard smoke chart” shall mean the Ringelmann chart, as published by the United States bureau of mines, photographically reduced to 1/18th in size for use in the field.

Stationary equipment. “Stationary equipment” shall mean equipment powered by a diesel engine or gasoline engine that will remain stationary during use and that is used or is located at a transfer station. Stationary equipment shall include, but not be limited to, cranes, excavators, crushers, screeners, chippers and shredders.

Transport vehicle. “Transport vehicle” shall mean any motor vehicle, rail car, vessel, or other means of transportation used to deliver solid waste into, or remove solid waste from, a putrescible solid waste transfer station.

US EPA Method 9. “US EPA Method 9” shall mean the United States Environmental Protection Agency method, codified at Title 40 Code of Federal Regulations Part 60, Appendix A-4, for use by a certified observer to visually determine the opacity of air contaminant emissions from stationary sources.

US EPA Method 22. “US EPA Method 22” shall mean the United States Environmental Protection Agency method, codified at Title 40 Code of Federal Regulations Part 60, Appendix A-7, for use by a trained and knowledgeable observer to visually determine the presence of and amount of time that visible air contaminant emissions occur.

§5. Section 4-14 of subchapter B of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

§ 4-14 Permits.

(a) No person shall operate a putrescible solid waste transfer station without a permit issued by the Commissioner of Sanitation. No permit is required, however, for a putrescible solid waste transfer station operated by the Department. Review of any application for a Department of Sanitation putrescible solid waste transfer station permit may be suspended or terminated if the putrescible solid waste transfer station applicant is found to be operating any facility required to be permitted pursuant to §16-130 of the Administrative Code of the City of New York without a permit therefor or in violation of any such permit. The term of a putrescible solid waste transfer station permit shall not exceed one year. The annual fee for such permit shall be six thousand five hundred dollars (\$6500).

(b) A permit to operate a putrescible solid waste transfer station shall not be issued by the Commissioner unless the applicant has submitted the materials required by §4-13 of this rule, has conformed to the design and equipment requirements contained in §4-16 of this subchapter and has submitted to the Department the following:

(1) A certified copy of a Certificate of Occupancy or, where applicable, a temporary Certificate of Occupancy, from the Department of Buildings of the City of New York, indicating the applicable

Use Group pursuant to the Zoning Resolution of the City of New York and, if applicable, a copy of a written variance for the zoning lot from the Board of Standards and Appeals or any successor agency; and/or a copy of a certification or authorization of the Department of [Ports and Trade] Small Business Services of the city of New York;

(2) A certification from a title insurance corporation, as such corporation is defined in §6401 of the Insurance Law, or from a duly authorized agent thereof, establishing the ownership of the property upon which the putrescible solid waste transfer station is sited or proposed to be sited;

(3) Documentary evidence as may be appropriate to show that all penalties, including those of the Environmental Control Board, imposed upon the applicant, the property owner, and any other person in control of or having an interest in the putrescible solid waste transfer station operation, for violations of Article 157 of the New York City Health Code, or Title sixteen, Title seventeen, [Subchapter eighteen of Chapter two of Title twenty] Chapter one of Title sixteen-A, Chapter One of Title twenty-six and Title twenty-seven of the Administrative Code of the City of New York, or rules promulgated thereunder, that relate to the ownership or operation of a putrescible solid waste transfer station, non-putrescible solid waste transfer station, dump or fill material operation, have been paid or otherwise satisfied;

(4) Proof of workers' compensation coverage, or that the applicant is exempt from Workers' Compensation Law §57, and proof of disability benefits coverage, or that the applicant is exempt from Workers' Compensation Law §220, Subdivision 8 (disability benefits law);

(5) A written and notarized acknowledgement by the applicant and, if different from the applicant, the fee owner of the real property, that the applicant and/or fee owner may be held primarily liable for the removal of all solid waste and any other material from the putrescible solid waste transfer station;

(6) A certified copy of the deed, as recorded in the office of the City Register or, in Richmond County, the County Clerk, setting forth a metes and bounds description of the property, and, if applicable, a copy of the lease or sublease or a certified copy of the lease or sublease if such lease or sublease is recorded, for the premises at which the putrescible solid waste transfer station is proposed to be located. The Permittee shall notify the Commissioner within ten business days if the ownership of the property has changed or any other conveyance of title has taken place. Any new acknowledgements required pursuant to paragraph (5) of this [subdivision] subsection shall be provided simultaneously;

(7) A copy of all permits or other authorizations to construct or operate required under local and state laws and regulations, including the New York State Environmental Conservation Law and Title six of the NYCRR or its successor, or currently applicable regulations relating to transfer stations;

(8) A surety bond or an irrevocable letter of credit in a sum to be determined by the Commissioner of Sanitation. This sum shall not exceed the estimated cost to the Department of the removal of all solid waste and material defined in paragraph (2) of the definition of "solid waste" in §4-11 of this subchapter from the putrescible solid waste transfer station in the event that such removal becomes

necessary and the permittee fails to remove such solid waste and material. A bond shall be executed by the applicant and a surety authorized to conduct business within the State of New York and approved by the Commissioner and, in the case of an irrevocable letter of credit, such letter of credit shall be issued by a financial institution authorized to conduct business within the state of New York. Such bond or letter of credit shall name the Department as obligee. The face amount of the bond or letter of credit shall be based on the size of the transfer station and the volume and nature of the material to be removed. The Commissioner of Sanitation may from time to time review the adequacy of such surety bond or letter of credit and thereafter require an applicant or permittee to obtain an increase in the amount of the bond or irrevocable letter of credit not to exceed the estimated cost of the removal of such solid waste and material. The Commissioner may authorize an applicant to provide other security, including cash, if the commissioner finds that compliance with the bond or letter of credit requirement is not reasonably possible and the public interest would be served by such authorization. A surety bond issued pursuant to this subparagraph shall not expire until six months have elapsed after the revocation, surrender, expiration or other termination of the permit;

(9) A written plan for the control of noise levels, as specified in §4-17 of this subchapter;

(10) A written plan for the control of vibrations, to ensure compliance with the applicable performance standards of the Zoning Resolution of the City of New York;

(11) A written plan by a professional engineer for the control of odors. The plan shall list all the [deodorants] odor-neutralizing agents that are used or will be used and the method of application;

(12) The names, addresses, and dates of operation of any solid waste management facility or related businesses, currently or previously owned or operated by the applicant, or any principal of the applicant, such as private carting companies and non-putrescible solid waste transfer stations, whether or not located in New York city;

(13) The applicant shall provide his/her/its business address and phone number. If the applicant is a corporation, the application must

(i) state the names and home and business addresses of the principals of the corporation;

(ii) contain the signature of a corporate officer;

(iii) have the corporate seal impressed thereon; and

(iv) include a copy of the New York State Corporation Filing Receipt.

If the applicant is a partnership, the application must

(i) state the names and home and business addresses of all partners;

(ii) include a copy of the partnership papers, certified by the County Clerk.

If the applicant is required to file a certificate pursuant to §130 of the General Business Law, a certified copy of such certificate shall be submitted to the Department. The applicant shall also submit the names and addresses of all persons or entities, other than a financial institution licensed to do business in the state of New York, to which the applicant is indebted in an amount equal to or greater than three thousand dollars (\$3,000). The Permittee shall have the continuing duty to inform the Department of Sanitation of any changes in the principals of the business entity owning or operating the putrescible solid waste transfer station. For purposes of this subparagraph, "principal" includes, but is not limited to, any, director, officer (for example, president, vice-president, secretary, treasurer, board chairman, chief executive officer) or partner of a business entity, and shall include any shareholder (including another business entity) who owns ten percent or more of any class of issued company stock;

(14) Written confirmation of accessibility to an alternative site holding a permit under this Rule or Article 157 of the Health Code and capable of receiving and processing putrescible solid waste as required by [subdivision] subsection (d) of §4-17 of this subchapter. Such confirmation shall be signed by the operator of the alternative site and shall be updated or reconfirmed as necessary.

(c) Any permit issued to a putrescible solid waste transfer station by the Commissioner of the New York City Department of Health pursuant to Article 157 of the New York City Health Code prior to the effective date of this rule shall remain in full force and effect on and after such date, unless suspended or revoked by the Commissioner of Health prior to such date, and shall, on and after the effective date of this subchapter, be deemed to constitute a permit issued by the Department of Sanitation, provided that the holder of such permit files an application for a new permit with the Sanitation Commissioner within thirty days after the effective date of this subchapter. On and after the effective date of this subchapter, the Sanitation Commissioner may suspend or revoke such permit pursuant to law, issue a new permit or deny the application for a new permit. If the holder of such permit fails to file an application for a new permit with the Sanitation Commissioner within thirty days after the effective date of this subchapter, such permit issued by the Health Commissioner shall be null and void and be of no further effect. The fee for any putrescible solid waste transfer station permit issued by the Sanitation Commissioner pursuant to §16-130 of the Administrative Code of the City of New York to a person who holds a permit issued by the Health Commissioner pursuant to Article 157 of the New York City Health Code shall be reduced by an amount which is equal to the permit fee paid to the Department of Health prorated to the unexpired portion of the license term.

(d) Any initial application for a putrescible solid waste transfer station permit or renewal thereof shall include all documentation required pursuant to this section in one single package, regardless of whether any required documentation has previously been submitted to the Department of Sanitation. This package shall constitute the putrescible solid waste transfer station permit application. If the application is incomplete, the application shall be returned to the applicant and the application shall be deemed withdrawn.

§6. Sections 4-16 and 4-17 of subchapter B of chapter 4 of title 16 of the rules of the city of New York are amended to read as follows:

§ 4-16 Design Requirements and Equipment.

(a) The area provided for the receipt of solid waste at the putrescible solid waste transfer station, pursuant to subparagraph (1) of [subdivision] subsection (b) of §4-13 of this subchapter, shall conform to the area specified in the initial permit or renewal application. The area for all activities relating to the receipt, tipping, sorting, processing, compaction and storage of solid waste shall be wholly within a fully enclosed structure. [Any applicant or permittee may apply in writing for an exemption from this requirement as provided by subparagraph (5) of subdivision (b) of §16-131 of the Administrative Code of the City of New York. Pending the Commissioner's decision regarding an exemption application, such an applicant shall not receive, tip, sort, process, compact or store solid waste.] In addition, [within thirty days of the effective date of this subchapter,] the entire floor area shall be constructed of concrete, asphalt or any impervious material and shall be equipped with adequate drainage structures as required pursuant to [subdivision] subsection (e) of this section. The portion of such floor used for unloading and loading purposes shall be clearly marked.

(b) Ventilation, Dust and Odor Control.

(1) Ventilation shall be provided in such structures in adequate capacity and proper location for ensuring compliance with §135.07 of the New York City Health Code, and all applicable laws and rules, including the Zoning Resolution of the City of New York. [Within thirty days of the effective date of this subchapter, exhaust] Exhaust air shall be vented through air filters and/or dust collectors and other equipment necessary to remove particulate matter and malodorous by-products. Gasoline or diesel fuel shall not be used within the enclosed structure to power any equipment unless means are provided to safely vent the exhaust gases. All filters and equipment shall be maintained in proper working order.

(2) Transfer station ventilation equipment shall be capable of maintaining negative air pressure, including during periods when the transfer station doors are open, that is sufficient to prevent the escape of malodorous air from the transfer station. Such ventilation equipment shall be capable of maintaining a minimum of six air changes per hour ("ach"). Transfer station ventilation equipment shall be capable of maintaining greater than six air changes per hour if necessary to maintain negative air pressure.

(3) Odor control equipment shall automatically neutralize odors in exhaust air as it is ventilated from the enclosed building. The odor control equipment shall include a permanent hard-piped high-pressure system, suspended above the facility's tipping floor with rings of mist nozzles strategically aimed at fans and exhaust vents. The odor-neutralizing agent shall be applied as a mist in the vicinity of exhaust points from the building. A scented masking agent is not an odor-neutralizing agent.

(4) Notwithstanding paragraphs (2) and (3) of this subsection, the commissioner may authorize the use of alternative ventilation, dust and odor control equipment upon a showing that such equipment is no less effective than the measures set forth in paragraphs (2) and (3) of this subsection in controlling odors from the transfer station to meet all applicable standards.

(5) Within one hundred eighty days of the effective date of the rule that added this sentence, an automatic water-misting system to suppress dust generation within the transfer station shall be installed and fully operational. At a minimum, such system shall be capable of pumping water through piping to high-pressure mist nozzles that will atomize the water and produce a fine mist that will automatically be dispersed at timed intervals sufficient to suppress dust generation.

(6) Within ninety days of the effective date of the rule that added this sentence, the transfer station shall submit to the Department detailed plans for implementation of the requirements of paragraphs (1) through (5) of this subsection, certified by a licensed architect or professional engineer. Within one hundred eighty days of the effective date of the rule that added this sentence, the transfer station shall have contracted with a company to purchase all necessary equipment and supplies and install the ventilation, dust and odor control equipment. Within one year of the effective date of the rule that added this sentence, the required ventilation, dust and odor control equipment shall be installed and fully operational.

(7) Documentation verifying compliance with paragraphs (1) through (5) of this subsection, including as-built drawings of the ventilation, dust and odor control equipment and the type of the odor-neutralizing agent to be used, and a letter of completion issued by the New York City Department of Buildings, shall be filed with the Department within ninety days of installation completion and as part of the annual transfer station permit renewal application.

(c) Sufficient equipment and personnel shall be provided for receipt, tipping, sorting, processing, compaction and storage of solid waste at the putrescible solid waste transfer station. Sufficient standby equipment shall be provided to ensure that no solid waste storage problem or public nuisance or condition hazardous to public health or safety is created during scheduled or unscheduled equipment maintenance, or equipment breakdown. All transfer station debris storage, processing, handling and tipping areas shall include appropriate fire detection and protection equipment.

(d) Sufficient equipment shall be provided to handle the solid waste in a safe and sanitary manner.

(e) A system for the sanitary disposal of sewage and waste water shall be installed in a putrescible solid waste transfer station in accordance with the provisions of Articles 143 and 145 of the New York City Health Code and all applicable laws and rules governing the discharge of waste and waste water, including those enforced by the New York City Department of Environmental Protection and the New York State Department of Environmental Conservation. Drinking water shall be provided in accordance with the provisions of Article 141 of the New York City Health Code. Putrescible solid waste transfer stations shall also be in compliance with applicable provisions of Article 135 of the New York City Health Code (pertaining to commercial premises). All putrescible solid waste transfer stations shall make provisions for cross connection control to ensure that waste water does not mix with the drinking water supply.

(f) Pest control measures shall be specified and shall be adopted in the design of a putrescible solid waste transfer station pursuant to §151 of the New York City Health Code.

(g) All solid waste transferred into and out of the putrescible solid waste transfer station shall be weighed, and measured by volume. Records shall be maintained of such weights and measurements for a period of three years and included in operational records required by [subdivision (g)] subsection (f) of §4-17.

(h) Indoor and outdoor areas of the transfer station shall be illuminated in order to provide for the safe operation of the transfer station. Such illumination shall not create a nuisance.

(i) Noise levels generated in the operation of a putrescible solid waste transfer station shall not exceed the standards in §4-17. The sound of vehicles entering or leaving the putrescible solid waste transfer station shall be included, except that back-up warning signals required by the United States Occupational Safety and Health Administration shall not be included.

(j) The Commissioner may grant a variance from one or more provisions of this section, other than subsection (a) of this section, if he or she determines, after completion of any applicable environmental review, that granting such variance would not have a significant adverse effect on the environment, provided that granting such variance is not otherwise inconsistent with law.

§ 4-17 Operation and Maintenance of Putrescible Solid Waste Transfer Stations.

(a) (1) No putrescible solid waste transfer station shall be operated unless it has obtained a permit pursuant to §4-14 of this subchapter, and is in compliance with the terms thereof, this section, and any other applicable law, rule or regulation.

(2) A putrescible solid waste transfer station shall be operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety [, and in a manner consistent with the approved site and operating plan].

(3) The putrescible solid waste transfer station shall be operated and maintained in a manner consistent with the site plan submitted to the Department.

(4) The putrescible solid waste transfer station shall be operated and maintained in a manner consistent with the engineer's report submitted to the Department.

(b) The Permittee shall prohibit any transport vehicle required to be licensed or permitted pursuant to Title twenty of the Administrative Code from depositing solid waste at or removing solid waste from the putrescible solid waste transfer station, unless such transport vehicle is appropriately licensed or permitted. Entrance into or exit from a putrescible solid waste transfer station by a transport vehicle shall be permitted only when an attendant is on duty. The loading or unloading of any transport vehicle shall be continuously supervised by an attendant to avoid unauthorized deposit or removal of solid waste and injury to persons in such station.

(c) The Permittee shall regularly schedule and provide maintenance of equipment. Records of such maintenance shall be included in operational records required by [subdivision] subsection (f) of this section.

(d) In the event that the putrescible solid waste transfer station is unable, for any reason, to receive solid waste or process solid waste previously received, an alternative site, designated pursuant to subparagraph (14) of [subdivision] subsection (b) of §4-14 of this subchapter, shall be used to receive and process such solid waste. The Permittee shall notify the Department immediately of its use of an alternative site.

(e) Putrescible solid waste transfer stations shall be kept free of vectors, including, but not limited to, rodents, insects and other pests and of any condition conducive to vectors. Written confirmation of at least weekly engagement of a certified exterminator shall be available at all times, and shall be included in operational records required by [subdivision] subsection (f) of this section.

(f) The Permittee shall maintain operational records including, but not limited to, all asset liability and capital and proprietary accounts, operating expenses, administrative expenses, tax returns and equipment expenses. Such records shall also include a clear and legible daily log of the quantity of solid waste received and removed, specifying the point of origin and destination of the solid waste transported daily, as well as the quantity and type of material which has been brought to the putrescible solid waste transfer station for separation and/or processing. The daily log shall also include the names and addresses of the owner and/or operator of transport vehicles entering or exiting the transfer station. Such records shall be maintained on the premises and be readily available for inspection by representatives of the Department. An annual report shall be provided to the Department with any application for renewal of any permit required under these rules. This report shall contain the daily weight and volume of solid waste received, according to type, daily point of origin of the solid waste, daily destination of the solid waste, daily weight and volume and type of material recovered, any changes in operation that have occurred during the previous year, and all other information specified to be included by this subchapter, including that required by [subdivisions] subsections (c) and (e) of this section. The Permittee shall submit to the Department a copy of any annual or quarterly report required to be filed with the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360.

(g) The presence at a putrescible solid waste transfer station of solid waste containing asbestos or of material defined in paragraph (2) of the definition of "solid waste" set forth in §4-11 of this subchapter is prohibited.

(h) All putrescible solid waste received at a putrescible solid waste transfer station, including putrescible solid waste which has been baled or loaded into transport vehicles, shall be removed within forty-eight hours of its receipt. Only non-putrescible solid waste, and putrescible solid waste which has been baled or loaded into a transport vehicle, may be stored off the tipping area of a putrescible solid waste transfer station.

(i) The tipping area of all putrescible solid waste transfer stations shall be free of solid waste for a thirty-minute period each day during its hours of operation and shall have been thoroughly cleaned, swept, washed and deodorized immediately prior to such period. The Permittee may choose such period and such period shall be set forth in the permit as a permit condition.

(j) [Deodorizing materials shall be used at the putrescible solid waste transfer station to control odors.] Odors[, including odors of deodorizing materials,] shall not be emitted so as to violate the performance standards of the Zoning Resolution of the City of New York or the applicable provisions of the Air Pollution Control Code of the Administrative Code of the [city] City of New York or to create a public nuisance. Odor control measures required in subsection (b) of section 4-16 of this subchapter shall be fully operational and shall effectively neutralize odor.

(k) Solid waste shall be received, processed, compacted and stored only in the [area] areas specifically designated [for receipt of such waste] pursuant to subparagraph (1) of [subdivision] subsection (b) of §4-13 of this subchapter. Solid waste shall not be permitted to spill beyond areas in which it is permitted by this Rule and by the site plan and engineering report submitted to the Department of Environmental Conservation pursuant to 6 NYCRR Part 360. Any solid waste which spills beyond the areas in which it is permitted shall be removed immediately.

(l) Equipment used in the operation of the putrescible solid waste transfer station shall be contained within the property line, and under no circumstances shall such equipment be stored on city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(m) All drainage systems, including but not limited to trench drains in the floor drain system, and grit and grease traps, shall be kept clean, unclogged and functioning. In no case shall any leachate or wash water be permitted to accumulate on the floor or flow [into the street] onto city streets, or public highways as defined in section 134 of the New York State Vehicle and Traffic Law.

(n) Noise levels generated by operation of and at the putrescible solid waste transfer station must be controlled to prevent sound levels beyond the putrescible solid waste transfer station property line from exceeding the following Leq decibel (A) weighted energy equivalent ambient sound levels:

Impacted Zones	Time of Day	
	7 a.m.-10 p.m.	10 p.m.-7 a.m.
R1 - R3.....	62 decibels	52 decibels
All other residential, commercial, or manufacturing zones.....	67 decibels	57 decibels

(1) If the existing ambient sound level, excluding any contributions from the putrescible solid waste transfer station, exceeds these limits, the operation of the putrescible solid waste transfer station must not cause the Leq sound level to be increased;

(2) Leq is the equivalent steady-state sound level which contains the same acoustic energy as the time varying sound level during any one-hour period exceeded no more than ten percent of the time;

(3) The (A) weighted sound level shall be measured with the slow metering response characteristic of a sound level meter which complies with standards established by the American National Standards Institute specifications for sound level measurement; and

(4) Mufflers are required on all internal combustion-powered equipment used at the putrescible solid waste transfer station, and sound levels for such equipment must not exceed 80dB(A) at a distance of fifty feet from the operating equipment; provided that the decibel level beyond the property line of the putrescible solid waste transfer station shall not exceed the decibel levels set forth above.

(o) A sign, no smaller than four feet by four feet, shall be posted at all entrances to the putrescible solid waste transfer station and shall conspicuously indicate the putrescible solid waste transfer station's hours of operation, the types of waste it accepts and does not accept, the expiration date of its permits to operate pursuant to §16-130 of the Administrative Code and 6 NYCRR Part 360, and the Department of Sanitation's complaint telephone number.

(p) Doors allowing vehicles to enter or leave the putrescible solid waste transfer station, including any structure at such station, shall be kept closed except when vehicles are entering or leaving;

(q) The Permittee shall prevent litter or solid waste from accumulating on the streets or other areas abutting the putrescible solid waste transfer station.

(r) The total volume of solid waste, including solid waste that has been processed, at a transfer station shall not exceed the allowable volume as stated in the permit issued pursuant to §4-14 of this subchapter. The allowable volume at any transfer station shall be calculated by the Department and shall be based on the storage capacity (estimated in total cubic yardage) of the transfer station. In no event shall such allowable volume exceed that granted by the New York State Department of Environmental Conservation.

(s) The transfer station shall employ effective dust control measures to ensure that dust generation is suppressed at all times.

(t) No solid waste, construction and demolition debris, fill material, dust or other material shall be tracked from the transfer station site onto a city street, or public highway as defined in section 134 of the New York State Vehicle and Traffic Law.

(u) Within one hundred eighty days of the effective date of the rule that added this sentence, a motor vehicle tire cleaning procedure shall be adopted that shall prevent the tracking of solid waste, dust or other material from the transfer station site onto a city street, or public highway as defined in section 134 of the New York State Vehicle and Traffic Law.

(v) No stationary equipment at the transfer station that operates outdoors shall cause or permit the emission of an air contaminant of:

(1)(i) A density that appears as dark or darker than number two on the standard smoke chart, or 40% opacity, or of an opacity that obscures vision to a degree equal to or greater than smoke of number two density on the standard smoke chart, or 40% opacity; or

(ii) A density that appears as dark or darker than number one on the standard smoke chart, or 20% opacity, but less than number two on said chart, or 40% opacity, or of an opacity that obscures vision to a degree equal to or greater than smoke of number one density on the standard smoke chart, or 20% opacity, but less than number two on said chart, or 40% opacity, if such an emission continues for longer than two minutes in the aggregate in any sixty minute period.

(2) The density or opacity of an air contaminant emitted from stationary equipment that operates outdoors shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(w) No stationary equipment or nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant past the transfer station property boundary.

(x) No nonroad motor vehicle at the transfer station that operates outdoors shall cause or permit the emission of a visible air contaminant while the vehicle is stationary for longer than ten consecutive seconds.

(y) All stationary equipment and nonroad motor vehicles at the transfer station shall be maintained properly and shall be inspected annually. All stationary equipment and nonroad motor vehicles at the transfer station that operate outdoors shall be inspected annually while in operation by an observer certified in the US EPA Method 9 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-4 and trained in the US EPA Method 22 set forth in Title 40 Code of Federal Regulations Part 60, Appendix A-7, to ensure the equipment is operating properly to minimize air contaminant emissions, taking into account the model year and design capabilities of the engine. A written record of the inspection and any subsequent corrective measures performed to minimize air contaminant emissions shall be filed with the Department as part of the annual permit renewal application, and shall be included in the operational records required by subsection (f) of section 4-17 of this subchapter.

(z) The transfer station, its equipment and nonroad motor vehicles shall be subject to inspection at all times during its hours of operation. Interference with Department personnel performing any function or duty is prohibited.

(aa) Any putrescible solid waste transfer station permit issued pursuant to this subchapter shall be conditioned upon compliance with any rules regarding the siting and hours of operation of putrescible solid waste transfer stations [required to be promulgated by the Department of Sanitation pursuant to §16-131(b) of the Administrative Code of the City of New York] set forth in subchapter C of this chapter.

[(s) The provisions of these Rules shall be severable and if any phrase, clause, sentence, paragraph, subsection or section of these Rules, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of these Rules and the application thereof shall not be affected thereby.]

(bb) The Commissioner may grant a variance from one or more provisions of this section, other than subsections (m), (j) and (s) through (y) of this section, if he or she determines, after completion of any applicable environmental review, that granting such variance would not have a significant adverse effect on the environment, provided that granting such variance is not otherwise inconsistent with law.

§7. Subchapter B of chapter 4 of title 16 of the rules of the city of New York is amended by adding a new section 4-18 to read as follows:

§ 4-18 Severability.

The provisions of this subchapter shall be severable and if any phrase, clause, sentence, paragraph, subsection or section of this subchapter, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this subchapter and the application thereof shall not be affected thereby.

Statement of Basis and Purpose:

The Sanitation Commissioner is authorized to adopt rules relating to the operation and maintenance of private putrescible solid waste transfer stations and non-putrescible solid waste transfer stations (which include fill material and construction and demolition debris transfer stations) pursuant to §§753 and 1043 of the New York City Charter, and §§16-130, 16-131, 16-131.1 and 16-131.2 of the New York City Administrative Code. These amendments amend the Department's existing rules governing the operation and maintenance of transfer stations, found in Subchapters A and B of Chapter 4 of Title 16 of the Rules of the City of New York.

To improve the regulation of private solid waste transfer stations, the Council enacted Local Law 40 of 1990 to provide the City with comprehensive enforcement authority against private solid waste transfer stations that operate in violation of City laws and rules. Section 16-133 of the New York City Administrative Code sets forth the escalating penalty schedule, which is applicable to all transfer stations.

In 2000, Local Law 74 was enacted in conjunction with the Council's approval of a Modification of the Solid Waste Management Plan to address the closure of Fresh Kills and the concerns of communities with the highest number of existing solid waste transfer stations. Local Law 74 of 2000 required the Department to undertake a comprehensive Commercial Waste Management Study that examined how commercial waste in the City is managed, determined the amount of commercial waste generated and recycled, and where the waste originated.

The Commercial Waste Study furnished the Department with valuable information for advancing its goals to minimize environmental effects from in-City transfer and transport of solid waste. Key findings and recommendations of the Study relating to the design and operation and maintenance of transfer stations were:

- ▶ First, the majority of inhalable fine particulate matter generated from transfer stations is not produced from trucks entering and leaving the facilities but, instead, comes from the stationary equipment and nonroad motor vehicles operated outdoors at the transfer stations. As a result, regulations and enforcement measures ensuring that stationary equipment and nonroad motor vehicles are maintained to minimize air emissions should be promulgated;
- ▶ Second, more effective odor control equipment could be required, specifically, equipment that neutralizes odors emitted from putrescible solid waste transfer stations rather than simply masking the odors; and
- ▶ Third, more effective dust suppression measures could be required at non-putrescible solid waste transfer stations.

The Department considered these findings of the Final Commercial Waste Study and consulted with Henningson, Durham and Richardson Architecture and Engineering, PC (HDR), the firm that conducted the Study for the Department, while drafting the proposed amendments. The Department proposes the above rules to address air contaminant emissions produced by stationary equipment and nonroad motor vehicles operated outdoors at transfer stations, odors generated by solid waste transfer stations and dust generation within and surrounding transfer stations.

The Department consulted with the New York City Department of Environmental Protection regarding the proposed rules that govern air contaminant emissions from stationary equipment and nonroad motor vehicles at transfer stations that operate outdoors. The new rules place certain prohibitions on visible air emissions coming from stationary equipment and nonroad motor vehicles operated outdoors at transfer stations. Department enforcement personnel will enforce the new rules after receiving training in visual calibration of air emissions pursuant to established United States Environmental Protection Agency methods. This training will enable Department enforcement personnel to visually determine the density or opacity of plumes of smoke or other air contaminant emissions coming from stationary equipment and nonroad motor vehicles, as well as the length of time such emissions last. Additionally, the rules require private transfer station owners to further mitigate any effect on air quality that their facilities may have by certifying that all transfer station stationary equipment and nonroad motor vehicles utilized in their operations are in proper operating condition.

These amendments require private putrescible transfer stations to meet more stringent ventilation, dust and odor control requirements. In combination with one another, the new requirements will improve the air exchange rate at putrescible transfer stations and neutralize odors, rather than masking odors with another scent. The recommended equipment consists of a hard-piped high-pressure system, suspended above the facility's tipping floor, with rings of mist nozzles strategically aimed at fans and exhaust vents.

The amendments will also help decrease dust generation and minimize the tracking of transfer station material onto city streets and public highways. Fill material transfer stations will be required to pave the entry and exit areas of the transfer station. Construction and demolition debris transfer stations will be required to pave the receipt, processing and storage areas of the transfer

station and all transfer stations must employ an effective tire cleaning procedure. Transfer station owners will be afforded the opportunity to determine which tire cleaning procedure is most appropriate for their facility to prevent the tracking of solid waste from the transfer station onto a city street or public highway.

The amendments also clarify and enhance certain general operating and maintenance requirements for private solid waste transfer stations, including, but not limited to; (1) ensuring access for emergency vehicles and for Department officers during inspections; (2) ensuring the receipt, process and storage of non-putrescible solid waste in accordance with the transfer station site plan submitted by its permittee; and (3) improving the drainage systems currently in use at transfer stations to minimize odor-causing residue build up.

In sum, the rules set forth more stringent operation and maintenance requirements and provide additional enforcement measures that will serve to minimize the environmental impacts of transfer station operations.

APPENDIX B
New York City Waterfront Revitalization Program
Consistency Assessment Form

For Internal Use Only:

Date Received: _____

WRP no. _____

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: Abas Braimah, New York City Department of Sanitation
2. Address: 125 Worth Street
3. Telephone: 646-885-4993 Fax: 212-442-9090 E-mail: abraimah@dscy.nyc.gov
4. Project site owner: NA

B. PROPOSED ACTIVITY

1. Brief description of activity:
Proposed Amendments to Rules Concerning Operational Requirements for Solid Waste Transfer Stations
2. Purpose of activity:
To improve the regulations for private solid waste transfer stations by imposing more stringent operation and maintenance requirements, while providing additional enforcement measures to minimize the potential environmental impacts of transfer station operations.
3. Location of activity: (street address/borough or site description):
Rules apply to areas citywide, which are already zoned to permit transfer stations (generally M1, M2, and M3 zoning districts).

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:

NA

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.

Adoption of rules by New York City Department of Sanitation

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"/>
2. Does the proposed project require a waterfront site?	_____	<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 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 checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	_____	<input checked="" type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<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? (4.1and 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: Robert Orlin, Deputy Commissioner, DSNY

Address: 125 Worth Street

New York, NY 10013 Telephone 646-885-5006

Applicant/Agent Signature: _____ Date: _____



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