4.0 COMMERCIAL WASTE MANAGEMENT

4.1 Introduction

This section provides background information on the City's Commercial Waste system and describes the Proposed Actions directed at improving export of Commercial Waste from the City and the facilities that would be involved. New Initiatives, elements of Existing Programs, are also described. These include regulatory and enforcement actions aimed at siting restrictions and improving the operation of existing facilities. More detailed information on Existing Programs is provided in Attachment IX.

4.2 Background

In complexity, Commercial Waste management is as significant as its residential counterpart. The volume managed is even larger, accounting for nearly 75% of the City's total waste stream. Yet unlike residential waste, Commercial Waste is managed by the private sector, not DSNY.

Nevertheless, the City has historically played an important role in the management of Commercial Waste. At times in its past, the City allowed private haulers to take advantage of its solid waste infrastructure, including its landfills and MTSs. More recently, that role has been reversed; for its current, Interim Export contracts, the City relies on some in-City private-sector infrastructure and continues to regulate that infrastructure.

This private-sector infrastructure consists of a network of land-based transfer stations, points at which waste from local collection trucks is transferred for long-haul export. These transfer stations are generally located in M3 districts, districts reserved for heavy industry which are well buffered from residential communities. However, waste trucks traveling to and from these transfer stations often pass through residential communities.

Two features of the current system have served as the focus of concern recently. The first is that Manhattan has no private transfer stations, despite the fact that over 40% of the City's Putrescible Commercial Waste is generated in Manhattan. As a result, although some waste is

driven directly out of the City, most of Manhattan's Commercial Waste is driven to another borough before it is exported from the City. Further, because only one of the City's 19 private Putrescible Transfer Stations exports waste by means other than transfer trailer, the export of waste—not just its collection—creates truck traffic.

This Draft New SWMP recognizes the importance of taking concrete action to address both of these issues: the in-City distribution of facilities for Commercial Waste transfer and the heavy reliance on long-haul trucks for export. Additionally, it outlines steps that will address other issues identified by the CWM Study completed earlier this year, including the need for increased enforcement and strengthened operating procedures and environmental controls at transfer stations.

4.3 Proposed Actions – Commercial Waste Facilities and Contracts

To achieve a more balanced distribution and reduce effects from Commercial Waste transfer operations in those CDs that currently have the greatest number of transfer stations, the following measures are proposed:

- Assess the feasibility of providing the site of the existing Manhattan West 59th Street MTS to private waste management companies to use for the transfer of Commercial Waste collected by private carters in Manhattan. The facility could be: (i) refurbished and used in conjunction with an EBUF; or (ii) redeveloped as a containerization facility.

- Design measures to encourage private carters to deliver Commercial Waste during the 8:00 p.m. to 8:00 a.m. time period to the four Converted MTSs that are elements of the Proposed Action for Long Term Export (Hamilton Avenue, Brooklyn; Southwest Brooklyn, Brooklyn; East 91st Street; Manhattan; and North Shore, Queens).

- Negotiate arrangements with the owner/operators of the selected private transfer stations in the Bronx, Brooklyn and Queens that submitted proposals in response to the BQB RFPs and that are potential elements of the Proposed Action to cause any Commercial Waste (in addition to DSNY-managed Waste) processed at these facilities to be containerized and exported from the project service area by barge and/or rail.

4.3.1 Advantages of the Proposed Action

These Proposed Actions, if fully implemented and taken together with the Long Term Export Proposed Actions, would facilitate the City's transition from an almost wholly truck-based waste export system to a predominantly rail- and/or barge-based export system for the City's putrescible waste.

4.3.1.1 West 59th Street MTS Site for Commercial Waste Transfer

Developing this site for transfer of a portion of Manhattan-generated Commercial Waste would:

- More equitably distribute the impacts of Commercial Waste transfer among the City's boroughs;
- Reduce the volume of transfer trailer truck traffic in the City;
- Provide the site most proximate to midtown, a major generator of Commercial Waste; and
- Shorten carters' current runtime from the end of their midtown collection route to their tipping locations in other boroughs, resulting in a decline in the overall duration of commercial collection operations and fewer vehicle miles traveled in the City.

4.3.1.2 Commercial Waste Transfer at Four Converted MTSs

The advantages of using the Converted MTSs to containerize Commercial Waste include:

- Capitalizes on unused capacity during the hours when private carter collection operations occur. As DSNY would tip during the day and private carters at night, there is minimal potential for conflict in terms of processing both waste streams at the Converted MTSs.

- Potentially removes approximately 178 transfer trailers from the City's streets that would otherwise be transporting waste for export. As containerization facilities, the four Converted MTSs have potentially available capacity for processing up to approximately 3,915 tpd of Commercial Waste.

4.3.1.3 Containerization and Rail Export from Private Transfer Stations

The advantages of requiring private transfer station owners/operators who are containerizing and exporting DSNY-managed Waste by barge and/or rail to also containerize and export by barge or rail any Commercial Waste processed at their respective facilities are:

- Reduces outbound transfer trailer traffic from the private transfer stations, thus reducing truck traffic in these communities; and
- Accelerates the conversion of the City's private transfer network towards a barge- and/or rail-based system that will have long-term economic and environmental benefits for the City.

4.3.2 Implementation

4.3.2.1 West 59th Street MTS Site for Commercial Waste Transfer

DSNY will assess the feasibility of providing the West 59th Street MTS Site for Commercial Waste transfer through a procurement or other means. An RFEI could be issued to Commercial Waste management companies to assess their interest in developing the West 59th Street MTS site for Commercial Waste transfer. The RFEI could establish minimum requirements for use and redevelopment of the site and solicit information on how companies would propose to refurbish/redevelop the site and conduct operations. Certain information gathered from this process could be used to conduct a supplemental environmental review of the potential for any significant adverse impacts related to use of the site for Commercial Waste transfer.[1]

Assuming a positive outcome from the environmental review, DSNY would develop an RFP solicitation for proposals from waste management companies to use/redevelop the site and proceed through the process of proposal evaluation, contract negotiation and award.

[1] The DEIS evaluated the existing MTS for processing DSNY-managed Waste and a Converted MTS at this site for processing both DSNY-managed Waste and Commercial Waste and found no unmitigatible adverse impacts. A supplemental environmental review would reassess the potential for adverse impacts based on a more complete understanding of Commercial waste transfer operations at this site.

4.3.2.2 Commercial Waste Transfer at Four Converted MTSs

The City intends to develop policies that will result in the processing of Commercial Waste at the four Converted MTSs as part of the Draft New SWMP. When these policies are implemented, containerizing Commercial Waste at the four Converted MTSs would proceed.

4.3.2.3 Milestones

Table 4.3-1 lists Milestones related to each of the Proposed Actions.

Table 4.3-1
Draft New SWMP Milestones – Commercial Waste

PROGRAM Milestone	Scheduled Fiscal Year	New SWMP Section
ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE		
Assess concept feasibility	2006	See Draft New SWMP Section 4.3
Design implementation method	2006	See Draft New SWMP Section 4.3
Procurement and construction	2008	See Draft New SWMP Section 4.3
USE FOUR CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE		
Assess alternative implementation methods	2006	See Draft New SWMP Section 4.3
Implement selected method	2007	See Draft New SWMP Section 4.3

4.4 New Initiatives

4.4.1 Introduction

In addition to the Proposed Action described above, DSNY will undertake several new initiatives that are consistent with its oversight role in Commercial Waste management. This role currently involves the issuance of Commercial Waste transfer station operating permits, conducting ongoing transfer station inspections, and enforcing regulations that pertain to transfer station operation.

This Draft New SWMP sets forth several new initiatives with regard to Commercial Waste management that aim to accomplish the following objectives:

- Strengthen the regulations pertaining to the siting of new transfer stations and to disallow a net increase in capacity in those CDs that already have the greatest number of such facilities;
- Hold privately owned waste transfer station to higher operational standards, thereby reducing the impacts of these facilities;
- Enhance the effectiveness of enforcement efforts through training and technological improvements, which will be financed through increased transfer station permitting fees;
- Identify the best means of reducing putrescible transfer station capacity in the two or three communities with the greatest concentration of transfer stations as the Converted MTSs become operational; and
- Reduce the impacts on those communities that are along truck routes leading to transfer stations by evaluating alternate routing options.

4.4.2 Promulgate New Siting Regulations

In May 2004, DSNY published proposed amendments to the rules governing the siting of private solid waste transfer stations in the City. For the first time, these rules will place restrictions on both the siting of new solid waste transfer stations and the ability of existing transfer stations to increase their lawful daily permitted throughput capacity. At the same time, the rules encourage the development of transfer stations that transport solid waste from the City by rail or barge.

These amendments restrict the siting of new solid waste transfer stations by placing CDs into five categories based upon the total number of transfer stations located in a specific Community District. These categories each contain specific restrictions regarding the buffer distance of any new transfer station from a residential district, hospital, public park, school or another solid waste transfer station, and a requirement that a new transfer station shall provide space for on-site queuing of trucks. In all CDs, a new transfer station must be at least 400 feet from a sensitive receptor, and the buffer distance requirements between a new transfer station and sensitive receptors increase based upon the number of transfer stations located in a Community District. The rules also place restrictions on the ability of existing transfer stations to expand permitted capacity that are similarly tied to buffer distances from sensitive receptors and limit the total number of transfer stations that can be sited in M1 districts in any one Community District.

In CDs with the highest number of transfer stations (Brooklyn CD 1, Bronx CD 2), in order for a new transfer station to be permitted or for an existing transfer station to be allowed to increase its lawful daily permitted throughput capacity, the transfer station must obtain a corresponding reduction (offset) in the lawful daily permitted throughput capacity at a transfer station located in the same Community District.

The DSNY will conduct periodic reviews of transfer station capacity with the objective of minimizing the concentration or impacts of transfer stations, particularly in those communities with the largest number of transfer stations (see Section 4.4.4).

4.4.3 Promulgate New Operational Regulations

In August 2004, DSNY published proposed amendments to the existing rules governing the operation and maintenance of private solid waste transfer stations found in Title 16 of the Rules of the City of New York (RCNY). The proposed amendments set forth more stringent operation and maintenance requirements for all transfer stations, existing and new, and provide additional enforcement measures that will further minimize the environmental impacts of transfer station operations.

In response to the CWM Study's finding that the largest amount of particulate matter generated from transfer station operations originates from stationary equipment and non-road motor vehicles operated outdoors at transfer stations, and, consistent with the City's Air Pollution Control Code, the rules place certain prohibitions on visible air emissions coming from such equipment and vehicles. DSNY's Permit and Inspection Unit (PIU) officers will receive training in United States Environmental Protection Agency (USEPA) visual calibration methods to visually determine the density or opacity of plumes of smoke or other air contaminant emissions coming from stationary equipment and non-road motor vehicles, as well as the length of time such emissions last. Based upon this training, DSNY's officers will be qualified to issue violations for unlawful air emissions coming from outdoor equipment and vehicles at transfer stations. In addition, transfer stations will be required to submit documentation annually, certifying that all their stationary equipment and non-road motor vehicles that operate outdoors have been inspected to ensure proper maintenance and operating condition.

The rules will also require state-of-the-art odor control equipment at Putrescible Transfer Stations. Specifically, the rules mandate the installation of ventilation equipment that will improve the air exchange rate at Putrescible Transfer Stations and prevent the escape of malodorous air. All Putrescible Transfer Stations will also be required to install odor control equipment that neutralizes odors, rather than simply masks odors with another scent. The recommended odor control 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.

Lastly, the rules provide additional enforcement measures to prevent dust generation and tracking material onto public roadways. Fill Material Transfer Stations will be required to pave their entrance and exit areas, and C&D Transfer Stations will be required to pave the receipt, processing and storage areas of their facilities. All transfer stations will be required to implement a method for cleaning motor vehicle tires before vehicles may exit a facility.

4.4.4 Seek to Reduce Permitted Transfer Station Capacity in Select CDs

The reopening of the MTSs will have the effect of creating significant new putrescible capacity for the City in areas that do not have large numbers of transfer stations. DSNY proposes to explore ways to reduce the daily permitted putrescible capacity in the two or three communities with the greatest concentration of transfer stations as new putrescible transfer station capacity becomes available under the City's new long-term waste export plan. DSNY intends to work with community groups, the City Council and the solid waste industry to implement this proposal. DSNY may also work with the City Council, as necessary, to amend Section 16-131 of the Administrative Code to clarify that DSNY has the authority to reduce permitted capacity at transfer stations.

4.4.5 Traffic Analysis for Alternatives to Sensitive Truck Routes

The majority (68%) of the Commercial Waste transfer stations in the City are in areas zoned for the heaviest industry (M3 zones) and are therefore well buffered from any conforming residential use. However, trucks traveling to and from the transfer stations use designated truck routes that pass through residential areas. Metropolitan Avenue in Greenpoint, Brooklyn is a good example of such a thoroughfare.

The CWM Study (Appendix E) analyzed 58 key intersections in areas leading up to transfer stations and determined that the percentage of waste hauling vehicles was no more than 7% of the total number of vehicles traveling through any of the intersections. While the number of waste hauling trucks is technically small in comparison with all vehicles, these trucks can be noisy and impact residents.

DSNY will work with the New York City Department of Transportation (NYCDOT) to conduct a traffic analysis to study the feasibility of redirecting truck routes leading to transfer stations with the objective of minimizing traffic-related impacts in residential areas to the extent possible. Based on the data gathered in the CWM Study (Appendix E), DSNY will select sensitive truck routes. Community advisory committees will then be formed in each of the respective areas identified. These groups will review and approve the truck routes selected or recommend others

to be analyzed. The community advisory committees will also review the methodology employed by the analysis, and evaluate the alternative routes to ensure that the redistribution of truck routes is equitable. DSNY will also work with the City Council and industry representatives in formulating this study.

4.4.6 Increased Transfer Station Fees

All privately owned waste transfer stations pay an annual fee that accompanies the submittal of their permit renewal to DSNY (per Section 16-131(c) of the Administrative Code). The fee is designed to cover DSNY's administrative costs, as well as the costs of enforcing the regulations that pertain to private transfer station operations. (A complete list of these regulations can be found in the CWM Study, Volume II, Appendix E.) This approach of using permitting fees to fund enforcement is one that the National Environmental Justice Advisory Council's Waste Transfer Station Working Group recommends for lead enforcement agencies such as DSNY.

Currently, DSNY charges a two-tiered fee depending on whether private transfer stations are handling putrescible waste or non-putrescible waste (such as C&D waste or fill material). While the number of inspectors has increased significantly over the past ten years, the fee has not. In order to maintain current levels of inspection, hire new inspectors and enhance the performance of inspection agents overall, DSNY will increase the annual fee it charges to private transfer stations. To accomplish this new initiative, DSNY will propose an amendment of Section 16-131(c) of the Administrative Code and seek City Council approval of such amendment.

The increased revenue would cover the costs of new inspectors, as well as technology-based enhancements to improve inspection efficiency. Specifically, DSNY will hire additional personnel, including a full-time industrial hygienist, who will serve several important functions with regard to transfer station enforcement. These individuals will be responsible for reviewing and approving the detailed engineering plans that will be required of all facility operators to demonstrate that the facility is in compliance with the new operating regulations, described in Section 4.4.3. Additionally, these individuals will lead DSNY's new opacity-reading program, described in Section 4.4.3, overseeing the training of all inspectors.

Technology enhancements that will be covered by the increased fee will include upgrading DSNY's enforcement database and providing enforcement agents with handheld electronic devices to access and input data in the field. An electronic form will increase efficiency during the inspection for the facility being inspected and the inspectors. Indicators such as location, weather, exact time and date, and facility permit status could be recorded automatically, eliminating human error. The entire file of infraction and penalty payment information could be electronically linked to each violation entry, providing seamless access to data.

DSNY will over time look to integrate this database with that of the NYSDEC, so that the two agencies can more effectively coordinate their enforcement efforts. A complete history of each facility's violation past should be recorded and accessible to all agencies that might use the information to track further violations, target enforcement efforts or adjust regulatory processes at certain facilities.

Transfer station enforcement quality has shown major improvements over the last decade due to the increased frequency of inspections. However, further improvements can be made, especially to enhance the level of coordination within and between the City agencies responsible for enforcement. With the creation of a fully computerized system of inspection forms at the agency level, the universal coordination of waste transfer enforcement information can easily be fostered.

4.5 Status of Current Programs

Information regarding all aspects of the City's current Commercial Waste management system can be found in the CWM Study, available on the DSNY website at http://www.nyc.gov/html/dos/html/pubnrpts/cwms-ces.html. Attachment IX offers: information on DSNY's regulatory role and enforcement activities contained in the CWM Study; a characterization of the private transfer station system in the City; a description of DSNY's role in its regulation and the regulatory responsibilities of other agencies; and a description of the recycling regulations applicable to Commercial Waste generators. Attachment IV reports on Commercial Waste quantities and projections for the period of the Draft New SWMP.

4.5.1 Enforcement

Enforcement is an important part of DSNY's oversight of the Commercial Waste management system, and as such a review of the current enforcement practices at the City's privately owned transfer stations is included here.

DSNY is responsible for regulating and inspecting the operation and maintenance of privately owned transfer stations permitted by the DSNY. Currently there are 65 transfer station permits, including 19 putrescible station permits, 25 non-putrescible station permits and 22 fill material station permits.[2]

Twenty-two (22) officers – 17 Environmental Police Officers and 5 Environmental Lieutenants – comprise the PIU and conduct the on-site inspections of these facilities. The frequency of these inspections is dependent on the type of material processed at the facility. Full inspections are conducted at Putrescible Transfer Stations and Non-Putrescible Transfer Stations roughly 5.2 times a month and at Fill Material Transfer Stations approximately twice a month. Inspections can occur 24 hours per day, 7 days per week. The one- to two-hour inspection examines a variety of potential violations concerning transfer station management procedure, cleanliness, noise, machine maintenance and general operation. The inspector measures and evaluates the current level of waste on site as well as reviews recent record logs.

Drive-by inspections (which are not scheduled) usually last roughly 15 minutes and occur twice as frequently as full inspections. There are approximately 240 to 250 per month. The number of stations each inspector is responsible for varies depending on shift rotation. Each shift generally has four teams of two officers that rotate through the transfer stations. Drive-by inspections occur when an inspector has other reason to be in the vicinity of the transfer station and constitute a basic evaluation of "quality of life" issues and a general maintenance check at the transfer station. DSNY frequently adapts new inspection and surveillance techniques to be less conspicuous.

[2] Five facilities have dual permits, i.e., putrescible/non-putrescible, and one facility has three permits, so the total number of actual facilities is 58. Tehre is also an intermodal facility that acceps waste in sealed containers for transloading onto railcars.

DSNY adheres to a no-tolerance policy for "quality of life" infringements. When a violation pertaining to odors, leachate, vectors/rodents or dust occurs, definite action is most always taken. In such cases, a summons violation is immediately issued and must be followed up. For other infringements relating to facility maintenance or procedure, a warning may be issued before summons action is taken.

Various fine structures exist depending on the type, severity and frequency of a violation. Certain transfer station violations, such as operating a transfer station without a valid permit or being in violation of DSNY's operational rules, warrant a fine ranging from $2,500 for a first offense, $5,000 for a second offense and up to $10,000 for third and subsequent offenses. Other violations, such as those relating to sidewalk and street infractions, have lower liability amounts that warrant fines between $100 and $300.

Generally speaking, an overall bolstering of enforcement efforts in the last few years has led to increased adherence to regulations and permit conditions. The existence of a progressive fine structure with higher penalties for repeat violators and the fact that persistent offenses can lead to closure has allowed for persuasive enforcement. DSNY longitudinal statistics report a decline in violations as well as in number of facilities over the past decade, as a result of the increased frequency of inspections and the closure of negligent facilities. In 1990, 153 transfer stations were in operation; this number dropped to 96 in 1996 and to 58 transfer stations currently.

Arguably, no other industry in the City is inspected as frequently or is held under as intense scrutiny as the waste transfer industry. Inspectors are continuously challenged to respond to the concerns of residents while balancing the needs of an industry that provides a vital City service. DSNY recognizes the need to maintain and strengthen its enforcement efforts over the course of this New SWMP planning period.

4.5.2 Other Existing Programs

More detailed information on Existing Programs is provided in Attachment IX.

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