



# sanitation

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## **TECHNICAL MEMORANDUM No. 2 NYC COMMERCIAL WASTE ZONE PROGRAM**

**CEQR No. 19DOS003Y**

**DSNY Final Rule Establishing 20 Commercial Waste Zones**

**February 13, 2020**

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### **A. DESCRIPTION OF PROPOSED PROJECT**

This Environmental Review Technical Memorandum No. 2 has been prepared to address modifications to the proposed New York City Commercial Waste Zone (CWZ) Program that was analyzed in a Final Generic Environmental Impact Statement (FGEIS) (CEQR No. 19DOS003Y) issued by the Department of Sanitation (DSNY) as lead agency on September 17, 2019 pursuant to the State Environmental Quality Review Act and the City Environmental Quality Review Procedure (SEQRA/CEQR).

### **PROJECT BACKGROUND**

In November of 2018, DSNY proposed the New York City CWZ Program to advance the City's efforts to increase commercial recycling, reduce commercial waste carter truck traffic and associated air, noise, and greenhouse gas (GHG) emissions, and improve the carting industry's operational standards. As proposed, the CWZ Program would regulate the collection of a portion of the commercial waste collected by private carters in New York City, including refuse, designated recyclables, such as paper, cardboard, metals, glass, and plastics, and source-separated organic waste. It would exclude specialized or intermittent waste streams, such as construction and demolition (C&D) debris, hazardous waste, and textiles, which would continue to be collected in the current manner under existing City and State regulatory requirements.<sup>1</sup>

The CWZ Program analyzed in the FGEIS was assumed to be a non-exclusive system of 20 geographic zones permitting at least three but no more than five carters operating within each zone. As discussed in the FGEIS, this preferred zone design of 20 zones with at least three and up to five carters in some zones was chosen after stakeholder feedback due in part to a desire to maintain competition and fair pricing for commercial waste customers and economic viability for carters—and thus minimize market disruption. The proposed zones consisted of seven zones in Manhattan,

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<sup>1</sup> Other excluded waste streams are fill material, medical waste, electronic waste, yard waste collected by landscapers, waste collected by a one-time, on-call bulk waste removal service, grease, paper collected for the purposes of shredding or destruction, waste that is collected by a micro-hauler, sewage, industrial wastewater discharges, irrigation return flows, radioactive materials that are source-, special nuclear- or by-product material, and materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process.

six zones in Brooklyn, four zones in Queens, two zones in the Bronx, and one zone in Staten Island (See Figure 1). Carters that win zone contracts would be obligated to meet certain contractual requirements aligned with the City's program goals and objectives. The CWZ Program would standardize the carting contract process by requiring written service agreements between carters and customers and by making the pricing structure more transparent.

The FGEIS concluded that the proposed CWZ Program would not result in an adverse environmental impact.

#### *Local Law 199 of 2019 & Technical Memorandum No. 1*

As a result of the legislative process to authorize the proposed CWZ Program, the final bill that became Local Law 199 of 2019 [LL199/2019] modified the plan studied in the FGEIS in several respects, including limiting the number of carters per zone to a maximum of three. The aspects of the CWZ Program in LL199/2019 that differed from the program analyzed in the FGEIS were analyzed in Technical Memorandum No. 1 dated October 25, 2019. Technical Memorandum No. 1 concluded that the post-FGEIS modifications would not alter the conclusions of the FGEIS and would not result in a significant adverse environmental impact.

LL199/2019 was enacted on November 20, 2019, authorizing DSNY to establish a zoned commercial waste system throughout the city's five boroughs through DSNY rulemaking and a contract-award process.

Accordingly, on December 12, 2019, DSNY released a proposed rule for public comment that would establish the map setting the boundaries for the 20 commercial waste zones authorized per LL199/2019. The proposed rule included certain modifications to the geographic boundaries of the CWZ Program zones from what was analyzed in the FGEIS and subsequent Technical Memorandum No. 1. Therefore, in accordance with SEQRA/CEQR, the proposed modifications to the CWZ Program are reviewed below to determine whether they would result in significant adverse environmental impacts that were not considered in the FGEIS.

## **B. POST-FGEIS CWZ PROGRAM MODIFICATIONS TO THE GEOGRAPHIC ZONE BOUNDARIES**

The proposed rule makes two modifications to the CWZ Program studied in the FGEIS that warrant discussion:

### *1. Modification to the Number of Zones in Manhattan & Brooklyn*

As discussed above, the FGEIS analyzed a 20-zone system citywide. The proposed rule would adopt a zoned map that largely reflects the zone map described in the FGEIS. It maintains a 20-zone system citywide but modifies the number of zones in Manhattan and Brooklyn only. The rule would establish eight zones in Manhattan, an increase from the seven zones studied in the FGEIS and would reduce the zones in Brooklyn to a total of five compared to the six Brooklyn zones studied in the FGEIS. Therefore, Manhattan would gain one zone and Brooklyn would lose one zone. The configuration and number of zones in the other boroughs would remain unchanged from the FGEIS analysis with one zone in Staten Island, two in the Bronx, and four in Queens.

This modification to the zone configurations in Manhattan and Brooklyn is intended to address the fact that LL199/2019 reduced the number of carters authorized to operate in several Manhattan districts from five to three. The proposed adjustments in this rule reflect the change resulting from

the local law and take into consideration the number of customers and the average tonnage of waste per contract and per zone.

The specific changes to the geographic boundaries of the zones are shown in Figure 2. In Manhattan, the FGEIS studied a larger zone in Lower Manhattan, noted as Zone MN-1 on Figure 1. Under the proposed rule, Zone MN-1 would be divided into two zones, designated as Manhattan Southwest and Lower Manhattan (see Figures 1 and 2). In Brooklyn, three zones—BK-1, BK-3, and BK-4—would be rearranged into two zones: Brooklyn East and Brooklyn North (see Figures 1 and Figure 2).<sup>2</sup>

## *2. Joint Interest Areas Adjacent to Zones to be Incorporated within the 20 Designated Zones*

The proposed rule would also encompass certain geographic areas within the city designated by the City as “Joint Interest Areas” (JIAs), such as parks and airports, which are not included in the City’s established boundaries for its 59 community districts.

As described in the FGEIS, the boundaries for the 20 proposed zones studied in the FGEIS used New York City’s 59 established community districts as a starting point for the zone boundaries. The 20 zones were then designed by grouping together community districts using the number of customers and waste tonnage in each community district to create 20 zones that were generally comparable in customer size and tonnage.

The FGEIS map of the proposed CWZ Program zones did not include areas within the city that are outside the boundaries of the 59 community districts and defined as JIAs, such as Central Park, Prospect Park, JFK Airport, and LaGuardia Airport. (See Figure 1 with the JIAs colored in gray.) The proposed rule would modify the map to include these locations within the map of the 20 zones (see Figure 2).

While the FGEIS proposed zone map did not include the JIAs, the JIAs were included in some of the FGEIS analyses. As the JIAs are currently serviced by commercial carters, the waste tonnage collected from these locations was analyzed in the FGEIS.<sup>3</sup> Similarly, as the JIAs are currently serviced by commercial carters, the routes to collect commercial waste were included in the model to establish the baseline Vehicle Miles Traveled (VMT).<sup>4</sup> However, the potential future routes and commercial carter truck VMT to collect from these JIAs under the CWZ Program were not studied by the FGEIS. The number of customers from the JIAs were also not included in the total number of customers presented in the FGEIS; however, the total customer counts were not utilized in any of the FGEIS analyses and were only presented to describe existing conditions.<sup>5</sup> Based on the 2017 Q2-Q4 Private Carter Customer Register, the JIAs account for approximately 309 customers citywide,

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<sup>2</sup> Descriptive names—like Bronx East and Bronx West—replaced the numbered designations of the zones, but otherwise the zones boundaries remained the same except as explained here.

<sup>3</sup> The FGEIS used the 2015-2017 Transfer Station and Recycling Processor Reports provided by DSNY to establish the baseline waste generation estimate of 3 million tons of commercial refuse, recyclables, and organics citywide.

<sup>4</sup> BIC, 2018, Private Carter Routing Data collected for one week between March 4 to March 10, 2018 and supplemental days between March 11 to March 17, 2018 to replace the data collection on days impacted by snow.

<sup>5</sup> The FGEIS used the 2017 Q2-Q4 Private Carter Customer Register provided by the New York City Business Integrity Commission (BIC) and as its data sources to establish an estimate of 100,000 commercial waste customers in the city. The addition of the JIAs represents an increase of 0.3 percent in commercial waste customers in the city to the estimate of 100,000 commercial waste customers in the city. This negligible increase in customers does not impact the analyses in the FGEIS as the number of customers from the Customer Register was not used. The primary data sources used in the FGEIS analyses included data from the U.S. Census Bureau, Esri, CalRecycle, the DSNY’s 2015-2017 Private Transfer Station and Recycling Processor Reports, 2016 Private Carter Surveys, the 2018 Private Operator Disposal System (PODS) Database and the 2018 Private Carter Routing Data.

an increase of approximately 0.3 percent from the approximately 100,000 customers referenced in the FGEIS.

### **C. ENVIRONMENTAL REVIEW OF THE POST-FGEIS MODIFICATIONS TO THE GEOGRAPHIC ZONE BOUNDARIES**

This Section assesses the potential for the proposed modifications to the geographic boundaries of the CWZ Program to result in significant adverse impacts to the environment not considered by the FGEIS such that a supplemental generic environmental impact statement would be warranted.

As with the FGEIS, the review follows the *2014 CEQR Technical Manual*. The modification to the CWZ Program's geographic zone boundaries is not expected to affect the following technical areas: land use, zoning and public policy; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; energy; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; or construction. The CEQR technical areas considered below with the post-FGEIS modifications include socioeconomic conditions, solid waste and sanitation services, and transportation.

#### *The FGEIS's Neighborhood Case Study Areas*

As the CWZ Program is a generic, citywide action that would affect commercial waste collection throughout the entire City of New York, the FGEIS looked at three representative neighborhood case study areas to provide a more localized geography for analysis and the effects of the CWZ Program. Three typologies of high, medium, and low-density commercial development were selected as case study areas: the high-density Midtown Manhattan Central Business District, the medium-density Flatbush Nostrand Junction Neighborhood Retail Corridor in Brooklyn, and the low-density retail area in College Point, Queens.

The reconfiguration of the zones to incorporate the JIAs and the addition of one zone in Manhattan and loss of one zone in Brooklyn would not alter the analysis of the three Neighborhood Case Study Areas. First, the incorporation of the JIAs does not impact the three Neighborhood Case Study Areas as the JIAs are outside of the geographic area that comprise the three study areas. A few JIAs will be incorporated within the zones that will also service the Brooklyn Flatbush Nostrand Junction study area and the College Point study area. However, adding the low number of customers in those JIAs to the customer base for the respective commercial zones would have no effect on the total amount of waste collected by the carters within these case study areas and a negligible effect on the routes traveled within these case study areas so as not to alter the analysis in either case study area.<sup>6</sup>

In Manhattan, the change to the zone configurations would affect lower Manhattan, which does not fall within the Midtown Manhattan Central Business District Neighborhood Case Study Area and as such, the Midtown Manhattan Central Business District used as the high-density case study area is unaffected by the map change.

In Brooklyn, under the proposed rule and map change, the three zones previously noted as BK-1, BK-3, and BK-4 would be rearranged into two zones, designated as Brooklyn East and Brooklyn

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<sup>6</sup> Specifically, Brooklyn East and Queens Northeast will service part of the medium and low-density study areas in Brooklyn and College Point, Queens and will also incorporate as JIAs, Prospect Park and part of Gateway National Park in Brooklyn East, and Flushing Meadows Park in Queens Northeast.

North (see Figures 1 and 2). BK-1 was incorporated into Brooklyn North, BK-3 was split between Brooklyn East and Brooklyn North, and BK-4 was incorporated into Brooklyn East. With this change, two blocks of the Brooklyn Flatbush Nostrand Junction Neighborhood Case Study Area would be serviced by carters in the new combined Brooklyn East zone; however, there would be no impact to its analysis. In the analysis completed for the FGEIS, the Brooklyn Flatbush Nostrand Junction study area extended across two zones, previously designated as BK-3 and BK-6 (Figure 3).<sup>7</sup> Under the proposed rule, the Flatbush Nostrand Junction case study area would remain in two zones, now designated as Brooklyn East and Brooklyn South (Figure 4). Since the analysis in the FGEIS already studied the impact to the study area as extending into two zones and being serviced by six carters only, the proposed modification would not impact the Flatbush Nostrand Junction analysis.

As discussed below, the post-FGEIS modifications do not alter the conclusions of the September 2019 FGEIS, which found that the CWZ Program would not result in any significant adverse environmental impacts.

## **SOCIOECONOMIC CONDITIONS**

The CWZ Program as analyzed in the FGEIS would impose restrictions on the number of carters operating per zone and impose certain costs on the industry, while making carting routes more efficient and reducing operating costs. While some carters may exit the market, overall the CWZ Program was found not to result in significant adverse effects on the commercial waste carting industry, or on businesses that rely on commercial waste carting services. Therefore, as disclosed in the FGEIS, the CWZ Program would not result in significant adverse environmental impacts due to changes in socioeconomic conditions. The rule's proposed modifications to the geographic zone boundaries of the CWZ Program would not alter the findings of the socioeconomic assessment presented in the FGEIS.

### *The Proposed Rule's Impact to Commercial Waste Customers & Commercial Carters*

The increase in the total number of zones to eight in Manhattan and the decrease to five in Brooklyn would not alter the total amount of customers, the total waste generated, or the total amount of waste collected from that studied in the FGEIS. Again, the FGEIS analyzed 3 million tons of waste generated annually by the 100,000 estimated existing commercial customers based on DSNY records of material flow through Transfer Stations and Recycling Processors<sup>8</sup> and reports filed by private carters with the New York City Business Integrity Commission (BIC).<sup>9</sup> The reconfiguration of the zones would not alter the FGEIS's conclusions as to the impact to commercial customers.

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<sup>7</sup> The FGEIS contained a graphics and related text error that did not, however, reflect the underlying analysis. The FGEIS's analysis of the Proposed Action studied the Brooklyn Flatbush Nostrand Junction study area as being within two CWZ zones to be serviced by six carters. However, Figure 1-4, Table 4-9 and the text on pages 1-16 and 4-12 incorrectly discussed and depicted the Brooklyn study area as being within three zones, BK-3, BK-4, and BK-6, because the boundaries of the proposed BK-4 in Figure 1-4 were drawn inaccurately and were not shown to match the established community districts' boundaries used in the underlying analyses of the FGEIS (see Figure 3). The underlying findings of the FGEIS were correct and, as such, the overall conclusions remain valid. The text and representations within Figure 1-4, Table 4-9 and the text on pages 1-16 and 4-12 should have reflected the study area as being in two zones under the CWZ Program and changing from a current condition of 17 carters servicing the study area to six carters when the study area is mapped into two zones under the CWZ Program.

<sup>8</sup> DSNY 2015-2017 Transfer Station and Recycling Processor Reports and DSNY 2016 Private Carter Surveys.

<sup>9</sup> BIC 2017 Q2-Q4 Customer Registry. The customer register is a dataset that includes customer information reported by individual carters on a regular basis to NYC BIC.

Each customer would still have access to three competitively priced commercial carters within the revised zones with this proposed modification.

Similarly, incorporating the JIAs within the city into their respective adjacent commercial waste zones will not impact the FGEIS analyses. The customers located within the JIAs add approximately 0.3 percent more customers to the 100,000 estimated current customer base but do not change the total waste generation considered across the three waste types. The rule would merely adjust the boundaries of the mapped zones to incorporate these locations into an adjacent zone and assign them as the potential customer base within a designated zone.

For the private carters, the proposed modifications would not change the total number of commercial carting contracts or the total amount of waste collected. Therefore, the operational costs associated with servicing the routes for the private carters under the CWZ Program would not be anticipated to change from the operational costs estimated in the FGEIS.

Therefore, the proposed modifications would not result in any significant adverse impacts to socioeconomic conditions.

## **SOLID WASTE AND SANITATION SERVICES**

The rule's proposed modifications to the geographic zone boundaries of the CWZ Program would not alter the findings of the solid waste and sanitation services assessment presented in the FGEIS.

As discussed above in Socioeconomic Conditions, the reconfiguration of the zones to increase the number of zones in Manhattan and decrease the number in Brooklyn would not alter the total waste generated, the total amount of waste contracts for carters, or the total amount of waste collected from that studied in the FGEIS. Likewise, adding the JIAs to zones would not significantly affect commercial solid waste services. The tonnage generated by customers within the JIAs was included in the FGEIS analysis and the rule would only change the boundaries of the map to incorporate these locations into an adjacent zone and assign them as the potential customer base. Since the total number of contracts and waste generated and collected would not change, the FGEIS's conclusion that the CWZ Program would not result in a significant adverse impact to solid waste and sanitation services would not change.

Therefore, the proposed modifications would not result in any significant adverse impacts to solid waste and sanitation services.

## **TRANSPORTATION**

The rule's proposed modifications to the geographic zone boundaries of the CWZ Program would not alter the findings of the transportation assessment presented in the FGEIS.

The impact to carter truck Vehicle Miles Traveled (VMT) resulting from incorporating the JIAs into the 20 zones and from the increase of one zone in Manhattan with a decrease of one zone in Brooklyn was analyzed for this Technical Memorandum No. 2.

First, as discussed above, the customers within the JIAs that are currently receiving private carter service were already included within the 3 million tons of waste used in the FGEIS. To determine the baseline VMTs used in the FGEIS, a full week of routing data from carters was collected in March 2018. The customers within the JIAs currently receiving private carter service were accounted for in the baseline VMT calculation. Of the total routes collected, the customers in the

JIAAs contribute to 1.3 percent of the citywide VMT by commercial carters under existing conditions.<sup>10</sup>

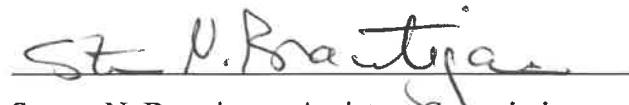
For the Future With Action Condition, the FGEIS estimated future VMTs by running a VMT simulation based on the proposed FGEIS map,<sup>11</sup> which did not include the JIAAs. Based on the customers within the JIA being less than 1 percent of the total customer base and approximately 1.3 percent of the current routes serviced by commercial carters, the addition of these locations to the Future With Action Condition is not anticipated to be significant. Further, the addition of one zone in Lower Manhattan and the reduction of one zone in Brooklyn would be expected to shift the routing and the total number of commercial carting trucks in each borough; however, the total citywide VMT would be expected to remain about the same as a result of this change.

Using the FGEIS VMT Methodology, the new geographic zone boundaries accounting for the change in Brooklyn and Manhattan, the inclusion of the JIAAs, and the reduction in the total number of carters to three carters in each of the 20 districts (as discussed in Technical Memorandum No.1), the VMT model was run six additional times to determine the potential impact to citywide VMTs. The results showed citywide VMT would further decrease by approximately eight percent from the Proposed Action studied in the FGEIS, primarily due to the reduction in carters from five to three in some Manhattan districts.

Therefore, the proposed modification to the geographic zone boundaries would not result in any significant adverse impacts to transportation.

## CONCLUSION

Based on the above assessment, no new or additional significant environmental impacts are expected to result from the post-FGEIS modification of the geographic zone boundaries to the CWZ Program. Therefore, consistent with the September 2019 FGEIS, the CWZ Program as modified would not result in any significant effects on the environment, and a Supplemental GEIS is not warranted.



February 13, 2020

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## Attachment

Figure 1 – FGEIS Zone Boundaries

Figure 2 – Proposed Zone Boundaries

Figure 3 – Corrected FGEIS Figure 1-4, Flatbush Nostrand Junction Retail Corridor

Figure 4 – Proposed Flatbush Nostrand Junction Retail Corridor

## Contact Person

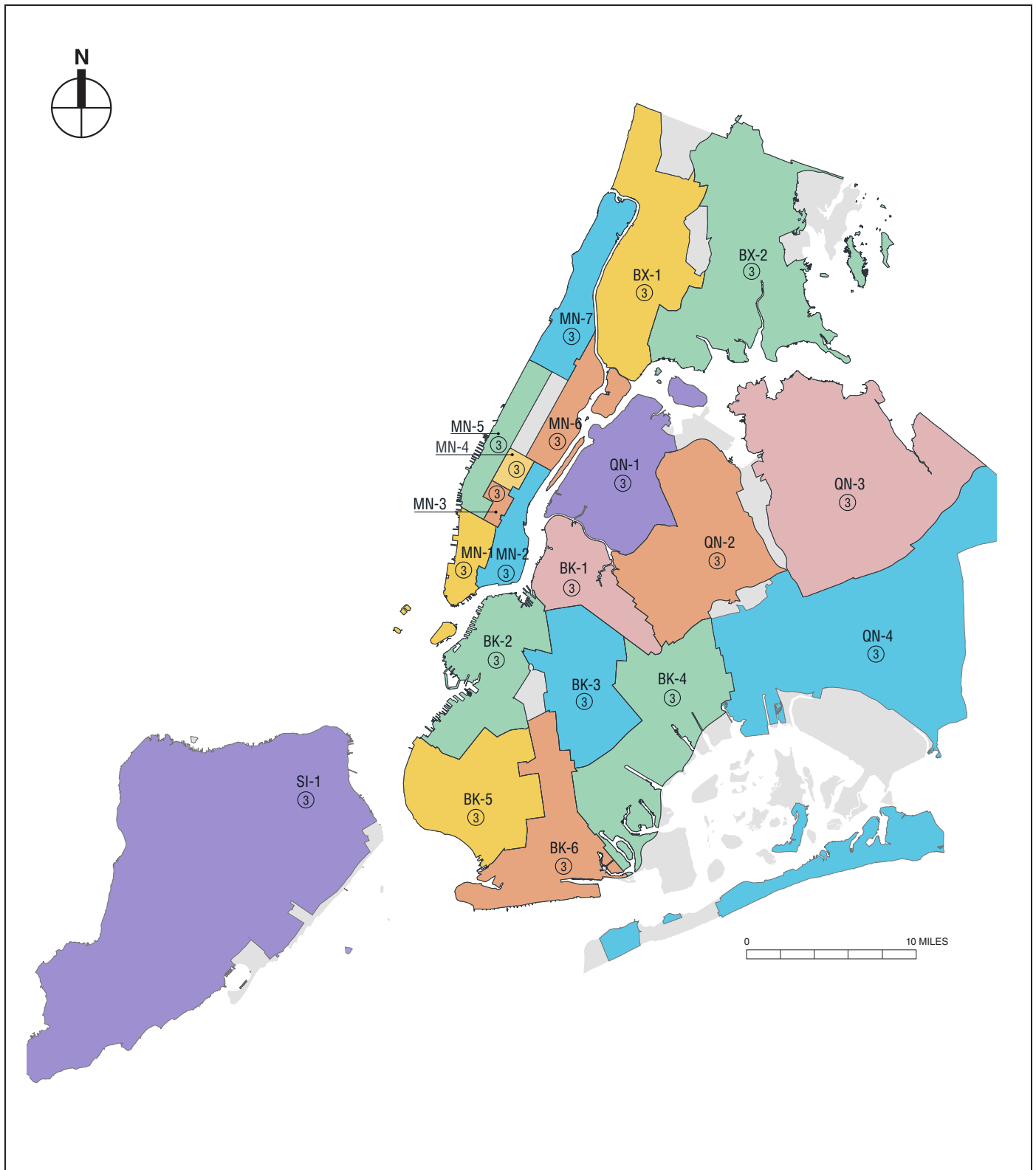
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<sup>10</sup> BIC, 2018, Private Carter Routing Data collected for one week between March 4 to March 10, 2018 and supplemental days between March 11 to March 17, 2018 to replace the data collection on days impacted by snow.

<sup>11</sup> FGEIS, Appendix C, VMT Methodology.

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③ Number of Carters To Operate In Each Zone

NOTE: Joint Interest Areas (JIAs) colored in gray



