

ATTACHMENT IX
COMMERCIAL WASTE – STATUS OF EXISTING PROGRAMS

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COMMERCIAL WASTE –STATUS OF EXISTING PROGRAMS

1.0 INTRODUCTION

This attachment summarizes the status of Commercial Waste management within the City, and draws extensively on information reported in the Commercial Waste Management Study (CWM Study) (Appendix E) that was published in March of 2004. Commercial Waste quantities and projections for the period of the SWMP are provided in Attachment IV: Waste Quantities and Projections for Plan Period.

2.0 TYPES OF COMMERCIAL WASTE

Commercial Waste is defined in DSNY's Rules, and the term is comprised of three types of waste: (1) putrescible waste¹; (2) non-putrescible waste²; and (3) fill material³, which can be characterized as follows:

1. Putrescible waste – Waste generated daily by the City's business establishments that is office waste with small quantities of putrescible material, and also includes restaurant and other waste type of Municipal Solid Waste from commercial sources. Significant amounts of office waste are recycled directly at the source by carters that primarily collect recyclable office paper from commercial buildings and deliver it to recyclers, exporters or paper manufacturers. Consistent with DSNY rules, putrescible waste referred to in this report is inclusive of the fractions that are disposed and recycled. Some additional recycling occurs at the City's putrescible transfer stations, where old corrugated containers, commonly referred to as cardboard (OCC), and concentrated loads of office paper are diverted to recyclers.

¹ Putrescible solid waste is solid waste containing organic matter having the tendency to decompose with the formation of malodorous by-products.

² Non-putrescible solid waste, as defined in DSNY rules (Subchapter A of 16 RCNY Chapter 4), is 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, Plexiglas, 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.

³ Fill material, as defined in DSNY rules, is only clean material consisting of earth, ashes, dirt, concrete, rock, gravel, asphalt millings, stone or sand, provided that such material shall not contain organic matter having the tendency to decompose with the formation of malodorous by-products.

2. Non-putrescible waste – Inert waste generated from commercial and residential demolition, new construction and renovation projects. This waste can vary significantly with the volume of construction activity in the City. It is comprised of a range of inert materials, some of which is recycled. The non-recycled fraction of the waste is densified and transferred to the City’s non-putrescible transfer stations for disposal. This report also refers to this waste as construction and demolition (C&D) debris to distinguish it from fill material, which is also a category of non-putrescible waste.
3. Fill material – A subset of non-putrescible waste, this is inert waste from non-building construction, comprised of materials such as excavated fill, stone rubble and road millings that are graded into materials such as sand and aggregate and stockpiled for reuse at the City’s fill material transfer stations. Almost all fill material is reused in other building projects.

3.0 PRIVATE TRANSFER STATION SYSTEM

Currently, there are 54 transfer stations holding 18 putrescible station permits, 22 non-putrescible station permits and 20 fill material station permits. (Five facilities have dual permits, i.e., putrescible/non-putrescible, and one facility has three permits, but the total number of actual facilities is 54.) This total includes two intermodal facilities that accept waste in sealed containers for transloading onto railcars. The total number of the transfer stations in the City has declined significantly over time. In 1990, 153 transfer stations were in operation as compared to 96 in 1996 and currently, in 2006, only 54. Tables IX 3-1, 2 and 3 list the City’s existing transfer stations by type of facility.

**Table IX 3-1
Putrescible Transfer Station Permits⁽¹⁾**

Company	Address	Zone	Permitted Throughput (Tons Per Day)⁽²⁾	Community Board
A & L Cesspool Service Corp.	38-40 Review Avenue, Long Island City, NY 11101	M-3	N/A	QN2
American Recycling Mgt. LLC	172-33 Douglas Avenue, Jamaica, NY 11433	M-1	400	QN12
BFI Waste Systems of NJ, Inc.	115 Thames Street, Brooklyn, NY 11237	M-1	560	BK1
BFI Waste Systems of NJ, Inc.	598-636 Scholes Street, Brooklyn, NY 11237	M-3	220	BK1
Hi-Tech Resource Recovery	130 Varick Avenue, Brooklyn, NY 11237	M-3	560	BK1
IESI NY Corporation	325 Casanova Street, Bronx, NY 10474	M-3	225	BX2
IESI NY Corporation	110-120 50th Street, Brooklyn, NY 11232	M-3	1,000	BK7
IESI NY Corporation	577 Court Street, Brooklyn, NY 11231	M-3	745	BK6
Metropolitan Transfer Station	287 Halleck Street, Bronx, NY 10474	M-1	825	BX2
New Style Recycling	49-10 Grand Avenue, Maspeth, NY 11378	M-3	50	QN5
Regal Recycling Co., Inc.	172-06 Douglas Avenue	M-1	178	QN12
Tully Environmental, Inc.	127-20 34th Avenue, Queens, NY 11368	M-3	900	QN7
USA Waste Services of NYC, Inc.	98 Lincoln Avenue, Bronx, NY 10455	M-2	4,000	BX1
Waste Management of NY, LLC	215 Varick Avenue, Brooklyn, NY 11231	M-3	4,250	BK1
Waste Management of NY, LLC	38-50 Review Avenue, Lic, NY 11101	M-3	958	QN2
Waste Management of NY, LLC	485 Scott Avenue, Brooklyn, NY 11222	M-3	1,500	BK1
Waste Management of NY, LLC ⁽³⁾	Oakpoint Avenue/Barry Street, Bronx, NY 10474	M-3	N/A	BX2
Waste Services of New York, Inc.	941 Stanley Avenue, Brooklyn, NY 11208	M-1	375	BK5
Waste Services of New York, Inc.	920 East 132 nd Street, Bronx, NY 10454	M-3	2,999	BX1

Notes:

⁽¹⁾ Some facilities have dual permits (for example, putrescible/non-putrescible) and appear on both lists of permits.

⁽²⁾ Source: DSNY Quarterly Transfer Station Report summary (third quarter 2003). Throughput is NYSDEC permitted throughput.

⁽³⁾ Intermodal facility, no processing.

N/A = Not Applicable

**Table IX 3-2
Non-Putrescible Transfer Station Permits ⁽¹⁾**

Company	Address	Zone	Permitted Throughput (tons per day)⁽²⁾	Community Board
A.J. Recycling, Inc.	325 Faile Street, Bronx, NY 10474	M 3	1,200	BX2
American Recycling, Mgt. LLC	172-33 Douglas Avenue	M 1	750	QN12
Astoria Carting Co., Inc.	538-545 Stewart Avenue, Brooklyn, NY 11222	M 3	300	BK1
Atlas Roll-off Corp.	889 Essex Street, Brooklyn, NY 11208	M 1	1,125	BK5
City Recycling Corporation	151 Anthony Street, Brooklyn, NY 11222	M 3	1,500	BK1
Cooper Tank & Welding, Inc.	222 Maspeth Avenue, Brooklyn, NY 11211	M 3	1,875	BK1
Crown Container Company	126-46 34 th Avenue, Flushing, NY 11368	M 3	281	QN7
Decostole Carting Co.	1481 Troy Avenue, Brooklyn, NY 11203	M 1	300	BK17
Flag Container Services, Inc.	11 Ferry Street, Staten Island, NY 10302	M 3	2,250	SI1
GADS INC	594 Scholes Street, Brooklyn, NY 11211	M3	544	BK1
G.M. Transfer Inc.	216-222 Manida Street, Bronx, NY 10474	M 3	330	BX2
IESI NY Corporation – 548 Varick	548 Varick Avenue, Brooklyn, NY 11222	M 3	1,350	BK1
John Danna And Sons, Inc.	318 Bryant Avenue, Bronx, NY 10474	M 3	405	BX2
Kid's Waterfront Corp.	1264 Viele Avenue, Bronx, NY 10474	M 3	750	BX2
New Style Recycling Corp.	49-10 Grand Avenue, Maspeth, NY 11378	M 3	225	QN5
Point Recycling, Ltd.	686 Morgan Avenue, Brooklyn, NY 11222	M 3	300	BK1
Regal Recycling, Ltd.	172-06 Douglas Avenue, Jamaica, NY 11433	M 1	266	QN12
Stokes Waste Paper Co., Inc.	17-25 Van Street, Staten Island, NY 10310	M 1	844	SI1
Thomas Novelli Contract. Corp.	94-20 Merrick Blvd., Jamaica, NY 11433	M 1	375	QN12
Waste Management of NY, LLC	123 Varick Avenue, Brooklyn, NY 11237	M 3	5,250	BK1
Waste Management of NY, LLC	620 Truxton Street, Bronx, NY 10474	M 3	1,050	BX2
Waste Management of NY, LLC	75 Thomas Street, Brooklyn, NY 11222	M 3	1,850	BK1

Notes:

⁽¹⁾ Some facilities have dual permits (for example, putrescible/non-putrescible) and appear on both lists of permits.

⁽²⁾ Source: DSNY Quarterly Transfer Station Report summary (third quarter 2003). Throughput is NYSDEC permitted throughput.

**Table IX 3-3
Fill Material Transfer Station Permits⁽¹⁾**

Company	Address	Zone	Permitted Allowable Storage Volume (Cubic Yards)⁽²⁾	Community Board
Allocco	540 Kingsland Avenue, Brooklyn, NY 11222	M-3	10,666	BK 1
Bronx City Recycling, Inc	1390 Viele Avenue, Bronx, NY 10474	M-3	1,400	BX 2
Bronx County Recycling, LLC	475 Exterior Street, Bronx, NY 10451	M-2	20,000	BX 1
Consolidated Edison Co. of New York	276-290 Avenue C, NY, NY 10003	M3	250	MN 6
Durante Brothers	31-40 123 rd Street, Flushing, NY 11354	M3	14,696	QN 7
Felix Equities	290 East 132 nd Street, Bronx, NY 10454	M3	300	BX1
Evergreen Recycling of Corona	The Corona Meadows Yard, Corona, NY 11368	M3	50,000	QN 7
Grace Associates, Inc.	151-45 Sixth Road, Whitestone, NY 11357	M1	25,000	QN 7
Interstate Materials Corporation	211 Johnson Street, Staten Island, NY 10309	M-3	75,000	SI 3
J.A. Bruno	280 Meredith Avenue, Staten Island, NY 10314	M-3	40,000	SI 2
Justus Recycling	3300 Provost Avenue, Bronx, NY 10475	M1	11,000	BX 10
Keyspan Energy	287 Maspeth Avenue, Brooklyn, NY 11201	M3	10,000	BK 1
Maspeth Recycling	58-08 48 th Street, Maspeth, NY 11378	M3	30,000	QN 5
N.Y. Paving	37-18 Railroad Avenue, LIC, NY 11101	M1	500	QN 2
Pebble Lane Associates, Inc.	57-00 47 th Street, Maspeth, NY 11378	M3	7,500	QN 5
Russo Recycling	248-12 Brookville Blvd., Rosedale, NY 11422	M1	20,000	QN 13
T. Novelli	94-07 Merrick Blvd., Jamaica, NY 11433	M-1	1,500	QN 12
Tilcon New York, Inc.	980 East 149 th Street, Bronx, NY 10455	M3	80,000	BX 1
T.M. Maintenance	451 Spencer Street, Staten Island, NY 10314	M3	25,000	SI 2
Vanbro	1900 South Avenue, Staten Island, NY 10314	M3	400,000	SI 2

Notes:

⁽¹⁾ Some facilities have dual permits (for example, putrescible/non-putrescible) and appear on both lists of permits.

⁽²⁾ Source: DSNY Quarterly Transfer Station Report summary (third quarter 2003). Throughput is NYSDEC permitted throughput.

4.0 REGULATION, ENFORCEMENT AND MONITORING

4.1 Regulation

Commercial Waste transfer stations locate where suitable zoning, transportation access, proximity to wastesheds and economics are favorable. The regulation of private transfer stations has evolved over time and become increasingly stringent. In addition to ensuring that transfer stations are sited in industrial districts established by law, DSNY promulgated new siting rules for transfer stations in 2004 (discussed below), and requires the completion of an environmental review in connection with the permitting of all new transfer stations and for renewals that involve significant modifications.

Prior to 1990, putrescible waste transfer stations were regulated locally by the City Department of Health, while non-putrescible waste transfer stations required permits from DSNY. Such facilities were (and are) required to meet certain performance standards required by the Zoning Resolution with respect to odor, noise, dust, smoke and enclosure, and comply with the City's Noise Code and Air Code. Permits from the NYSDEC were also required under Title 6 of the New York Codes, Rules and Regulations [NYCRR], Part 360 under the State's Solid Waste Management Act in 1988.

4.1.1 City Regulation of Transfer Stations

DSNY was given additional authority to promulgate regulations to control and supervise non-putrescible waste transfer stations pursuant to Local Law 49 of 1989. Local Law 40 of 1990 gave DSNY the responsibility for also regulating putrescible waste transfer stations and required DSNY to promulgate more detailed rules for the transfer station industry. DSNY adopted rules for putrescible waste transfer stations in 1990 and additional rules in 1991, requiring facilities previously permitted by the City Department of Health to apply for new DSNY permits. A substantial number of operating transfer stations were initially unable to obtain a new DSNY permit, so to force such facilities to come into compliance, DSNY issued notices of violation of \$10,000 or more, and entered into a series of compliance agreements giving the operators a limited amount of time to come into compliance or cease operating.

The NYSDEC revised its 6 NYCRR Part 360 transfer station regulations in 1993. DSNY adopted additional rules for non-putrescible waste transfer stations and fill material transfer stations in 1994, and in 1996, the City Council enacted Local Law 42, which created a Trade Waste Commission (TWC) (now named the Business Integrity Commission [BIC]) to regulate the commercial carting industry in the City. BIC reviews the qualifications of private carting companies, licenses the approximately 124 putrescible carters that operate serving commercial establishments in the City, and establishes rates applicable to collection of commercial waste. The law also required transfer station applicants to undergo review by the TWC.

4.1.2 NYSDEC Permitting Criteria

A transfer station permit issued by NYSDEC must assure, to the maximum extent practicable, that the permitted activity will pose no significant adverse impact on public health, safety or welfare or environmental or natural resources, and that the activity will comply with the provisions of Part 360 and with other applicable laws and regulations. State regulations require an environmental review for NYSDEC putrescible and non-putrescible waste transfer station permits, but not for fill material transfer stations. NYSDEC is empowered to impose conditions on transfer station permits, including but not limited to inspection, financial assurance, technical data gathering and reporting, data analysis, quality control, quality assurance, sampling, monitoring (including the imposition of on-site environmental monitors), reporting and verification.

4.1.3 Environmental Review of Transfer Station Applications

DSNY requires an environmental review for all new transfer stations (including fill material transfer stations), and for transfer stations seeking an increase in permitted capacity. DSNY's environmental review is guided by the City Environmental Quality Review (CEQR) Technical Manual, which was revised in 2001, in addition to supplemental technical guidance employed by City agencies such as the City Department of Environmental Protection (NYCDEP) (e.g., for fine particulate air emissions). DSNY's environmental review is undertaken for new transfer stations and for increases of capacity for existing transfer stations, and includes, as appropriate,

an evaluation of the standard CEQR categories. Since 2001, the analysis of air impacts must also include a consideration of fine particulate matter 2.5 microns and smaller in diameter (PM_{2.5}), using methodology approved by the NYCDEP.

DSNY files and circulates its environmental review documents and determination of significance with community boards, appropriate elected officials and interested parties. In addition, beginning in March 2003, the NYSDEC adopted an Environmental Justice policy, which potentially affects applicants for NYSDEC transfer station permits and permit modifications. NYSDEC now reviews such applications to determine whether they are subject to this policy, and, if they are, the applicant may be required to take additional procedural steps to ensure compliance with the Environmental Justice policy in the application.

DSNY's review of transfer station applications includes a consideration of detailed documents, including an engineering report, site plan, odor control plan, drainage details, traffic quantity and routes, and other matters. An Environmental Assessment Statement (EAS) must be submitted that discusses each of the environmental impact categories, and whether the proposed action would reasonably be expected to result in a significant adverse environmental impact based on established thresholds and criteria in the 2001 CEQR Technical Manual. DSNY staff review the majority of the required impact categories, while the NYCDEP reviews air quality, noise and odor studies, and the City Department of Transportation (NYCDOT) reviews any required traffic studies. In addition applicants must also provide to DSNY copies of their Part 360 NYSDEC application. DSNY issues permits to operate, while NYSDEC typically requires both a permit to construct and a permit to operate a facility. Therefore, DSNY generally issues its permit only after NYSDEC issues its permit.

4.1.4 Coordination with NYSDEC on Environmental Reviews

The joint environmental review responsibilities for transfer station permits involving both DSNY and the NYSDEC were set forth in a consent order in City of New York v. New York State Department of Environmental Conservation, Supreme Court, Albany County, Index No. 7218/91 (Consent Order). Pursuant to this Consent Order, since 1992 DSNY and NYSDEC have served

as co-lead agencies in conducting the necessary environmental review for new putrescible and non-putrescible waste transfer stations, and for certain operating transfer stations that had never received a NYSDEC permit. For fill material transfer station permits, DSNY requires an environmental review, but NYSDEC does not. DSNY permit renewals are not subject to an environmental review, unless significant modifications are proposed.

In addition to compliance with environmental review and other NYSDEC and DSNY permitting procedures, transfer station operators are required to comply with the City's Zoning Resolution performance standards for the relevant zoning classification (M3, M2 or M1), as well as the more detailed Air Code (including odor) and Noise Code provisions. Commercial Waste vehicle operators must abide by relevant Vehicle and Traffic laws, including restrictions on vehicle idling and parking and requirements to use designated truck routes; Waste Hauling Vehicles must meet certain operational requirements.

4.1.5 DSNY Siting Rules

A number of events led to changes in DSNY's siting rules over time. These events are more fully described in Section 2.4, Volume I of the CWM Study (Appendix E).

In general, DSNY's 1998 siting rules prohibited new non-putrescible waste and fill material transfer stations from locating in an M1 district or less than 400 feet from a residential district, public park, school or other non-putrescible waste transfer station. The rules for putrescible waste transfer stations were similar, with differences in the buffer distances required. Under the 1998 rules, non-putrescible waste transfer stations located in an M1 zone could not operate between 7:00 p.m. and 6:00 a.m. Putrescible waste transfer stations could not receive solid waste on Sunday mornings between 4:00 a.m. and noon.

Other requirements included the submission of an annual engineering report certifying that the facility complies with the Zoning Resolution and the City Health Code, and a truck transportation plan specifying all truck routes to and from the facility. The rules also required a transfer station operating under an interim authority in an M1 district to obtain a full permit

within five years. The 1998 rules were the subject of an environmental assessment. DSNY found that the rules would not cause a significant adverse impact on the environment and would not lead to transfer stations located within geographical proximity that would result in transportation, air quality or noise impacts. DSNY found that the 1998 rules would offer greater environmental protection to the surrounding community than previous requirements.

A coalition of community organizations and others filed suit challenging the 1998 siting rules, however, as insufficiently restrictive. In its ruling, the Court noted that it had certain concerns about the 1998 rules, and as a result DSNY committed to promulgate revised siting rules. The 1998 siting rules remained in effect pending the promulgation of the revised siting rules.

In 2003, DSNY adopted interim siting rules which prohibited new non-putrescible waste and fill material transfer stations or expansions, prohibited new putrescible waste transfer stations to be permitted, and allowed expansions of putrescible waste transfer stations in Brooklyn CD #1 and Bronx CD #2 only upon a showing that the requested capacity would be offset by closing permitted capacity at another transfer station within the same CD. DSNY identified these two CDs as appropriate for an offset requirement under the interim siting restrictions as they had the highest number of transfer stations in the City. In addition, pursuant to the interim rules, DSNY could authorize the operation of an intermodal facility at which waste arrives and remains in sealed containers and is transloaded onto a rail car or vessel for further transport.

In 2004, DSNY revised its transfer station regulations with respect to restrictions on the siting of new facilities and expansions of existing facilities. In effect, the rules prohibit new net transfer station capacity in Brooklyn CD 1 and in Bronx CD 2, and allow no new transfer stations in Queens CD 12. Larger buffer distances from residential districts, schools and parks are required for new transfer stations in community districts with relatively higher numbers of transfer stations. See Chapter 4 (Section 4.4.2) for more information on the new siting rules.

In 2004, DSNY promulgated additional rules governing sites used for the transloading of sealed intermodal containers of solid waste from one type of transportation mode to another, such as from truck to rail, or from truck to barge.

4.2 Enforcement

DSNY is the agency responsible for the majority of the transfer station inspections. Unlike NYSDEC inspections, DSNY is primarily responsible for regulating the maintenance and operation of facilities, instead of the design. Twenty-two (22) officers – 17 Environmental Police Officers and 5 Environmental Lieutenants – comprise DSNY’s Permit and Inspection Unit (PIU) and conduct the on-site inspections.

Full inspections are conducted at putrescible transfer stations and non-putrescible transfer stations as much as 25 times a month and at fill material transfer stations approximately twice a month. 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. Unscheduled drive-by inspections usually last roughly 15 minutes and occur twice as frequently as full inspections. Up to 240 to 250 drive-by inspections are conducted per month and generally evaluate “quality of life” issues and a general maintenance check.

Table IX 4.2-1, Enforcement Summary Chart, summarizes regulations applicable to the City’s transfer stations, the enforcement agency, describes the legislation from which the agency derives its enforcement powers and the punishment that can be exacted.

Table IX-4.2-1
Enforcement Summary Chart
II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
<p>16 NYCAC 16-131.1 - Title 16 – Sanitation, Chapter 1 – (16-131.1) Dept. of Sanitation</p>	<p><i>Issuance, renewal, suspension and revocation of permits.</i> The commissioner shall be responsible for the issuance, renewal, suspension and revocation of permits as required by section 16-130. An application for such a permit shall also be presented by DSNY to the City Trade Waste Commission (now known as Business Integrity Commission [BIC]) for review.</p>		DSNY	<p>In addition to any other penalties, any violation of section 16-129, 16-130, 16-131, 16-131.2, 16-131.3 or 16-131.5 of this chapter, or article 157 of the City Health Code, shall be punishable by a civil penalty of not less than \$25,000 nor more than \$10,000 for the first violation, not less than \$5,000 nor more than \$10,000 for the second violation committed in a period of three years, and \$10,000 for the third and any subsequent violation committed in such period. In the case of a continuing violation, every day's continuance thereof may be deemed to be a separate and distinct violation.</p>
<p>16 NYCAC 16-131.2 - Title 16 – Sanitation, Chapter 1 – (16-131.2) Dept. of Sanitation</p>	<p><i>Additional powers of the commissioner.</i> In addition to any other enforcement procedures authorized by law, the commissioner shall have the powers described in this section. (a) The commissioner may order any person violating section 16-130 or 16-131 of this chapter or Article 157 of the New York City Health Code to discontinue such violation immediately. (b) 1. If the commissioner finds that premises for which a permit is required pursuant to section 16-130 of this chapter are being used either without such permit or in a manner which poses an imminent threat to public health or safety.</p>		DSNY	

**Table IX 4.2-1 (Continued)
Enforcement Summary Chart**

II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
<p>16 NYCAC 16-133 - Title 16 – Sanitation, Chapter 1 – (16-133) Dept. of Sanitation</p>	<p><i>Concerned with transfer station enforcement.</i> Any person who violates any provision of section 16-129, 16-130, 16-131, 16-131.2, 16-131.3 or 16-131.5 of this chapter, or Article 157 of the New York City Health Code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$25,000, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.</p>		<p>DSNY</p>	<p>In addition to any other penalties, any violation of section 16-129, 16-130, 16-131, 16-131.2, 16-131.3 or 16-131.5 of this chapter, or Article 157 of the New York City Health Code, shall be punishable by a civil penalty of not less than \$2,500 nor more than \$10,000 for the first violation, not less than \$5,000 nor more than \$10,000 for the second violation committed in a period of three years, and \$10,000 for the third and any subsequent violation committed in such period. In the case of a continuing violation, every day's continuance thereof may be deemed to be a separate and distinct violation. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the ECB, provided however that civil penalties for violations of Article 157 of the New York City Health Code may only be recovered as provided by law for violations of the New York City Health Code.</p>

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
24 NYCAC - Title 24 – Environmental Protection and Utilities, Chapter 1 – Air Pollution Control	<i>Air Pollution Control.</i> <i>Limits visible emissions from a motor vehicle §24-143.</i> <i>Limits emissions of dense smoke §24-142.</i> <i>Limits emissions of odorous air contaminant §24-141.</i>		NYCDEP DSNY	<i>Various, set forth in §24-178.</i>
24 NYCAC - Title 24 – Environmental Protection and Utilities, Chapter 2 – Noise Control	<i>Noise Control.</i> Zoning standards for air, odor and noise must be complied with. Transfer stations must annually submit a certified engineering report to DSNY that attests to the facility’s compliance with such zoning standards. Noise Code must be complied with.		NYCDEP DSNY	<i>Various, see §24-257.</i>
24 NYCAC - Title 26 (Housing and Buildings), Chapter 1 (Department of Buildings), Subchapter 3 (Building Construction)	<i>Requirement of permit.</i> It shall be unlawful, on and after December 6, 1968 to construct, alter, repair, demolish or remove any building in the City, or to erect, install, alter, repair or use or operate any signs or service equipment in or in connection therewith, unless and until a written permit therefore shall have been issued by the commissioner in accordance with the requirements of this subchapter and the requirements of the building code, subject to such exceptions and exemptions as may be therein provided.			

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
16 RCNY 4-02 (Rules of the City of New York)	<i>Regulates non-putrescible waste transfer stations. Any person who owns, operates, maintains or controls a non-putrescible waste transfer station shall comply with 1) the state ECL and all permit conditions; 2) Titles 16 and 24 of the Health and Administrative Codes of the City of New York (Air Pollution and Noise Control); 3) Subchapter 3 of Chapter 1 of Title 26, and Chapter 1 of Title 27 of the Administrative Code of the City of New York (Building Code); 4) the Zoning Resolution of the City of New York; 5) the New York City Health Code; and 6) all other applicable local and state laws and rules including general transportation and vehicular transport routes.</i>	NYSDEC For environmental review: NYCDEP, NYCDOT, NYCDCP.	DSNY	
16 RCNY 4-03	<i>A permit is required to operate a non-putrescible waste transfer station.</i>		DSNY	The permit may be suspended or revoked upon violation of the terms of Subchapter 16, any of the applicable sections of the Administrative Code or the ECL, or any applicable permit condition, law or rule.

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
16 RCNY 4-06 and 16 RCNY 4-05	<i>A permit is required to operate and maintain construction and demolition debris transfer stations.</i>		DSNY	The permit may be suspended or revoked upon violation of the terms of Subchapter 16, any of the applicable sections of the Administrative Code or the ECL or any applicable permit condition, law or rule.
16 RCNY 4-06	<i>Governs the operation and maintenance of construction and demolition debris transfer stations. Operations must avoid any nuisance or condition hazardous to public health or safety.</i>		DSNY	
16 RCNY 4-07	<i>A permit is required to operate a fill material transfer station.</i>		DSNY	The permit may be suspended or revoked upon violation of the terms of Subchapter 16, any of the applicable sections of the Administrative Code or the ECL or any applicable permit condition, law or rule.
16 RCNY 4-08	<i>Governs the operation and maintenance of fill material transfer stations.</i>		DSNY	

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
16 RCNY 4-11	<i>Regulates putrescible waste transfer stations. Like non-putrescible waste transfer stations, putrescible waste transfer stations are required to comply with all state and local laws and rules, including general transportation and vehicle transport routes.</i>		DSNY	
16 RCNY 4-14	<i>Permits for putrescible waste transfer stations must include written plans for the control of noise and odors.</i>		DSNY	Permits are subject to suspension and revocation for violation of the terms of Chapter 4 or any applicable section of the Administrative Code or any other applicable permit condition, law or rule.
16 RCNY 4-16	<i>Establishes design and equipment requirements for putrescible waste transfer stations.</i>		DSNY	
16 RCNY 4-17	<i>Establishes operation and maintenance rules for putrescible waste transfer stations.</i>		DSNY	
34 RCNY 4-13	<i>New York City Truck Routes Rules. NYCDOT is charged generally with the management and oversight of the City truck route network – coordinating and engineering, educational, informational and enforcement efforts. Works with the NYPD to identify or respond to chronic route violations to ensure that trucks remain on designated truck routes and do not use residential streets.</i>		NYPD DSNY	

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. City Level – Business Integrity Commission (BIC)
(formerly known as the Trade Waste Commission [TWC], Organized Crime Control Commission)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
Local Law 42 (1996)	<i>Created a new City agency called the TWC (formerly) responsible for regulating and licensing “private carters” in accordance with all local laws governing the regulation of the trade waste industry.</i>			
Section 16-502 of the RCNY	<i>Established the Business Integrity Commission consisting of the commissioners from Department of Business Services, Department of Consumer Affairs (DCA), Department of Investigation (DOI), NYPD and DSNY.</i>	Department of Business Services, DCA, DOI, NYPD and DSNY.		
6 RCNY 5-12	<i>Licenses that collect or transport designated recyclable materials must transport them to putrescible or non-putrescible waste transfer stations or other facilities that accept such materials for recycling or reuse.</i>			
6 RCNY 2-186 and 16 RCNY 1-10	<i>Such materials may not be brought to a solid waste disposal facility containing recyclable materials in detectable amounts. Private transporters are required to recycle recyclable materials and to take them to transfer stations or other facilities that accept such materials.</i>			

**Table IX 4.2-1 (Continued)
Enforcement Summary Chart**

II. City Level – New York City Department of Buildings (NYCDOB)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
Not Applicable	<i>Enforces the building code, zoning resolutions, state multiple dwelling law, electrical code and other local laws related to building construction and alteration. Also issues building and construction-related licenses.</i>			

II. City Level – New York City Department of Environmental Protection (NYCDEP)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
Zoning Resolution of the City of New York	<i>Regulations in Manufacturing Zones 42-00</i>		NYCDEP NYCDOB DSNY	

**Table IX 4.2-1 (Continued)
Enforcement Summary Chart**

II. City Level – New York City Department of Sanitation (DSNY)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
NYCAC §16-130, §16-131, §16-133	<i>A Local Law to amend the NYCAC, in relation to regulation of the use of piers or land as non-putrescible waste transfer stations and putrescible waste transfer stations, transfer of permitting jurisdiction with respect to putrescible waste transfer stations from DSNY in connection therewith, issuance, renewal, suspension and revocation of permits, permit enforcement, and penalties in connection therewith and in connection with other violations of Chapter 1 (DSNY) of Title 16 (Sanitation) of such code, and the power of the commissioner to conduct inquiries, including subpoena power. Grants authority to DSNY to address issues relating to the operation of private waste transfer stations according to City laws and rules.</i>	In consultation with City's Commissioners of Health and Environmental Protection.		

II. State Level - New York State Department of Environmental Conservation (NYSDEC)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
State Environmental Conservation Law (ECL) - Titles 9, 11 and 13 of Article 27 of the State ECL	<i>Provides for the treatment and disposal of solid and hazardous waste through the Solid Waste Management Plan. NYSDEC responsible for all state programs directed toward protecting and enhancing the environment.</i>		NYSDEC	

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. State Level - New York State Department of Environmental Conservation (NYSDEC)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
6NYCRR Part 360 - Title 6 of the Codes, Rules and Regulations, referred to as 6NYCRR (New York State's Solid Waste Management Regulations)	<i>Part 360 regulations include design, construction, operation and closure requirements for different types of waste management facilities. Facility quarterly and annual reports are required for submittal and review. Legislation provides technical and regulatory assistance to the regional offices of NYSDEC and the regulated community and establishes the registration process for certain types of waste management facilities, such as fill transfer stations.</i>		NYSDEC	
6NYCRR 360-11	<i>Regulates facilities that transfer or process solid waste.</i>		NYSDEC	
6NYCRR 360-11.3	<i>Establishes design requirements for waste transfer stations. Permit required to construct, issued by the regional office staff of NYSDEC.</i>		NYSDEC	

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. State Level - New York State Department of Environmental Conservation (NYSDEC)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
6NYCRR 360-11.4	<i>Establishes operational requirements for waste transfer stations (must operate within the law and within the terms of their permit). Permit required to operate, issued by the regional office staff of NYSDEC.</i>	In its inspections, the NYSDEC's Environmental Conservation Officers (ECOs) are assisted by the NYPD, particularly the City police highway and motor carrier units.	NYSDEC	<ul style="list-style-type: none"> - nuisance problems such as inadequate dust and odor controls and truck queuing - processing more garbage than their permit allowed - lacking proper fire suppression equipment - accepting and process types of solid waste not allowed by the facility's permit - failure to control access to the facility - inadequate drainage unlawful disposal of waste oil
6NYCRR 360-16.4	<i>Operational standards for transfer stations that process C&D debris.</i>		NYSDEC	
6 NYCRR Part 201	<i>Describes the two basic types of permits that are issued by NYSDEC for air contamination sources. NYSDEC's Air Permitting program is administered by the Division of Air Resources (DAR). Facilities are either required to be registered with or permitted by NYSDEC depending on the classification of the material processed.</i>		NYSDEC, Bureau of Stationary Sources (BOSS)	

Table IX 4.2-1 (Continued)
Enforcement Summary Chart
II. State Level - New York State Department of Environmental Conservation (NYSDEC)

Legislation	Enforcement Issues	Coordination With Other Agencies	Enforcers	Violations Issued
6 NYCRR Part 617	<i>Environmental Quality Review prior to issuance of permit or major permit modification</i>	DSNY		
6 NYCRR Part 621	<i>Permit applications are processed following a number of steps prior to issuance. Revocation and Denial of Permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for NYSDEC to revoke or deny a permit. Suspension, Reopening, Reissuance, Modification or Revocation. NYSDEC may suspend, reopen, reissue, modify or revoke a permit in accordance with the procedures and provisions of Part 621 of this Title.</i>		NYSDEC	
6 NYCRR Part 750	<i>State Pollution Discharge Elimination System (SPDES) discharges to surface water; stormwater discharges associated with industrial activity.</i>	NYCDEP	NYSDEC	

DSNY inspection and violation statistics for FY 2006 (July 2005 - June 2006) are displayed in Tables IX 4.2-2 through IX 4.2-6.

Table IX 4.2-2 indicates the number of inspections by type of transfer station per month and Tables IX 4.2-3 and IX 4.2-4 indicate the number of violations that were issued during those months. Table IX 4.2-3 focuses on “major” violations issued by DSNY, while Table IX 4.2-4 specifies “minor” violations issuance. Tables IX 4.2-5 and IX 4.2-6 report the violations issued for parking and traffic offenses.

It can be seen that putrescible and non-putrescible transfer stations are each inspected almost three times as often as fill material stations. Drive-by inspections, by contrast, occur twice as often as full putrescible or non-putrescible inspections.

The reported parking and traffic summonses are issued in areas where transfer stations are prevalent. PIU officers are trained to check in and around transfer stations for any truck-related or unsanitary-related conditions, so while violations relate to transfer station activity, the violation summons is not issued to a specific transfer station.

Thirty-three “major” violations were issued among the three types of transfer stations each month between July of 2005 and June of 2006. Fill material inspections occur much less frequently and, as a result, fill material violations accounted for only 9% of the violations issued. Putrescible transfer stations accounted for 33% of those issued; non-putrescible transfer stations accounted for the most violations at 58%.

On average, 66 “minor” ECB violations (see Table IX 4.2-4), 335 parking violations (see Table IX 4.2-5) and 32 traffic violations (see Table IX 4.2-6) were issued per month between July of 2005 and June of 2006. With an annual count of 5,189 summonses, DSNY issues approximately 434 violation summonses of varying severity each month.

**Table IX 4.2-2
DSNY Inspection History, July 2005 – June 2006**

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Putrescible	122	125	82	96	100	101	111	111	121	118	117	113	1317
Non-Putrescible	126	121	83	92	100	98	103	101	118	130	122	114	1308
Fill Material	51	74	44	60	60	54	55	51	70	74	58	60	711
Drive-By	167	188	110	121	181	258	256	145	213	217	144	167	2167
Totals	466	508	319	369	441	511	525	408	522	539	441	454	5503

Source: DSNY inspection records, PIU, 2006.

**Table IX 4.2-3
DSNY Violation History for “Major” Offenses, July 2005 – June 2006⁽¹⁾
(Number of Violations)**

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Putrescible	1	0	0	2	0	0	1	0	0	0	2	5	11
Non-Putrescible	6	0	0	1	4	2	1	0	0	0	2	3	19
Fill Material	0	1	0	0	1	0	0	0	1	0	0	0	3
Totals	7	1	0	3	5	2	2	0	1	0	4	8	33

Note:

⁽¹⁾ ECB S-36 – S-39 violations (“major” violations relating to operational rules).

Source: DSNY inspection records, PIU, 2006.

**Table IX 4.2-4
DSNY Violation History for “Minor” Offenses, July 2005 – June 2006⁽¹⁾
(Number of Violations)**

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Violations⁽²⁾	32	64	56	83	69	54	73	53	63	83	91	82	803

Notes:

⁽¹⁾ ECB S-02 – S-24, A-24, A-51, A-87, E-38 and W-55 violations (“minor” violations relating to maintenance around the transfer station).

Source: DSNY inspection records, PIU, 2006.

⁽²⁾ Data does not break down information by transfer station type.

**Table IX 4.2-5
DSNY Violation History for Parking Offenses, July 2005 – June 2006
(Number of Violations)**

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Violations⁽¹⁾	317	227	174	212	274	387	443	328	394	371	437	451	4015

Note:

⁽¹⁾ Data does not break down information by transfer station type.

Source: DSNY inspection records, PIU, 2006.

**Table IX 4.2-6
DSNY Violation History for Traffic Offenses, July 2005 – June 2006
(Number of Violations)**

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Violations⁽¹⁾	22	26	30	22	18	20	38	49	51	42	34	36	388

Notes:

⁽¹⁾ Data does not break down information by transfer station type.

Source: DSNY inspection records, PIU, 2006.

According to DSNY statistics for FY 2006, pile height/volume that exceeds the regulatory limit and operating without a permit were among the most common violations given at non-putrescible transfer stations, resulting in a large percentage of “major” violations issued to these types of facilities. The majority of the infractions resulted in only one summons in FY 2006.

Among the most common “major” violations reported at putrescible transfer stations was an unclean tipping floor. DSNY issued a number of violations for this offense in FY 2006, as well as for other common violations such as the presence of odors, vectors (rodents), and excessive material volume.

Several violations were issued by DSNY to fill material transfer stations for operating without a permit. This infraction comprises a large percentage of the “major” violations issued at this type of facility. This violation results in closing an illegal operation. The other frequent fill material infractions concerned pile height/volume that exceeds the regulatory limit.

4.3 Monitoring

The mechanism for monitoring the quantities of waste processed at the City’s private transfer stations is DSNY’s Quarterly Transfer Station Reporting System, under which all private transfer stations in the City file quarterly reports on the quantity and/or volume of materials they process and recycle. This system has been in effect since 1995, has been continually refined and provides accurate reporting on the volume of materials moving through the City’s private transfer station network

4.4 Commercial Recycling Regulations

Businesses in the City are required to recycle in accordance with regulations promulgated pursuant to Local Law 87 of 1992 (LL87), and are subject to enforcement, including fines for non-compliance. A City commercial business is defined under LL87 as having their refuse removed by a private carter.

There are over 500 million square feet of commercial office buildings, retail stores, restaurants and supermarkets in the City. According to the U.S. Census 2000, there are 226,296 firms in the City employing 3,485,926 workers.

5.0 THE COMMERCIAL WASTE MANAGEMENT STUDY

Local Law 74 of 2000 (LL74) was enacted on December 19, 2000, and required that DSNY contract with a consultant to conduct a comprehensive study of commercial waste management in the City. In September 2002, the consultant began work on detailed analyses of a range of commercial waste management issues and submitted a report with recommendations, Volumes I through VI of the Commercial Waste Management Study (CWM Study), to the City Council in March 2004. The entire CWM Study is provided on compact disk included as Appendix E of the SWMP. The technical analyses undertaken as integral elements of this study were utilized to enable the City to assess and plan for management of the Commercial Waste stream in the most efficient and environmentally sound manner, in development of the SWMP.