

# SOLID WASTE AND SANITATION SERVICES

## CHAPTER 14

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan (SWMP or Plan) or with state policy related to the City's integrated solid waste management system. The City's solid waste system includes waste minimization at the point of generation, collection, treatment, recycling, composting, transfer, processing, energy recovery, and disposal. As discussed below, most projects would not have the potential to generate sufficient waste to warrant a detailed solid waste analysis. By contrast, a project that would directly affect a component of the local integrated solid waste management system may require a detailed analysis to determine if it has the potential to cause a significant impact requiring mitigation.

As with each technical area assessed under CEQR, it is important for an applicant to work closely with the lead agency during the entire environmental review process. Additionally, the lead agency may determine it is appropriate to consult or coordinate with the city's expert technical agencies for a particular project. Here, the New York City Department of Sanitation (DSNY) should be consulted as early as possible in the environmental review process for information, technical review, and recommendations for mitigation relating to solid waste. Section 700 further outlines appropriate coordination.

### 100. DEFINITIONS

#### 110. COLLECTION, TRANSFER, AND TRANSPORT SYSTEMS

##### 111. Solid Waste Collection/Management

###### 111.1. *Publicly Managed Municipal Solid Waste*

According to the U.S. Environmental Protection Agency, municipal solid waste (MSW)—otherwise known as trash or garbage—consists of everyday items such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, and batteries. Not included are materials that also may be disposed in landfills, but are not generally considered MSW, such as construction and demolition materials, municipal wastewater treatment sludges, and non-hazardous industrial wastes (discussed further below). MSW includes items designated by law for separate collection for recycling. DSNY is the agency responsible for collecting and processing or disposing of MSW (including certain designated recyclable materials discussed below) generated by residences, public schools, some not-for-profit institutions, non-residential facilities that are exempt from real estate taxes, and many city and state agencies. For ease of reference, DSNY uses the term “refuse” to refer to MSW from which designated recyclables have already been separated at the point of origin. MSW is generated by residences, the public sector, and the private sector. DSNY also collects refuse from street litter baskets, street-sweeping operations, and lot cleaning activities and arranges for disposal of refuse collected by certain other City and governmental agencies. Some of the refuse that DSNY collects may include construction and demolition debris generated by the entities served by DSNY.

DSNY does not collect commercial MSW or other commercial wastes, including construction and demolition debris, fill material waste (*i.e.*, a subset of construction and demolition debris that is clean material consisting of earth, dirt, concrete, rock, gravel, stone or sand that does not contain organic



matter having the tendency to decompose with the formation of malodorous by-products), regulated medical waste, asbestos, hazardous or industrial wastes, or dredge spoils (*i.e.*, sediment-type materials excavated from waterways). The Department of Environmental Protection manages bio-solids (*i.e.*, a solid organic matter recovered from the sewage treatment process). Additional information relating to fill material waste, construction and demolition debris, hazardous waste, and dredge spoils is presented in Chapter 22, "Construction Impacts," Chapter 12, "Hazardous Materials," and Chapter 11, "Natural Resources."

#### **111.2. Commercial MSW and Other Solid Wastes**

Commercial establishments (restaurants, retail facilities, offices, industries, *etc.*) in the city contract with private carters for collection and for processing and/or disposal of various kinds of solid waste, notably MSW, construction and demolition debris, non-hazardous industrial wastes, and recyclables. Private carters generally charge a fee on a per-cubic-yard basis.

#### **111.3. Regulated Medical Wastes**

Medical facilities separate their waste into two categories: [regulated medical waste](#) (which includes potentially hazardous or infectious materials) and ordinary waste. The New York State Department of Health (NYSDOH) and the New York State Department of Environmental Conservation (DEC) regulate the generation, treatment, storage, transfer and disposal of these medical wastes. Regulated medical waste generated in the City must be placed in special sealed containers and disposed of in facilities permitted to process such waste, either by incineration, another form of sterilization, disinfection, or another approved method. Medical facilities are required by law to recycle some of their ordinary waste (that is, non-regulated medical waste). Each medical facility is required to submit a plan to DSNY explaining how it plans to dispose of its waste.

DSNY collects household medical waste (defined as items that are used in the course of home health care, such as intravenous tubing and syringes with needles attached, that is disposed with residential solid waste) if it is placed in puncture resistant containers. Pursuant to Article 28 of the New York State Public Health Law and 10 NYCRR Part 70, NYSDOH regulations require hospitals and nursing homes to accept sharps (defined as needles and other sharp items that may cause punctures or cuts) and other household medical wastes for disposal if they are brought to the facility.

#### **111.4. Designated Recyclable Materials**

Under New York City's mandatory [Recycling Law](#) (Title 16 of the NYC Administrative Code, Chapter 3) DSNY has established and enforces rules requiring that certain designated recyclable materials be separated from household waste for separate collection, including aluminum foil, glass and metal containers, plastic bottles and jugs, beverage cartons, newspapers and magazines, cardboard and other paper wastes, and other metal items (including bulk metal such as stoves, refrigerators, file cabinets, *etc.*). These recycling rules also require that multi-unit dwellings set aside space for the storage in designated locations and that commercial waste in multi-use buildings be separated from residential waste for separate pick-up. The rules also provide for seasonal collection of leaves and other yard waste in certain districts of the city for composting on certain days designated by DSNY. [Local Law 13 of 2008](#) (Title 16 of the NYC Administrative Code, Chapter 4-a), requires manufacturers of certain kinds of electronic items sold in the city, such as televisions, computers and printers, to collect for reuse or recycling such items of electronic waste (or "e-waste"). This mandate is intended to promote recycling and protect environmental and public health, in part by reducing the risk of contaminants such as heavy metals found in e-waste from escaping into the environment via air or ground-water pollution pathways from waste disposal facilities such as incinerators and landfills. [Local law 97 of 2005](#) (Title 16 NYC Administrative Code, Chapter 4) also bans the disposal of rechargeable batteries as solid waste and requires them to be taken instead to local retailers that sell such batteries so that they may be recycled pursuant to a program arranged by the battery manufacturer.



Commercial establishments are also subject to mandatory recycling requirements enforced by DSNY. Businesses must source-separate certain types of recyclable materials including paper wastes, cardboard, metal items, and construction wastes. Food and beverage establishments must recycle metal, glass and plastic containers, and aluminum foil in addition to the above items. Private carters may also separate other types of recyclables from the waste after collection.

### **112. Public and Private Waste Transfer Stations**

DSNY delivers most of the refuse it collects to certain public or private solid waste management facilities known as transfer stations, in the city or in adjoining communities, for processing and transportation to out-of-city disposal facilities. Certain transfer stations may accept putrescible solid wastes while others accept only non-putrescible solid wastes. Putrescible solid wastes contain organic matter having the tendency to decompose with the formation of malodorous by-products. Non-putrescible solid wastes do not contain such organic matter. Facilities that accept non-putrescible solid wastes for transfer, sorting out of recyclable items, and disposal of residue are known under state law as “construction and demolition debris processing facilities.” A subset of non-putrescible solid waste transfer facilities known as “fill material transfer stations” accepts only construction and demolition wastes consisting of clean fill material, which is typically screened and processed for reuse. Putrescible waste transfer stations require transfer operations to be in fully enclosed buildings subject to stringent dust and odor controls.

DSNY delivers the refuse it collects to waste transfer facilities where it is unloaded, and after sorting and compaction, is transported to landfills or waste-to-energy facilities. A map of such transfer station facilities can be found [here](#). Similarly, commercial MSW and other solid waste that is not carted directly to disposal facilities delivered to transfer stations for transport to disposal facilities. Non-putrescible waste such as construction and demolition debris typically is sorted at transfer stations, which remove clean fill materials, metal, and wood for recycling, and send the residue to landfills for disposal.

### **113. Landfills, Incinerators and Waste-to-Energy Facilities**

New York City has no public or private local disposal facilities such as sanitary landfills, construction and demolition debris landfills, traditional incinerators, or waste-to-energy resource recovery facilities. Consequently, solid wastes that are not recycled, reused or converted to a useful product locally must be exported from the City for disposal. There are, however, several closed, but still regulated, landfills within the City, such as Fresh Kills, Pennsylvania Avenue and Fountain Avenue.

Such landfills generate landfill gas, which is approximately 50% methane, from the on-going decomposition of organic wastes. Some city landfills control such gas through flaring, while the Fresh Kills Landfill has a plant to recover landfill gas and purify the methane for sale as natural gas (biomethane). Modern landfills are required by federal and state law to have double liners, leachate treatment systems and stringent permanent cover design standards to prevent groundwater contamination from the landfill. The Port Authority of New York and New Jersey is authorized to assist in the development of new regional resource recovery facilities.

### **114. Materials Recovery Facilities**

As noted above, DSNY and private carters must collect designated recyclable materials generated within the city and deliver them to materials recovery facilities (MRFs), termed “recyclables handling and recovery facilities” by state regulations. As a result, such recyclable materials are delivered to privately-operated MRFs in the city and adjoining communities for processing and transportation to end product manufacturers. A map of the DSNY’s current recycling network can be found [here](#), including the new MRF to be operated in South Brooklyn.

Paper recyclables collected by DSNY in Manhattan, Staten Island and parts of Brooklyn are not taken to a MRF but are transported directly to the Pratt Industries Paper Plant in Staten Island, which processes them for use in the production of liner board and similar products.



New York State also has a “bottle bill” law that subjects the sale of certain kinds of beverages in bottles and cans to the payment of a deposit that is intended to reduce litter and promote the recovery of natural resources through recycling.

### 115. Composting Facilities

A private vendor operates leaf and yard waste composting facilities by the former Fresh Kill Landfill in Staten Island and at city park locations in Brooklyn and the Bronx pursuant to a contract with DSNY. Other composting facilities are operated within certain city parks by the Department of Parks and Recreation (DPR). Such facilities accept leaf and yard waste collected from DPR and from the community districts that are served by DSNY’s fall leaf and yard waste collection program. The city also runs a small food waste composting facility on Riker’s Island using anaerobic digestion technology that processes food waste from the Riker’s Island correctional facility.

In addition, businesses that generate yard waste (*e.g.*, gardening services) are required to take such waste to a permitted composting facility, if one exists within New York City or within 10 miles of the borough in which such person generates yard waste.

### 116. Special Waste Collection Sites

“Special Waste” items are certain designated household waste items that require special handling to avoid mixing with regular refuse and recycling collections, including latex paint, motor oil, automotive batteries, household batteries, motor oil filters, fluorescent light tubes, compact fluorescent bulbs, and mercury thermostats. DSNY accepts Special Waste from New York City households at a drop-off collection facility located in each borough. Special Waste is transported and disposed or recycled pursuant to a contract with a private vendor.

## 120. COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

As required by New York State law, the city has adopted a comprehensive [SWMP](#) for the long-term management of solid waste generated within its borders. The Plan adopts an integrated approach to waste management, identifies sufficient capacity for handling and disposal of such wastes, and complies with state law regarding providing recycling programs where economically feasible. The SWMP takes into account the objectives of the State’s solid waste management policy with respect to the preferred hierarchy of waste management methods: begin with waste reduction, then recycling, composting, resource conservation and energy production, and, lastly, landfill disposal. Solid waste management facilities proposed to be operated by a public entity must be included in the SWMP.

The City’s first SWMP was approved in 1992, modified and updated in 1996, and further modified in 2001. The current plan covers the period through 2025 and was adopted in July 2006; it was approved by New York State in October 2006. It may be found [here](#).

The SWMP estimates public- and private-sector waste quantities that must be managed over the planning period, and identifies processing, transfer and disposal capacity that will be necessary for such wastes. The SWMP includes programs designed to prevent, reduce, reuse, recycle and compost solid waste, and includes initiatives intended to reduce truck traffic and air emissions associated with the export of DSNY and commercial waste and recyclables to processors and disposal facilities such as landfills and resource recovery facilities. No new landfill or resource recovery facility capacity is planned within the City. Both the new SWMP and PlaNYC support the concept of new “waste conversion” technologies such as anaerobic digestion and non-incineration gasification that can derive energy from non-recyclable wastes in an environmentally acceptable manner, reducing the impacts, energy use and greenhouse gas emissions from long distance transport and landfilling of such waste. The following describes the three principal programs in the SWMP: 1) recycling; 2) export of refuse for disposal; and 3) commercial waste.

**RECYCLING PROGRAM**

DSNY's curbside recycling program and plans set forth in the SWMP include:

- A contract to develop a central MRF to process city-wide DSNY collections of source-separated metal, glass and plastic (MGP) recyclables and paper to be shipped by barge to the South Brooklyn Marine Terminal. MGP from Queens and northern Brooklyn would continue to be transferred to barges at a facility located in Long Island City, and Bronx-origin MGP would continue to be transferred at a facility in the Bronx before being barged to the new central MRF.
- Development of a Manhattan recyclables facility on the Gansevoort Peninsula where DSNY-collected MGP from Manhattan would be transferred to barges for delivery to the Sims Metal Brooklyn MRF for processing, while paper recyclables from Manhattan would be transferred to barges and delivered to Staten Island for recycling. Until this facility is operational, MGP from southern Manhattan would continue to be tipped in Jersey City, NJ, while MGP from northern Manhattan would continue to be tipped at a Bronx facility.
- A contract for acceptance of Recyclable Paper curbside from Staten Island, Manhattan and a portion of Brooklyn by a paper recycling mill in Staten Island, and short-term contracts with other paper recycling vendors to receive DSNY deliveries of paper recyclables collected from the Bronx, Queens, and other portions of Brooklyn.
- A yard waste composting facility at Spring Creek Park in Brooklyn, in addition to the composting facilities at Soundview Park in the Bronx and at the Fresh Kills Landfill in Staten Island.
- Establishment of a Composting/New Technologies Taskforce to explore and test facilities utilizing new and emerging waste conversion technologies such as anaerobic digestion or thermal technologies that can process organic and other wastes into useful products such as compost, biogas, electricity and/or other products and thereby minimize the need for landfilling.
- Various other initiatives, including expanded outreach efforts to increase recycling rates, and periodic household hazardous waste collection events in each Borough.

**REFUSE DISPOSAL PROGRAM**

Refuse collected by DSNY for disposal utilizes public and private transfer facilities, rail or barge transport, and long-term contracts for transport and disposal. The SWMP includes the following:

- A contract for containerization and rail export of DSNY-managed refuse to a Virginia landfill.
- A contract for export of DSNY-managed MSW from Staten Island in sealed containers by rail.
- A contract for transfer of DSNY-managed refuse from Brooklyn for containerized rail transport to a landfill in Virginia.
- A planned contract for transfer of DSNY-managed refuse from Queens for rail transport to a landfill in Virginia.
- A planned contract to continue the disposal of a portion of DSNY-managed refuse from the west side of Manhattan at a facility in Newark, New Jersey.
- Plans to construct four DSNY waterfront marine transfer stations ("MTSs") that would place refuse in sealed shipping containers for barge export to disposal facilities.
- Planned contracts with vendors to transport and dispose of barged waste from the MTS facilities at remote landfills.



- Pending implementation of planned long-term contracts and MTS construction and commissioning, refuse would continue to be managed under short-term contracts with transfer station vendors in the city and region.

#### **COMMERCIAL WASTE**

With respect to commercial waste, the SWMP provides the capacity for barge export of certain amounts of commercial refuse from the four converted DSNY MTSs, provides for barge export of construction and demolition waste from the existing DSNY MTS at West 59th Street in Manhattan, and requires rail export of commercial refuse from the three private transfer stations that also contract to take DSNY refuse. The Plan also includes more stringent restrictions on the siting and operation of commercial solid waste transfer stations.

## **200. DETERMINING WHETHER A SOLID WASTE AND SANITATION SERVICES ASSESSMENT IS APPROPRIATE**

A solid waste assessment determines whether a proposed project would cause a substantial increase in solid waste production that would overburden available waste management capacity or otherwise be inconsistent with the SWMP or with state policy related to the City's integrated solid waste management system. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more) and, therefore, would not result in a significant adverse impact. However, it is recommended that the solid waste and service demand (if relevant) generated by a project be disclosed, based on an estimate using Table 14-1. It is possible that an unusually large project or a project involving a use with unusual waste generation characteristics may increase a component of the City's waste stream beyond the projections for that component in the SWMP and, therefore, further analysis should be conducted.

Wastes with special characteristics, such as regulated medical wastes, are subject to specific handling and disposal regulations. Compliance with applicable requirements generally eliminates possible significant adverse impacts.

#### **PRELIMINARY CAPACITY ANALYSIS**

The capacity of the City's solid waste management system generally consists of carting capacity and transfer/disposal capacity. The SWMP estimates that approximately 50,000 tons per day (tpd) of public and private sector solid wastes (exclusive of dredge spoils and biosolids) are generated in the City. As of 2009, there is authorized processing capacity within the City of approximately 20,697 tpd for putrescible solid waste, 23,970 tpd for mixed construction and demolition debris, and 784,312 cubic yards of storage capacity for fill material, as well as additional waste transfer processing and disposal capacity outside the city, but within the metropolitan region. Sufficient capacity is required to meet demand on peak days, since the waste flow quantity fluctuates by day of the week, season and economic cycle. While there is currently excess non-putrescible waste transfer capacity in the City, there is not sufficient capacity at the permitted putrescible transfer stations to handle peak days for the combined DSNY-managed and commercial carter-managed putrescible waste streams. There is, however, sufficient capacity within the region, together with in-city capacity, to accommodate the transfer of all city-origin refuse.

DSNY has over 2000 waste collection trucks in its fleet. The capacity of DSNY's collection truck fleet and that of the more than 100 private carters licensed to serve New York City is sufficiently flexible to accommodate increased demand for waste and recyclables collection generated by most proposed projects as needed.

In view of the foregoing, if a project's generation of solid waste in the With-Action condition would not exceed 50 tons per week, it may be assumed that there would be sufficient public or private carting and transfer station capacity in the metropolitan area to absorb the increment, and further analysis generally would not be required. However, it is recommended that the solid waste and service demand (if relevant) to be generated by a project be disclosed, using the citywide average rates for waste generation (Table 14-1) to make this determination. As noted in Section 311 below, any waste management features to be included in the project should also be disclosed.



If a project would result in the development of more than either 500 residential units or 100,000 square feet of commercial space, the proposed location and method of storage of refuse and recyclables prior to collection should be disclosed. In addition, if the use of compactors, dumpsters and/or “roll on/roll off” refuse containers are proposed to avoid large piles of bags with refuse on the sidewalk or building perimeter awaiting collection, they should also be discussed. If refuse set out for collection would consist of large piles of bags with refuse and/or recyclables, the applicant should also discuss the expected location, square footage, volume and duration of such piles, and their effects upon traffic, pedestrians, public health, and community character.

#### **SYSTEMWIDE IMPACT AND CONSISTENCY WITH SOLID WASTE MANAGEMENT PLAN**

Regardless of the amount of solid waste generated by a proposed project, a more detailed discussion is warranted if the project involves the construction, operation, or closing of any type of regulated solid waste management facility, DSNY district garage, or borough repair shop, or if it would involve a regulatory change to public or private waste collection, processing, recycling, or disposal activity. Such a project should be analyzed for its quantitative impact to the solid waste management system, as well as for its consistency with the goals and elements of the SWMP.

As noted above, the City's SWMP develops goals for the management of the components of the waste generated in the city and identifies procedures and facilities that may be required to meet those goals. The Plan includes timetables for the phased implementations of its recommendations. Examples of projects that may directly affect the City's current and planned integrated system of solid waste management include, but are not limited to:

- Projects that would close or preclude planned development of one or more major facilities identified in the SWMP to process waste generated within the City (*e.g.*, closure of a city marine transfer station or a permitted transfer station that is on long-term contract with the City to process waste from one or more community districts served by DSNY).
- Projects that would result in the generation of solid waste in quantities that may exceed the available solid waste management capacity in the City or region (*e.g.*, a multi-year harbor deepening project requiring land disposal of hundreds of thousands of cubic yards of dredge spoils).
- Regulatory changes affecting the generation or management of the city's waste.
- Projects causing the dislocation of a DSNY district garage facility or a borough repair shop.

It should be noted that if the project involves a new solid waste management facility, such as an incinerator or autoclave, impact analyses of other technical areas (air, traffic, noise, *etc.*) may also be appropriate. Other chapters of the Manual provide guidance for determining the appropriate level of review for each of these areas.

## **300. ASSESSMENT METHODS**

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### **310. ANALYSIS TECHNIQUES**

An assessment of potential solid waste impacts for projects that would generate solid waste consists of describing the waste management features of the project and quantifying the incremental quantities of waste that the project would generate. The assessment of medical facilities is somewhat different, as described below.

#### **311. Projects that Would Generate Solid Waste**

The amount of waste that a project would generate should first be determined. For most projects, the city-wide average rates for waste generation used in the SWMP may be used to make this determination. These rates are provided in Table 14-1.



Projects with additional waste management features, however, may generate less solid waste than indicated in the table. Features that minimize waste, beyond those required by law, should be identified. Examples include the following:

- Installation of such equipment as air-dryers in public lavatories.
- Provisions for on-site composting.
- Provisions for material storage to allow use of bulk-packaged supplies (this would minimize the use of packaging).
- Installation of kitchen garbage disposal units and compactors.
- Use of double-sided photocopying.
- Use of electronic mail (rather than communication on paper).
- Developing provisions for the return of packaging to the manufacturer/supplier.
- Installation of bottleless water coolers or other alternatives to plastic bottled water.

Project features that enhance recycling (*i.e.*, those that facilitate the separation, storage, collection, processing, or marketing of recyclables) beyond that required by law should be identified. These may include, for example, on-site measures to process yard waste and/or food waste into compost and/or biogas. Project features to facilitate waste collection, such as provisions for containerized collection or special waste chutes to central collection areas with waste compactors (as at Roosevelt Island) should also be identified. At the same time, any aspects of the project that may make recycling difficult, impede waste collection, or result in the generation of high levels of solid waste, such as the construction of a tunnel, shaft, or very large building foundation generating hundreds of truckloads of fill material, should be identified and discussed.

**Table 14-1**  
**Solid Waste Generation Rates**

Use	Rate (pounds per week)
<b>Residential</b>	
Individual Household	17
	41
<b>Institutional</b>	
Public Elementary School	3 per pupil
Public Intermediate School	4 per pupil
Public High School	2 per pupil
Private School (K-8)	1 per pupil
Private School (6-12)	4 per pupil
College	1 per pupil
Hospital	51 per bed
Government Office	0.03 per square foot
Correctional Facility	13 per inmate
<b>Commercial</b>	
Office Buildings	13 per employee
Single Offices	9 per employee
Wholesale	66 per employee
General Retail	79 per employee
Restaurants	251 per employee
Fast Food	200 per employee
Food Stores	284 per employee
Hotels	75 per employee
<b>Industrial</b>	
Apparel and Textile Manufacturing	125 per employee
Printing/Publishing	240 per employee

Source: New York City Department of Sanitation



### 312. Detailed Solid Waste Generation Analysis

If the proposed project would lead to substantial new development (*e.g.*, Hunters Point South or Atlantic Yards) resulting in at least 50 tons (100,000 pounds) of solid waste generated per week, it may be appropriate to assess whether additional trucks or other sanitation services would be required. Although the additional trucks or services would not necessarily in and of themselves constitute solid waste or service impacts, the information may be appropriate for use in other technical analyses, such as traffic, air quality, and noise. The typical DSNY collection truck for residential refuse (25 cubic yards) carries approximately 12.5 tons of waste material (8 tons for containerized collections). Recycling trucks carry about 11.5 tons of paper or approximately 10.0 tons of metal, glass and plastic containers. DSNY diesel collection trucks are required by [Local Law 39 of 2005](#) [24 Admin. Code 163.4] to be equipped with Best Available Retrofit Technology (BART), such as diesel particulate filters or to meet 2007 U.S. EPA model year standards to minimize vehicular emissions to the air. Commercial carters typically carry between 12 and 15 tons of waste material per truck. Private carter diesel trucks and non-road diesel equipment used in the fulfillment of solid waste and recycling contracts with the City of New York and used primarily within New York City are also subject to a mandate to phase in use of BART to limit emissions, pursuant to Local Law 40 of 2005. Contact DSNY for information on collection truck routes and capacities, street sweepers and other equipment.

### 313. Regulated Medical Waste

The assessment considers how regulated medical wastes would be handled and disposed to ensure that these procedures would comply with the appropriate regulations. With a large waste generator, it may be appropriate to estimate additional truck trips, as discussed above. The number of truck trips associated with the new facility may be obtained from the carrier.

## 320. CONSISTENCY WITH THE CITY'S SOLID WASTE MANAGEMENT PLAN

For a project identified in Section 200 as warranting a more detailed analysis, either because of the large quantity of waste that it would generate or its potential impact upon the city's solid waste management system, the analysis should include a consideration of the project's consistency with the City's SWMP. The lead agency should review the summary of the [SWMP](#) described above, and if more detail is needed, consult the SWMP itself. The review should consider whether the proposed project would materially conflict with the following:

- Adherence to the hierarchy of preferred solid waste management, which places waste prevention first, followed by reuse, recycling, or composting, deriving energy from non-recyclable waste in an environmentally acceptable way, and disposal by landfilling.
- Implementation of the New York City Recycling Law (Local Law 19 of 1989), as amended.
- Any element of the SWMP, including a significant delay in achieving one or more milestones identified in the SWMP.

## 400. DETERMINING IMPACT SIGNIFICANCE

Because of the large size of the City's public and private refuse and recyclables collection fleets, the capacity of the local and regional transfer stations and related access to MRFs and disposal facilities, and the fact that solid waste often moves in interstate commerce, any given project's waste generation would not likely be significant relative to the total city-wide and region-wide system. Significant impacts may occur, however, for projects that generate large quantities of solid waste over a multiyear period, such as a river or harbor dredging project, that exceed local and regional disposal or processing capacity.

The closure or dislocation of a substantial, active element of the City's current integrated solid waste management system without identifying substitute capacity within the region may also significantly impact the city's solid waste system. In weighing such effects, a project resulting in closure of a transfer station facility under long-term contract with the City would be more significant than closure of a facility under a short-term city contract.



A regulatory action that materially conflicts with the adopted SWMP or a law that bans solid waste transfer stations could likewise significantly and adversely impact the city's solid waste system. A proposed modification to the city's SWMP should be evaluated for substantial conflict with state policy on solid waste management and for the project's potential to overburden the capacity of the city's integrated solid waste management system within the next five years, including but not limited to disposal capacity reasonably available to the city via truck, barge or rail. Minor modifications to the SWMP that do not overburden or reduce existing system capacity—for example adjustments to the SWMP implementation schedule, designating additional recyclables that have a market, special collections of household hazardous waste for separate disposal to protect the environment, or changes in waste transport or disposal technology to reduce greenhouse gas emissions—would generally not be considered significantly adverse to the city's system of solid waste management. In addition, a project that causes substantial excavation into a closed, regulated city landfill may be considered a significant impact to that solid waste facility.

## 500. DEVELOPING MITIGATION

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For significant impacts due to the quantity of waste generated, mitigation measures may include minimizing waste at the point of generation, increasing the amount of waste that may be recycled or beneficially reused, or increasing the capacity of the local waste management infrastructure that would be overburdened by the project. For significant impacts resulting from the project's conflict with the current solid waste management system or with the SWMP, mitigation measures may include steps to minimize the specific conflict. For example, if the project would cause the closure of a major DSNY transfer station facility, mitigation may involve proposing alternative capacity or technology to accommodate such waste.

## 600. DEVELOPING ALTERNATIVES

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Many of the mitigation measures described in Section 500 may also serve as alternatives. If a proposed project, such as a rezoning and redevelopment plan, would cause an impact due to the closure of a facility relied upon for the current or proposed integrated solid waste management system or a DSNY district garage, an alternative that would result in a lesser impact should be considered. This may include modification to proposed zoning amendments, or a modified project design that incorporates the waste management facility or DSNY Garage use on-site or elsewhere.

## 700. REGULATIONS AND COORDINATION

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### 710. REGULATIONS AND STANDARDS

#### **SOLID WASTE MANAGEMENT PLANNING**

- New York State Solid Waste Management Act of 1988, codified at Article 27, Title 1 of the New York State Environmental Conservation Law (ECL). This law provides for the preparation of New York City's Solid Waste Management Plan. Also see the regulations at Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 360, Subpart 15, Comprehensive Solid Waste Management Planning.
- City of New York Comprehensive Solid Waste Management Plan (2006)

#### **SOLID WASTE MANAGEMENT FACILITIES**

- Solid waste management facilities in New York State are governed by Title 7 of Article 27 of the ECL and 6 NYCRR Part 360.
- ECL Section 27-0706 is the statute that required the Fresh Kills Landfill to close and bars the issuance of a permit by the NYS DEC for the proposed Brooklyn Navy Yard Waste-to-Energy Facility. Also see the Fresh Kills Order on Consent between the NYSDEC and DSNY, Modification No. 7, dated April 27, 2000, providing for the landfill's closure.
- Stipulation and Order in the *Matter of The City of New York v. The New York State Department of Environmental Conservation* filed April 20, 1992 in the Supreme Court of New York, Albany County, Index No. 7218/91 (stipulated that NYSDEC and DSNY shall act as co-lead agencies and con-



duct a coordinated SEQRA review for all new facilities proposed in transfer station permit applications for which both NYSDEC and DSNY issue such transfer station permits).

- New York City Local Law 40 of 1990, codified at Section 16-130 *et seq.* of the Administrative Code of the City of New York, governs transfer stations within New York City. DSNY has promulgated three sets of regulations pursuant to authority granted in this statute. They are codified at 16 Rules of the City of New York (RCNY), Chapter 4. Subchapter A governs Non-Putrescible Solid Waste Transfer Stations; Subchapter B governs Putrescible Solid Waste Transfer Stations; and Subchapter C governs the Siting, Hours of Operation, Engineering Reports, and Transportation Plans for Solid Waste Transfer Stations.
- Local Law 39 of 1989 amends Sections 24-102, 24-104 (18) and 24-117 of the Administrative Code of the City of New York in connection with the operation of private incinerators.
- New York City Zoning Resolution. The Zoning Resolution also regulates the siting and operation of waste management facilities in New York City.

#### **RECYCLING**

- New York City Recycling Law, Local Law 19 of 1989, codified at Section 16-301 *et seq.* of the Administrative Code of the City of New York. Also see rules promulgated by DSNY at 16 RCNY §§ 1-08 - 1-10. This law and the rules require households and generators of private carter-collected waste to source separate designated materials in specified manners. The law and rules also require recycling by City agencies and other institutions.

#### **REGULATED MEDICAL WASTE**

- Under ECL § 27-1501 *et seq.* and 6 NYCRR Part 360-10, the NYSDEC regulates the storage, transfer, and disposal of regulated medical waste. Among other things, ECL § 27-1504 provides for a mandatory regulated medical waste tracking program.
- The NYSDEC regulates Regulated Medical Waste Treatment Facilities off the site of the facility producing the waste under 6 NYCRR Part 360-17.
- Regulated Medical Waste is defined as any solid waste generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals including cultures of infectious agents, human pathological wastes, liquid waste human blood and blood products, sharps including hypodermic needles, contaminated animal carcasses, wastes from surgery or autopsy, laboratory wastes from research, dialysis wastes, and biological wastes from humans or animals isolated to protect others. See 6 NYCRR Part 360-17.2(h) for the complete definition and exemptions and exclusions.
- NYSDOH regulates the generation, treatment, and disposal of regulated medical waste under Article 13, Title XIII of the Public Health Law (PHL § 1389-aa *et seq.*)
- Section 16-120.1 of the Administrative Code of the City of New York. While local regulation of regulated medical waste transportation is largely preempted by State law, this section requires generators of regulated medical waste to file a solid waste removal plan with DSNY. Generators of 50 pounds or more per month of regulated medical waste must file annual updates. See also 16 RCNY, Chapter 11.
- Items that may cause punctures or cuts that are used in the course of home health care, such as intravenous tubing and syringes with needles attached, and are disposed with residential solid waste, must be placed in puncture resistant containers prior to disposal. See 16 RCNY § 1-04.

## **720. APPLICABLE COORDINATION**

Coordination with DSNY for solid waste assessment concerns is recommended.



### 730. LOCATION OF INFORMATION

The city's [SWMP](#) contains relevant data on existing conditions, existing and proposed solid waste management systems, and residential and commercial waste generation projections. Other information on current DSNY operations may be obtained by contacting the Department's Bureau of Legal Affairs.

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