



# **Report on the Implementation of New York City's Waste Equity Law**

**Issued Pursuant to Local Law 152 of 2018**

**November 2020**

**Edward Grayson, Acting Commissioner  
New York City Department of Sanitation**

## **Introduction and Background**

In August 2018, City Council passed and Mayor de Blasio signed Local Law 152 (“LL152”), also known as the Waste Equity Law. LL152 requires the Department of Sanitation (“the Department” or “DSNY”) to reduce the permitted capacity of putrescible and non-putrescible transfer stations in four designated community districts.

LL152 requires DSNY to reduce permitted capacity at transfer stations in Brooklyn Community District 1 by 50 percent and in Queens Community District 12 and Bronx Community Districts 1 and 2 by 33 percent. The law also allows for certain limited exemptions to the reductions in permitted capacity for activities consistent with the City’s goals. It allows these limited exemptions for processing recyclables and organic waste and for diverting construction and demolition debris to beneficial use. The law also fully exempts facilities that export waste by rail and have on-site rail infrastructure. LL152 allows facilities to request a one-time permit increase of up to 20 percent to accommodate future growth in capacity for processing recyclables or organic waste.

The reductions in permitted capacity required by LL152 were implemented at the time of annual permit renewal beginning October 1, 2019 through September 30, 2020.

LL152 requires the Department to report annually to the Mayor and Speaker of the New York City Council the following information:

- a. A list of permitted solid waste transfer stations and for each such station, organized by community district:
  1. The community district in which such transfer station is located;
  2. The type of material permitted for acceptance at such transfer station;
  3. The permitted capacity of such transfer station;
  4. The average amount of waste accepted daily at such transfer station for each quarter year of the previous calendar year; and
  5. Any change to such transfer station's permitted capacity during the previous calendar year, specifying which changes were required pursuant to this chapter.
- b. The feasibility of reducing truck traffic traveling through residential neighborhoods by means other than reductions to permitted capacity for transfer stations.

This report is the first required annual report issued pursuant to Local Law 152 of 2018.

This report includes information related to putrescible transfer stations and non-putrescible transfer stations covered by LL152. It excludes fill material transfer stations permitted by the Department, as well as public transfer stations operated by the Department.

The full text of Local Law 152 of 2018 is provided in Appendix B.

## **New York City's Solid Waste Management Plan**

In 2006, the New York City Council adopted the City's Solid Waste Management Plan ("SWMP"). The SWMP is a fair, five-borough plan to sustainably manage New York City's waste and offer flexibility and resiliency in the case of a natural disaster or other emergency. The SWMP mandates a shift from waste export by long-haul trucking to a system of marine and rail transfer stations spread throughout the five boroughs, and the SWMP's implementation has provided NYC with new world class infrastructure. In total, the SWMP has reduced truck traffic associated with waste export by more than 60 million miles per year, including more than 5 million miles in and around New York City. It has slashed greenhouse gas emissions by 34,000 tons annually.

After the closure of the Fresh Kills landfill, almost all of New York City's waste was exported by long-haul truck from privately-operated transfer stations. Because of zoning and siting restrictions, these stations were, and still are today, predominately located in three neighborhoods in North Brooklyn, Southeast Queens, and the South Bronx. The SWMP is based on the concept of borough equity – that no borough should be responsible for managing another's garbage – and it has dramatically reduced truck traffic associated with waste collection and hauling in these historically overburdened poor and minority communities.

The SWMP called for the creation of eight rail or barge-based transfer stations along with the use of an existing energy-from-waste facility in New Jersey. Together, these nine facilities make up a resilient and reliable network for the export of waste. They also create new waste transfer capacity that has allowed the City to permanently reduce permitted capacity at transfer stations in historically overburdened communities.

Today, all nine long-term facilities outlined in the SWMP are operating, representing the substantial completion of this comprehensive, long-term plan.

### **Permitted Capacity Reductions pursuant to LL152:**

Beginning in October 2019 through September 2020, the Department implemented reductions in permitted capacity at 22 facilities that hold a total of 24 transfer station permits. In total, the reductions implemented pursuant to LL152 cut permitted capacity in the four designated districts by 10,137 tons per day.

In addition, four putrescible transfer stations located in the designated districts opted to reserve a portion of their capacity exclusively to process source-separated organic waste for beneficial use. In total, these facilities reserved 377 tons per day of capacity to process source-separated organic waste, and this reserved capacity was excluded for the purposes of determining reductions in permitted capacity pursuant to LL152.

The table below shows the permitted capacity as of September 30, 2019, and September 30, 2020, as well as the total reduction in permitted capacity, at private waste transfer stations in each of the four districts covered by LL152. A list of all permitted transfer stations and applicable permitted capacities, reductions in permitted capacity, and quarterly throughput is included in Appendix A.

*Table 1: Change in Permitted Capacity at Private Transfer Stations in four districts covered by LL152 of 2018*

District	Permitted Capacity (9/30/2019)	Permitted Capacity (9/30/2020)	Total Reductions in Permitted Capacity
Bronx CD1	6,999	6,101	- 898
Bronx CD2	4,785	3,318	- 1,467
Brooklyn CD1	19,973	12,861	- 7,112
Queens CD12	2,241	1,581	- 660
Other Districts	11,451	11,451	No change
<b>Total</b>	<b>45,449</b>	<b>35,312</b>	<b>- 10,137</b>

**Feasibility of Reducing Truck Traffic by Means other than Reductions to Permitted Capacity:**

LL152 requires the Department to report on “the feasibility of reducing truck traffic traveling through residential neighborhoods by means other than reductions to permitted capacity for transfer stations.”

In some cases, the new permitted capacity at transfer stations located in designated community districts is lower than the average throughput at such stations prior to the law’s implementation. In these cases, the law achieves tangible reductions in waste throughput and associated truck traffic in designated communities.

Local Law 145 of 2013 requires all trade waste hauling vehicles be equipped with either an EPA-certified 2007 (or later) engine or utilize “Best Available Retrofit Technology.” Post-2007 engines emit 85-90 percent less particulate matter and other air pollutants than pre-2007 engines. This requirement applies to all trade waste carting companies licensed or registered by the Business Integrity Commission, and the requirement became effective in January 2020.

In addition to the implementation of this Waste Equity law, DSNY is charged with implementing Local Law 199 of 2019 (“LL199”), which authorizes the creation of Commercial Waste Zones (“CWZ”). This program will create a safe and efficient commercial waste collection system that provides high-quality, low-cost service for New York City businesses while advancing the City’s zero waste goals.<sup>1</sup>

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<sup>1</sup> For more information on the Commercial Waste Zones program, visit [nyc.gov/commercialwaste](http://nyc.gov/commercialwaste).

In the Final Generic Environmental Impact Statement on CWZ and subsequent technical memoranda, the Department found that the implementation of CWZ would decrease truck traffic associated with commercial waste collection by 50 percent citywide, as measured in vehicle miles travelled. This reduction in truck traffic would correspond to reductions in both the number of trips and the lengths of routes for the collection of commercial waste and would lead to corresponding reductions in air pollutant emissions and noise, as well as improvements in traffic safety.

When selecting awardees to operate in Commercial Waste Zones, LL199 requires DSNY to consider, among other factors, proposers' waste management plans "describing practices for disposal of commercial waste collected, including but not limited to, a description of the transfer, processing or final disposal locations for all materials collected, and specific practices or investments designed to promote the goals of sustainability, reliability and equity in the delivery of waste management services." In evaluating these plans, the Department is required to consider (1) "the total vehicle miles expected to be traveled" in the collection of commercial waste within zones including the proximity of transfer, processing and disposal facilities to the collection area and (2) "whether such commercial waste will be transported to or from a solid waste transfer station by a sustainable mode of transport, such as rail or barge." These considerations may potentially further reduce truck traffic in the vicinity of certain transfer stations and on residential streets.

DSNY issued Part I of the Request for Proposals for Commercial Waste Zones on November 19, 2020.

Following the implementation of Commercial Waste Zones over the next three years, DSNY will continue to evaluate opportunities to reduce truck traffic associated with the collection of commercial waste and the operation of private transfer station facilities.

## **Appendix A: List of Permitted Solid Waste Transfer Stations**

Borough	Community District	Transfer Station Name (Permit #)	Address	Permit Type	Permitted Capacity (9/30/2019)	Permitted Capacity (9/30/2020)	Amount Reserved for SSO, if any (9/30/2020)	Change in Permitted Capacity
Bronx	BX01	Action Environmental Systems (5504)	920 E 132nd Street	P	2,999	2,101		- 898
Bronx	BX02	IESI NY Corp. (1114)	325 Casanova Street	P	225	156	45	- 69
Bronx	BX02	Metropolitan Transfer Station (1117)	287 Halleck Street	P	825	553		- 272
Bronx	BX01	Waste Management of NY, LLC (1032)	98 Lincoln Avenue	P	4,000	4,000		
Brooklyn	BK05	Action Environmental LLC (5503)	941 Stanley Avenue	P	375	375		
Brooklyn	BK01	Brooklyn Transfer LLC (5511)	115 Thames Street	P	560	336	112	- 224
Brooklyn	BK01	Hi-Tech Resource Recovery (2213)	130 Varick Avenue	P	500	314	100	- 186
Brooklyn	BK06	IESI NY Corp. (2163)	577 Court Street	P	745	745		
Brooklyn	BK07	IESI NY Corp. (4263)	110-120 50th Street	P	1,075	1,075		
Brooklyn	BK01	Waste Management of NY, LLC (2128)	485 Scott Avenue	P	1,500	793		- 707
Brooklyn	BK01	Waste Management of NY, LLC (2211)	215-221 Varick Avenue	P	4,250	4,250		
Queens	QN02	A & L Cesspool Service (5512)	38-40 Review Avenue	P	80	80		
Queens	QN12	American Recycling (4314)	172-33 Douglas Avenue	P	850	570		- 280
Queens	QN12	Regal Recycling Co., Inc. (3402)	172-02 Douglas Avenue	P	600	462	120	- 138
Queens	QN07	Tully Environmental Inc. (4404)	127-20 34th Avenue	P	1,395	1,395		
Queens	QN02	Waste Management of NY, LLC (3214)	38-50 Review Avenue	P	2,100	2,100		
Bronx	BX02	A J Recycling Inc. (4280)	325 Faile Street	NP	1,200	852		- 348
Bronx	BX02	JD Recycling (4402)	216-222 Manida Street	NP	330	234		- 96
Bronx	BX02	John Danna & Sons, Inc. (1104)	318 Bryant Avenue	NP	405	282		- 123
Bronx	BX02	Aspha LLC. (1120)	1264 Viele Avenue	NP	750	503		- 247
Bronx	BX02	Zevel Transfer, LLC (1113)	620 Truxton Street	NP	1,050	738		- 312
Brooklyn	BK01	Empire Recycling (2117)	538-545 Stewart Avenue	NP	300	173		- 127
Brooklyn	BK05	Atlas Roll-Off Corp. (2053)	889 Essex Street	NP	1,125	1,125		
Brooklyn	BK01	City Recycling Corp. (2118)	151 Anthony Street	NP	1,500	866		- 634
Brooklyn	BK01	Cooper Tank & Welding Inc. (4233)	222 Maspeth Avenue	NP	1,875	999		- 876
Brooklyn	BK17	Decostole Carting Co. (2011)	1481 Troy Avenue	NP	750	750		
Brooklyn	BK01	GADS (4218)	594 Scholes Street	NP	1,088	701		- 387
Brooklyn	BK01	Brooklyn C&D, LLC. (4266)	548 Varick Avenue	NP	1,350	684		- 666
Brooklyn	BK01	Point Recycling, Ltd. (2115)	686 Morgan Avenue	NP	300	166		- 134
Brooklyn	BK01	Waste Management of NY, LLC (2222)	75 Thomas Street	NP	1,500	750		- 750
Brooklyn	BK01	Cooper Recycling. (4267)	123 Varick Avenue	NP	5,250	2,829		- 2,421
Queens	QN12	American Recycling (3662)	172-33 Douglas Avenue	NP	150	101		- 49
Queens	QN07	Crown Container Co. (3613)	126-46 34th Avenue	NP	375	375		
Queens	QN05	New Style Recycling Corp. (3327)	49-10 Grand Avenue	NP	337	337		
Queens	QN12	Regal Recycling Co. Inc. (4336)	172-06 Douglas Avenue	NP	266	191		- 75
Queens	QN12	Thomas Novelli Contracting Corp. (4247)	94-20 Merrick Boulevard	NP	375	257		- 118
Staten Island	SI01	Flag Container Services, Inc. (3419)	11 Ferry Street	NP	2,250	2,250		
Staten Island	SI01	Stokes Waste Paper Co., Inc. (3476)	17-25 Van Street	NP	844	844		
<b>Total</b>					<b>45,449</b>	<b>35,312</b>	<b>377</b>	<b>- 10,137</b>

Borough	Community District	Transfer Station Name (Permit #)	Address	Permit Type	Avg Daily Throughput (2019 - Q1)	Avg Daily Throughput (2019 - Q2)	Avg Daily Throughput (2019 - Q3)	Avg Daily Throughput (2019 - Q4)	Avg Daily Throughput (CY2019)
Bronx	BX01	Action Environmental Systems (5504)	920 E 132nd Street	P	1,615	1,605	1,740	1,593	1,638
Bronx	BX02	IESI NY Corp. (1114)	325 Casanova Street	P	0	0	0	0	0
Bronx	BX02	Metropolitan Transfer Station (1117)	287 Halleck Street	P	600	627	716	726	667
Bronx	BX01	Waste Management of NY, LLC (1032)	98 Lincoln Avenue	P	1,951	2,044	2,004	2,033	2,008
Brooklyn	BK05	Action Environmental LLC (5503)	941 Stanley Avenue	P	289	364	356	355	341
Brooklyn	BK01	Brooklyn Transfer LLC (5511)	115 Thames Street	P	329	360	339	283	328
Brooklyn	BK01	Hi-Tech Resource Recovery (2213)	130 Varick Avenue	P	494	500	500	506	500
Brooklyn	BK06	IESI NY Corp. (2163)	577 Court Street	P	578	639	659	626	625
Brooklyn	BK07	IESI NY Corp. (4263)	110-120 50th Street	P	554	658	682	529	606
Brooklyn	BK01	Waste Management of NY, LLC (2128)	485 Scott Avenue	P	611	647	714	707	670
Brooklyn	BK01	Waste Management of NY, LLC (2211)	215-221 Varick Avenue	P	921	1,063	997	1,039	1,005
Queens	QN02	A & L Cesspool Service (5512)	38-40 Review Avenue	P	0	0	0	0	0
Queens	QN12	American Recycling (4314)	172-33 Douglas Avenue	P	621	733	693	629	669
Queens	QN12	Regal Recycling Co., Inc. (3402)	172-02 Douglas Avenue	P	570	562	577	570	570
Queens	QN07	Tully Environmental Inc. (4404)	127-20 34th Avenue	P	391	419	456	499	441
Queens	QN02	Waste Management of NY, LLC (3214)	38-50 Review Avenue	P	813	931	920	971	909
Bronx	BX02	A J Recycling Inc. (4280)	325 Faile Street	NP	572	662	668	522	606
Bronx	BX02	JD Recycling (4402)	216-222 Manida Street	NP	316	339	345	337	334
Bronx	BX02	John Danna & Sons, Inc. (1104)	318 Bryant Avenue	NP	176	205	207	197	196
Bronx	BX02	Aspha LLC. (1120)	1264 Viele Avenue	NP	74	83	84	60	75
Bronx	BX02	Zevel Transfer, LLC (1113)	620 Truxton Street	NP	414	442	486	384	435
Brooklyn	BK01	Empire Recycling (2117)	538-545 Stewart Avenue	NP	256	260	274	252	260
Brooklyn	BK05	Atlas Roll-Off Corp. (2053)	889 Essex Street	NP	519	461	468	380	457
Brooklyn	BK01	City Recycling Corp. (2118)	151 Anthony Street	NP	1,210	1,270	1,219	1,081	1,195
Brooklyn	BK01	Cooper Tank & Welding Inc. (4233)	222 Maspeth Avenue	NP	0	0	0	0	0
Brooklyn	BK17	Decostole Carting Co. (2011)	1481 Troy Avenue	NP	531	632	821	636	655
Brooklyn	BK01	GADS (4218)	594 Scholes Street	NP	664	768	691	601	681
Brooklyn	BK01	Brooklyn C&D, LLC. (4266)	548 Varick Avenue	NP	274	290	352	453	342
Brooklyn	BK01	Point Recycling, Ltd. (2115)	686 Morgan Avenue	NP	151	179	69	74	118
Brooklyn	BK01	Waste Management of NY, LLC (2222)	75 Thomas Street	NP	0	0	0	0	0
Brooklyn	BK01	Cooper Recycling. (4267)	123 Varick Avenue	NP	1,218	1,271	1,251	1,084	1,206
Queens	QN12	American Recycling (3662)	172-33 Douglas Avenue	NP	101	127	117	93	110
Queens	QN07	Crown Container Co. (3613)	126-46 34th Avenue	NP	105	140	206	243	173
Queens	QN05	New Style Recycling Corp. (3327)	49-10 Grand Avenue	NP	100	129	135	104	117
Queens	QN12	Regal Recycling Co. Inc. (4336)	172-06 Douglas Avenue	NP	244	246	254	250	249
Queens	QN12	Thomas Novelli Contracting Corp. (4247)	94-20 Merrick Boulevard	NP	123	155	157	124	140
Staten Island	SI01	Flag Container Services, Inc. (3419)	11 Ferry Street	NP	426	487	369	352	409
Staten Island	SI01	Stokes Waste Paper Co., Inc. (3476)	17-25 Van Street	NP	352	387	342	385	366
Total					18,163	19,684	19,865	18,680	19,102



### **Field Definitions for Appendix A:**

*Borough:* The geographical borough in which the transfer station is located.

*Community District:* The community district in which the transfer station is located. Community districts are generally coterminous with Department of Sanitation service districts and are represented by an appointed Community Board.

*Transfer Station Name (Permit #):* The corporate name listed on the transfer station permit and the associated permit number with the Department of Sanitation.

*Address:* Physical address of the permitted transfer station.

*Permit Type:* Putrescible (P) or Non-Putrescible (NP)

*Permitted Capacity:* For a putrescible solid waste transfer station, the total amount of solid waste that is permitted by the Department to be delivered to such solid waste transfer station as measured in tons per day, and for a non-putrescible solid waste transfer station, the average tons per day permitted to be delivered to such solid waste transfer station over the quarter year. Permitted capacity is listed for each transfer station as of September 30, 2019 and September 30, 2020, respectively.

*Amount Reserved for SSO:* As described above, LL152 allows putrescible transfer stations to reserve up to 20 percent of total permitted capacity to accept source-separated organic waste for beneficial use. This column lists the amount of permitted capacity reserved for that purpose, if any.

*Change in Permitted Capacity:* The change in permitted capacity at each transfer station over the time period covered by this report.

*Average Daily Throughput:* The average amount of waste received by the transfer station over the applicable time period, in tons per day. Average daily throughput is provided for each quarter in calendar year 2019 and for the entirety of calendar year 2019.

## **Appendix B: Local Law 152 of 2018**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2018**

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**No. 152**

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Introduced by Council Members Reynoso, Levin, Cumbo, Lander, Richards, Menchaca, Espinal, Rosenthal, Van Bramer, Williams, Perkins, Rodriguez, Chin, Cohen, Brannan, Levine, Kallos, Treyger, Rivera, Ampy-Samuel, Salamanca, Powers and Ayala.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to reducing permitted capacity at putrescible and non-putrescible solid waste transfer stations in overburdened districts**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-H to read as follows:

*CHAPTER 4-H - REDUCED PERMITTED CAPACITY AT SOLID WASTE TRANSFER STATIONS*

*16-498 - Definitions*

*16-498.1 - Reduction of Overall Permitted Capacity*

*16-498.2 - Allocating Reductions of Permitted Capacity*

*16-498.3 - Waiver*

*16-498.4 - Overconcentrated Districts*

*16-498.5 - Reporting*

*16-498.6 - Notification*

*16-498.7 - Displaced Employee List*

*§ 16-498 Definitions. When used in this chapter, terms defined in subdivision a of section 16-130 shall have the meanings given therein and the following terms shall have the following meanings:*

*Designated community districts.* The term “designated community districts” means community district one in the borough of Brooklyn, community districts one and two in the borough of the Bronx, and community district 12 in the borough of Queens, as identified on the effective date of the local law that added this section on the map of community districts established pursuant to section 2702 of the New York city charter.

*Emergency.* The term “emergency” means the same as “emergency conditions and potential incidents” as described in subdivision a of section 497 of the New York city charter regardless of whether a multi-agency response is needed.

*Exempted day.* The term “exempted day” means each of the following days: January second; the day after the third Monday in January; February thirteenth; the day after the third Monday in February; the day after the last Monday in May; July fifth; the day after the first Monday in September; the day after the second Monday in October; the Wednesday following the first Monday in November; November twelfth; the day after the fourth Thursday in November; and December twenty-sixth, except that if any such day falls on a Sunday, the exempted day shall be the next following business day.

*Operational date.* The term “operational date” means, for Brooklyn community district one and Queens community district 12, the first date on which a marine transfer station operated by the department and located in the same borough as such district begins accepting residential waste from the department. For Bronx community districts one and two, such term shall mean the date on which the first marine transfer station operated by the department and located in the city begins accepting residential waste from the department.

*Organic waste.* The term “organic waste” has the same meaning as set forth in section 16-303.

*Overconcentrated district. The term “overconcentrated district” means a community district that contains 10 percent or more of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations, including transfer stations operated by or on behalf of the department.*

*Permitted capacity. The term “permitted capacity” means, for a putrescible solid waste transfer station, the total amount of solid waste that is permitted by the department to be delivered to such solid waste transfer station as measured in tons per day, and for a non-putrescible solid waste transfer station, the average tons per day permitted to be delivered to such solid waste transfer station over the quarter year. For purposes of this chapter, a non-putrescible transfer station shall not include a facility permitted as a fill material transfer station by the department pursuant to sections 16-130 and 16-131 of chapter 4 of this title.*

*Quarter year. The term “quarter year” means any of the four three-month periods of a year that begin with the first day in the months of January, April, July and October.*

*Total quarterly capacity. The term “total quarterly capacity” means, for a non-putrescible solid waste transfer station, the total amount of solid waste allowed to be delivered to such transfer station within any quarter year.*

*§ 16-498.1 Reduction of overall permitted capacity. a. By October 1, 2019 or the relevant operational date, whichever is later, the commissioner shall, for each designated community district, set the permitted capacity for each putrescible and non-putrescible solid waste transfer station operating in such designated community district. The permitted capacity of each putrescible and non-putrescible solid waste transfer station in community district one in the borough of Brooklyn shall be reduced by 50 percent below the permitted capacity for such transfer*

*station on the effective date of the local law that added this section. The permitted capacity of each putrescible and non-putrescible solid waste transfer station in community districts one and two in the borough of the Bronx and community district 12 in the borough of Queens shall be reduced by 33 percent below the permitted capacity for such transfer station on the effective date of the local law that added this section.*

*b. Any reductions in permitted capacity required pursuant to this section for a transfer station in a designated community district shall be implemented at the time that the transfer station's permit is renewed.*

*c. On exempted days occurring after the date that reductions under this section are implemented for a designated community district, a putrescible solid waste transfer station in such designated community district may process waste in an amount equivalent to such transfer station's permitted capacity prior to the reductions required by this section.*

*§ 16-498.2 Allocating reductions of permitted capacity.*

*a. The commissioner shall not impose the reductions to permitted capacity required by section 16-498.1 on any putrescible or non-putrescible solid waste transfer station that exports by rail all or the majority of the waste accepted at any such transfer station and which does not use a public street to transport such waste between such transfer station and the rail facility.*

*b. The commissioner shall determine the average daily amount of solid waste transported by barge for the three years preceding October 1, 2019, or the operational date, whichever is later, by each putrescible solid waste transfer station within a designated community district. In calculating any required reduction in permitted capacity for a putrescible solid waste transfer*

*station pursuant to section 16-498.1, the commissioner shall not include, in any amount required to be reduced, such average daily amount of waste transported by barge, provided that:*

*1. On or before April 1, 2019, the owner of such transfer station submits an application to the commissioner to modify its permit to restrict the use of its permitted capacity, or a portion thereof, exclusively to putrescible solid waste that is transported out of the city from such transfer station by barge, and that application is approved by the commissioner; and*

*2. By October 1, 2019, or the relevant operational date, whichever is later, any such transfer station restricts the use of its permitted capacity, or such portion thereof, exclusively to putrescible solid waste that is transported from such transfer station by barge.*

*c. A putrescible solid waste transfer station may reserve up to 20 percent of its permitted capacity exclusively for source separated organic waste to be recycled. Such reserved amount shall not be included in the transfer station's permitted capacity when the commissioner calculates any required reduction in permitted capacity for such putrescible solid waste transfer station pursuant to section 16-498.1, provided that:*

*1. On or before April 1, 2019, the owner of such transfer station submits an application to the commissioner to modify its permit to restrict the use of its permitted capacity, or a portion thereof, exclusively to source separated organic waste, and that application is approved by the commissioner; and*

*2. By October 1, 2019, or the relevant operational date, whichever is later, any such transfer station restricts the use of its permitted capacity, or such portion reserved for source separated organic waste, exclusively to source separated organic waste.*

*d. The commissioner shall determine the average daily amount of metal, glass, plastic, paper and corrugated cardboard recycled for the three years preceding October 1, 2019, or the operational date, whichever is later, by each transfer station within a designated community district. In calculating any required reduction in permitted capacity pursuant to section 16-498.1, the commissioner shall not include, in any amount required to be reduced, the lesser of (i) such average daily amount of recycled metal, glass, plastic, paper and corrugated cardboard or (ii) 20 percent of the transfer station's permitted capacity.*

*e. The commissioner shall determine the average daily amount of construction and demolition debris recycled for the three years preceding October 1, 2019, or the operational date, whichever is later, by each non-putrescible solid waste transfer station within a designated community district. In calculating any required reduction in permitted capacity pursuant to section 16-498.1, the commissioner shall not include, in any amount required to be reduced, 50 percent of such average daily amount of construction and demolition debris.*

*f. After a reduction in permitted capacity required by section 16-498.1 in a designated community district, each non-putrescible solid waste transfer station within such community district shall have a total quarterly capacity equal to the permitted capacity allocated to such transfer station multiplied by 78. The amount of non-putrescible waste that may be delivered to a non-putrescible transfer station on any single day may not exceed such transfer station's daily permitted capacity prior to the reductions required by this section.*

*§ 16-498.3 Waiver. a. The commissioner may waive the reductions to permitted capacity and the limits to total quarterly capacity required by this chapter for the duration of any emergency.*



*b. After the reductions in permitted capacity required by section 16-498.1 have been implemented at a transfer station in a designated community district, the commissioner may, on a one-time basis, increase the permitted capacity of any such transfer station that seeks a modification to its permit solely to increase the amount of organic waste or metal, glass, plastic, paper or corrugated cardboard that is separated for recycling, provided that such increase shall be no greater than 20 percent of the transfer station's then-existing permitted capacity.*

*§ 16-498.4 Overconcentrated districts. After October 1, 2019, the commissioner shall not increase permitted capacity for any putrescible or non-putrescible solid waste transfer station in an overconcentrated district or increase permitted capacity for any community district that would result in such district becoming an overconcentrated district, except in accordance with section 16-498.3, and except the commissioner may allow increased permitted capacity for any putrescible or non-putrescible solid waste transfer station that exports by rail all or the majority of the waste accepted at any such transfer station and which does not use a public street to transport such waste between such transfer station and the rail facility, and except that the commissioner may authorize the transfer of permitted capacity from a putrescible solid waste transfer station within a designated community district to another putrescible solid waste transfer station, within the same community district, for which the commissioner has set a reduced permitted capacity in accordance with subdivision a of section 16-498.1, or from a non-putrescible solid waste transfer station within a designated community district to another non-putrescible solid waste transfer station, within the same community district, for which the commissioner has set a reduced permitted capacity in accordance with subdivision a of section 16-498.1, provided that a transfer station receiving a transfer of permitted capacity may use such transferred permitted capacity only*

*after the implementation, in accordance with subdivision b of section 16-498.1, of such reduction, and provided further that the permitted capacity of any transfer station receiving a transfer of permitted capacity may not exceed the permitted capacity of such transfer station that was in effect before the commissioner set a reduced permitted capacity for such transfer station in accordance with subdivision a of section 16-498.1, and provided further that the transfer station that is transferring its permitted capacity will no longer be operating as a waste transfer station after the transfer.*

*§ 16-498.5 Reporting. On or before October 1, 2020, and annually thereafter, the commissioner shall report to the mayor and the speaker of the council the following information:*

*a. A list of permitted solid waste transfer stations and for each such station, organized by community district:*

*1. The community district in which such transfer station is located;*

*2. The type of material permitted for acceptance at such transfer station;*

*3. The permitted capacity of such transfer station;*

*4. The average amount of waste accepted daily at such transfer station for each quarter year of the previous calendar year; and*

*5. a. Any change to such transfer station's permitted capacity during the previous calendar year, specifying which changes were required pursuant to this chapter.*

*b. The feasibility of reducing truck traffic traveling through residential neighborhoods by means other than reductions to permitted capacity for transfer stations.*

*§ 16-498.6 Notification. No later than 120 days after the end of each quarter year, the commissioner shall notify the mayor and the speaker of the council if the amount of waste*

*delivered to permitted solid waste transfer stations located within any community district is in excess of 90 percent of the total permitted capacity for such transfer stations. Such notification shall include the percentage of the total citywide permitted capacity for putrescible and non-putrescible solid waste transfer stations, including transfer stations operated by or on behalf of the department, in such community district for the quarter year and the percentage of the total citywide putrescible and non-putrescible solid waste delivered to such community district for the quarter year.*

*§ 16-498.7 Displaced employee list. The commissioner shall maintain a list containing the names and contact addresses or telephone numbers of persons formerly employed by a transfer station in a designated community district whose employment ended as a result of the a reduction in permitted capacity required pursuant to section 16-498.1. The addition or deletion of information on such list relating to a person on such list shall be made only upon the request of such person. A copy of such list shall be made available upon request by an owner or operator of a transfer facility and shall be sent to all transfer stations on an annual basis. The provision of such list shall in no way be construed as a recommendation by the city regarding the employment of any person on such list, nor shall the city be responsible for the accuracy of the information set forth therein.*

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 18, 2018 and approved by the Mayor on August 16, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 152 of 2018, Council Int. No.157-C of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.