



Legislation Text

File #: Int 2349-2021, Version: A

Proposed Int. No. 2349-A

By Council Member Miller

A Local Law to amend the administrative code of the city of New York, in relation to increasing transfer station permitted capacity for export by rail

Be it enacted by the Council as follows:

Section 1. Section 16-498.2 of the administrative code of the city of New York is amended by adding a new subdivision a-1 to read as follows:

a-1. The commissioner shall not impose, or if already imposed shall restore to the capacity prior to such imposition, the reductions in permitted capacity required by section 16-498.1 if a transfer station that has at least three permanently constructed perimeter floor-to-ceiling walls and a permanent roof complies with the requirements described in paragraph 1 of this subdivision.

1. Such transfer station shall:

(a) notify the department of an intent to export by rail all or the majority of the waste that is permitted to be accepted at any such transfer station, provided that for the purposes of this subdivision, such amount shall be determined based on the permitted capacity of such transfer station before any reduction in permitted capacity required by section 16-498.1;

(b) provide a site plan demonstrating that a public street will not be used for more than 1,000 feet to transport such waste between such transfer station and a rail facility;

(c) provide a declaration of intent by the applicable operator of the rail facility to construct and operate a rail spur connection for such transfer station that can be used by the transfer station to handle all or the majority of the waste accepted at such transfer station according to the project plan and timeline submitted pursuant to

subparagraph (d) of this paragraph;

(d) provide a project plan and timeline that specifies a date, which is no more than four years from the date such project plan and timeline are submitted to the department, by which date such transfer station will transport all or the majority of the waste accepted at such transfer station by rail;

(e) submit to the department and to the New York state department of environmental conservation a completed application to modify the transfer station's permit in the manner necessary to effectuate the project plan submitted pursuant to this paragraph;

(f) complete an environmental review in accordance with the New York state environmental quality review act and New York city environmental quality review; and

(g) attest that such transfer station is in compliance with section 24-141, in relation to the emission of odorous air contaminants; that any penalties imposed on such transfer station pursuant to such section or rules promulgated thereunder have been paid; and that the condition that led to a violation of such section or rule promulgated thereunder has been resolved.

2. Within 18 months of any increase in capacity pursuant to this subdivision, a transfer station must provide the department with a written commitment by a lender of any financing necessary to construct and operate the project as set forth in the project plan submitted in accordance with paragraph 1 of this subdivision.

3. At the time of each annual renewal of the transfer station permit issued by the department, a transfer station that has initiated a project pursuant to the provisions of paragraph 1 of this subdivision shall submit to the department a report evidencing progress toward the completion of such project consistent with the project plan and timeline submitted pursuant to paragraph 1 of this subdivision. The transfer station shall continue to submit reports pursuant to this paragraph until such project is completed.

4. When the transfer station submits to the department the report required by paragraph 3 of this subdivision, such transfer station shall also submit to the department a report stating the number of individuals that such transfer station hired during the preceding year, disaggregated by the community districts in which

such individuals reside and also showing the number of individuals who do not live in the city.

5. When the transfer station submits to the department the report required by paragraph 3 of this subdivision, such transfer station shall also submit to the department a report stating the number of trucks per day transporting waste from such transfer station during the preceding year. The transfer station shall continue to submit annual reports pursuant to this paragraph for five years after the date of completion of the project initiated pursuant to the provisions of paragraph 1 of this subdivision.

6. The department shall post on its website the reports submitted pursuant to paragraphs 3, 4 and 5 of this subdivision.

7. If a transfer station does not meet the requirements of paragraph 2 or 3 of this subdivision or does not transport all or the majority of the waste accepted at such transfer station by rail in accordance with such transfer station's project plan and timeline submitted pursuant to paragraph 1 of this subdivision, the department shall, upon notice to such transfer station, reduce the permitted capacity of such transfer station by the applicable amount set forth in section 16-498.1. Such reduction in capacity shall remain in effect for a minimum of a one year period prior to, and until, such transfer station transports all or the majority of the waste accepted at such transfer station by rail.

§ 2. This local law takes effect immediately.

NKA/JSA
7/21/2021 11:00PM
LS 10436