

NEW YORK CITY DEPARTMENT OF SANITATION

NOTICE OF ADOPTION OF FINAL RULE RELATING TO THE CRITERIA USED IN THE SITING OF SOLID WASTE TRANSFER STATIONS

NOTICE IS HEREBY GIVEN in accordance with the requirements of Sections 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and sections 16-130, 16-131, 16-131.1 and 16-131.2 of the New York City Administrative Code that the Department adopts the following rule that would amend a definition relating to the criteria used in the siting of solid waste transfer stations. This rule was not included in DSNY's regulatory agenda for this Fiscal Year because it was not contemplated when DSNY published the agenda. The Department published a Notice of Opportunity to Comment on the proposed rules in the *City Record* on September 18, 2017. On October 19, 2017 the Department held a public hearing on the proposed rule.

Statement of Basis and Purpose

The Department of Sanitation is amending its rule relating to the criteria used in the siting of solid waste transfer stations. Specifically, this rule would provide that the 400-foot buffer requirement between a proposed transfer station and a public park or parkway would not apply to certain limited Bronx River Parkway lands abutting an active railroad line.

This amendment is very narrowly tailored to modify the Department's siting rules to take into account the particular circumstances of a single industrial district in the northern Bronx. It will allow DSNY to consider a private applicant's proposal to site a non-putrescible solid waste transfer station to process construction and demolition debris waste in this industrial district. The district currently does not have any solid waste transfer stations. The district and proposed transfer station site are within 400 feet of the Bronx River Parkway. A certain strip of the Parkway lands within such 400 feet (Block 5130 Lot 125) is New York City parkland that adjoins the Parkway roadbed that is located in Yonkers. This strip of Parkway land is within the jurisdiction of the Department of Parks and Recreation. The strip is traversed by the Bronx River but has no street or way across it. The strip abuts the Metro North Harlem River Line railroad corridor that includes rail tracks.

This amendment would be consistent with the intent of the transfer station siting rules to avoid the siting of new transfer stations—with a potential for truck traffic and related noise—within 400 feet of sensitive land uses. A Bronx River Parkway lot that is adjacent to the busy multi-lane Parkway roadway and abuts an active railroad line is not a noise-sensitive location for this purpose, and therefore does not warrant an automatic minimum 400-foot buffer distance to a non-putrescible transfer station. The amendment would provide flexibility to DSNY to consider an application for a proposed transfer station within the existing industrial zone that is within 400 feet of Block 5130 Lot 125 of the Bronx River Parkway.

Any proposed transfer station would be sited in an industrial zone consistent with the New York City Zoning Resolution, and would be subject to environmental review, including consideration of potential impacts.

DSNY's authority for these rules is found in sections 753 and 1043 of the New York City Charter, and sections 16-130, 16-131, 16-131.1 and 16-131.2 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

The definition of "Public park" as set forth in section 4-31 of Title 16 of the Rules of the City of New York is amended to read as follows:

§4-31 Definitions

Public park. "Public park" shall mean any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks and Recreation of the City of New York, except for Bronx River Parkway lands abutting an active railroad line and Park strips or malls in a street the roadways of which are not within the jurisdiction and control of the Commissioner of Parks and Recreation, or any publicly-owned park or beach within the jurisdiction and control of the federal or New York State government.