



TRASHING NEW YORK'S NEIGHBORHOODS

NYC'S COMMERCIAL WASTE TRANSFER STATIONS HAVE UPPED THEIR GARBAGE OUTPUT BY MORE THAN 500,000 TONS PER YEAR, WITH THE BURDEN FALLING DISPROPORTIONATELY ON POORER COMMUNITIES AND PEOPLE OF COLOR



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NYLPI
JUSTICE THROUGH
COMMUNITY POWER

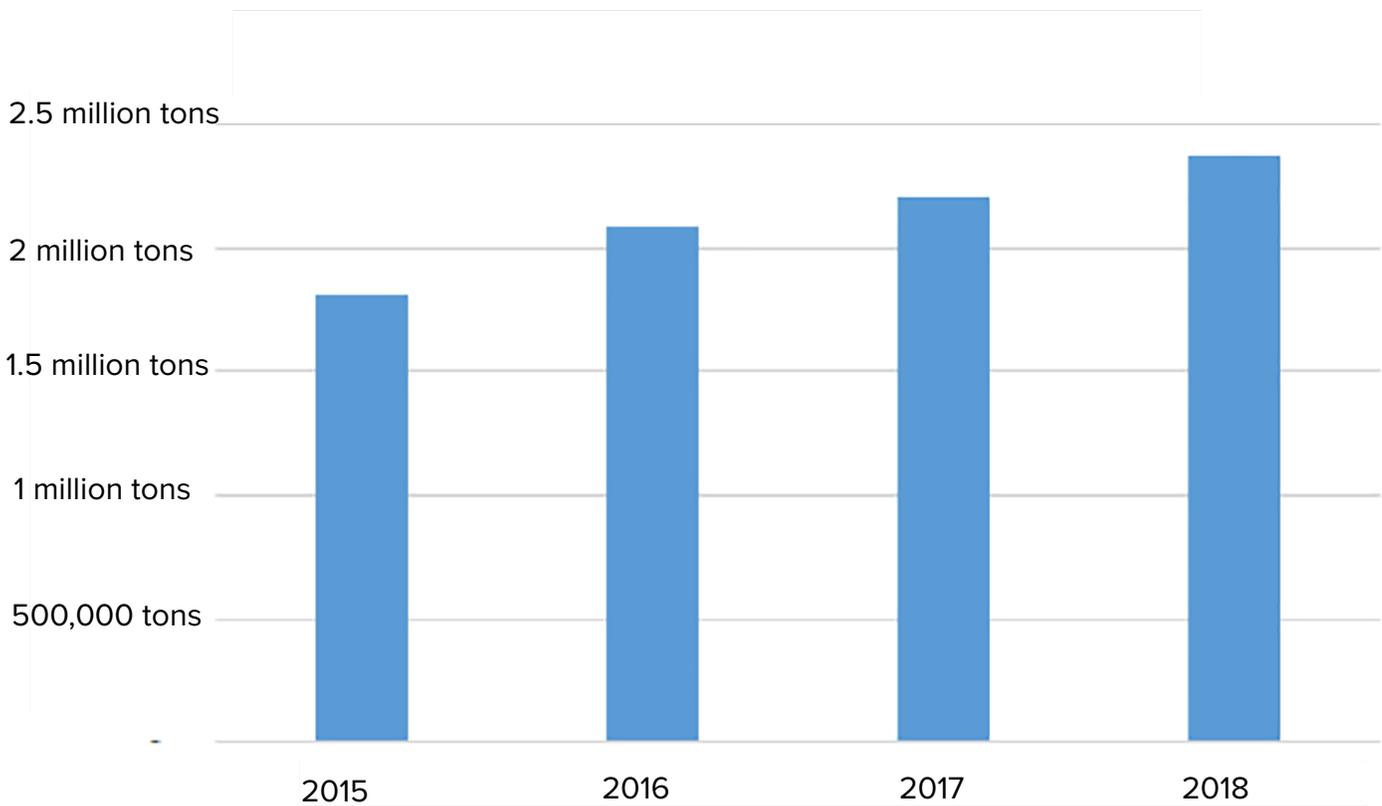


EXECUTIVE SUMMARY

Since 2015, New York's commercial waste industry has increased the amount of trash it disposes and processes in private, truck-based waste transfer stations by 35 percent, or 500,000 tons each year. Most of these facilities are sited in low-income communities and communities of color, with high rates of asthma and other respiratory diseases the direct result.

The sanitation industry's increasing reliance on polluting and unequal waste disposal methods is undermining New York City's efforts to equitably spread the burden of waste disposal across the city.

The amount of commercial waste handled at NYC private transfer stations has increased from 1.7 to 2.3 million tons per year (35%) in just four years:



UNDERMINING IMPROVEMENT

Over the past four years, New York City has made major investments in solid waste and recycling infrastructure designed to achieving the equity and sustainability goals of its 2006 Solid Waste Management Plan (SWMP). The publicly managed portion of our waste stream is now processed at modern barge-and rail-based transfer stations, operational in every borough. These facilities exported 87% of our residential waste in 2018, with just 13% hauled out of the city in diesel trucks, and are estimated to eliminate [60 million diesel truck miles per year](#), including five million miles on local roads and streets. These facilities are designed to optimize worker and public safety, decrease diesel truck traffic, and eliminate odors by containerizing waste. And the overall amount of garbage collected by the NYC Department of Sanitation (DSNY) has also decreased modestly, as recycling and composting rates have slowly increased.

Unfortunately, these improvements are being undermined by the commercial waste system. As DSNY has phased out the use of private truck-based transfer stations for residential waste, private haulers have trucked increasing amounts of commercial waste to these facilities, which are disproportionately located in low-income communities and communities of color.

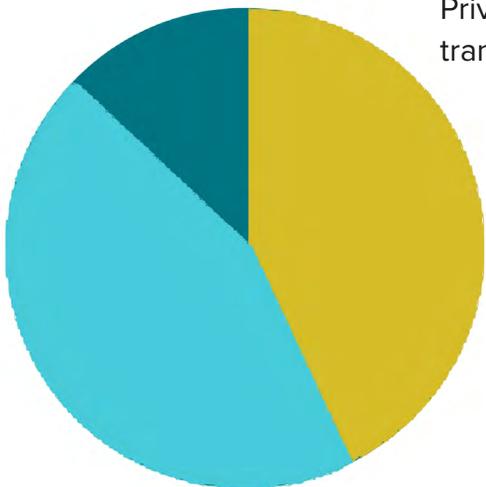
To address this unequal environmental burden and to reduce the negative climate impact of commercial waste disposal, the City needs to both implement the Waste Equity Law (Local Law 152, scheduled to go into effect this October) and to pass comprehensive legislation to make the commercial waste industry far more sustainable, equitable, and efficient. A robust version of the Commercial Waste Zones Bill (Intro 1574 of 2019) will give the City the policy tools needed to reduce garbage truck emissions, reduce the amount of commercial waste generated in New York City, and ensure that commercial waste does not continue to be disproportionately handled in communities overburdened by pollution and health problems.

Mode of transfer for DSNY-disposed waste, 2018

Mode of transfer for private transfer station disposed waste, 2018

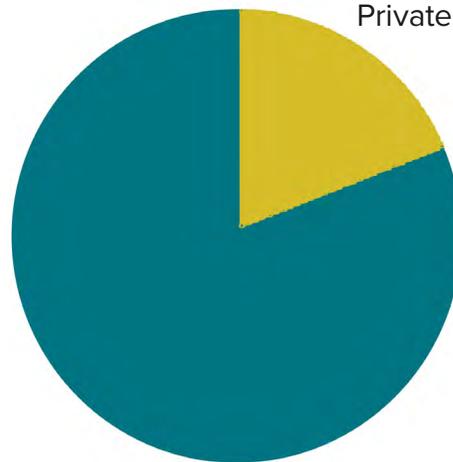
Private truck transfer 13%

Private rail transfer 43%



DSNY Marine and Rail Transfer 44%

Private rail transfer 19%

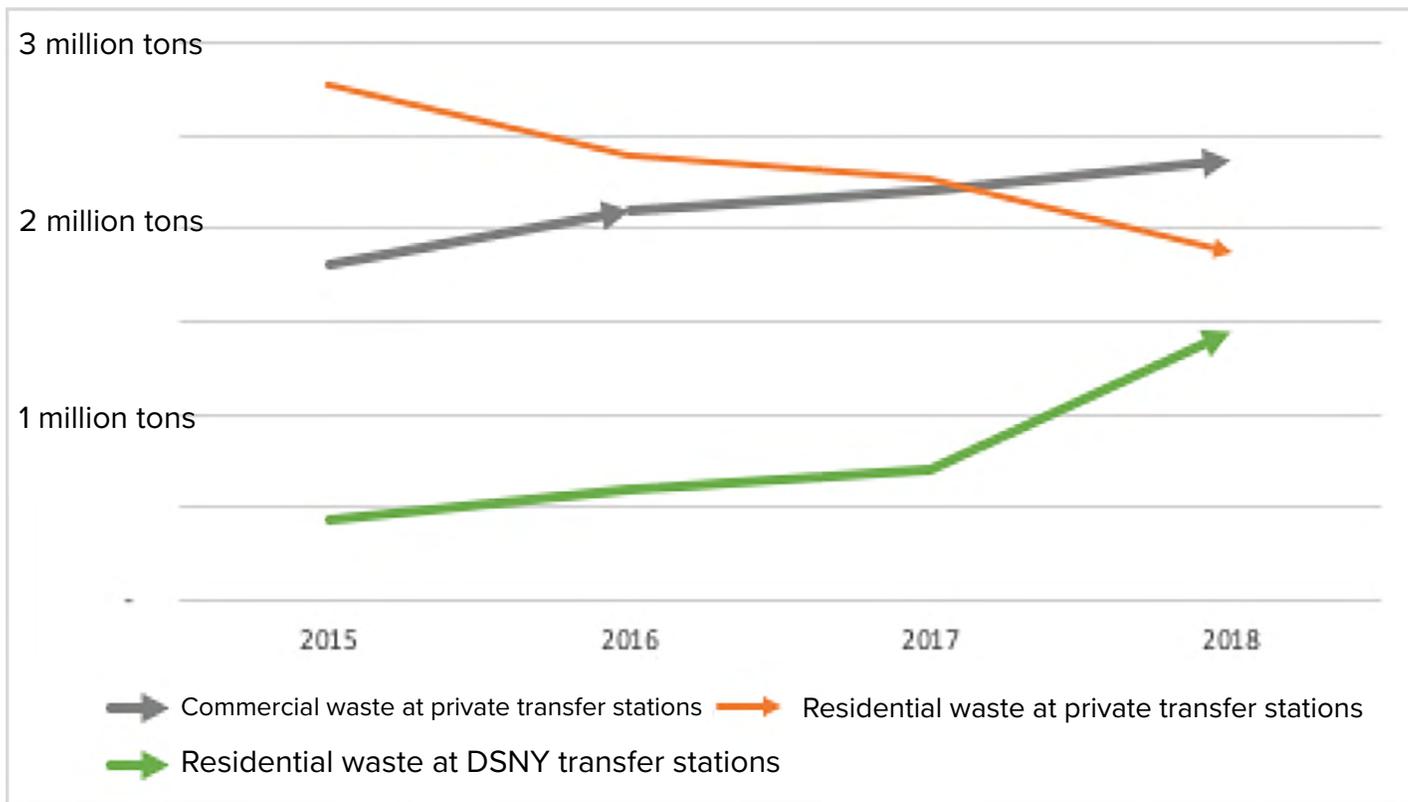


Private truck transfer 81%



The two images above show DSNY's marine transfer stations loading containerized waste onto barges. Marine and rail transfer facilities are designed to eliminate long-haul garbage trucks like this one (left) in a residential neighborhood, but increasingly relied on by private sanitation companies.

Although the City has shifted to barge- and rail-based waste export, the amount of commercial waste at local private transfer stations has increased:

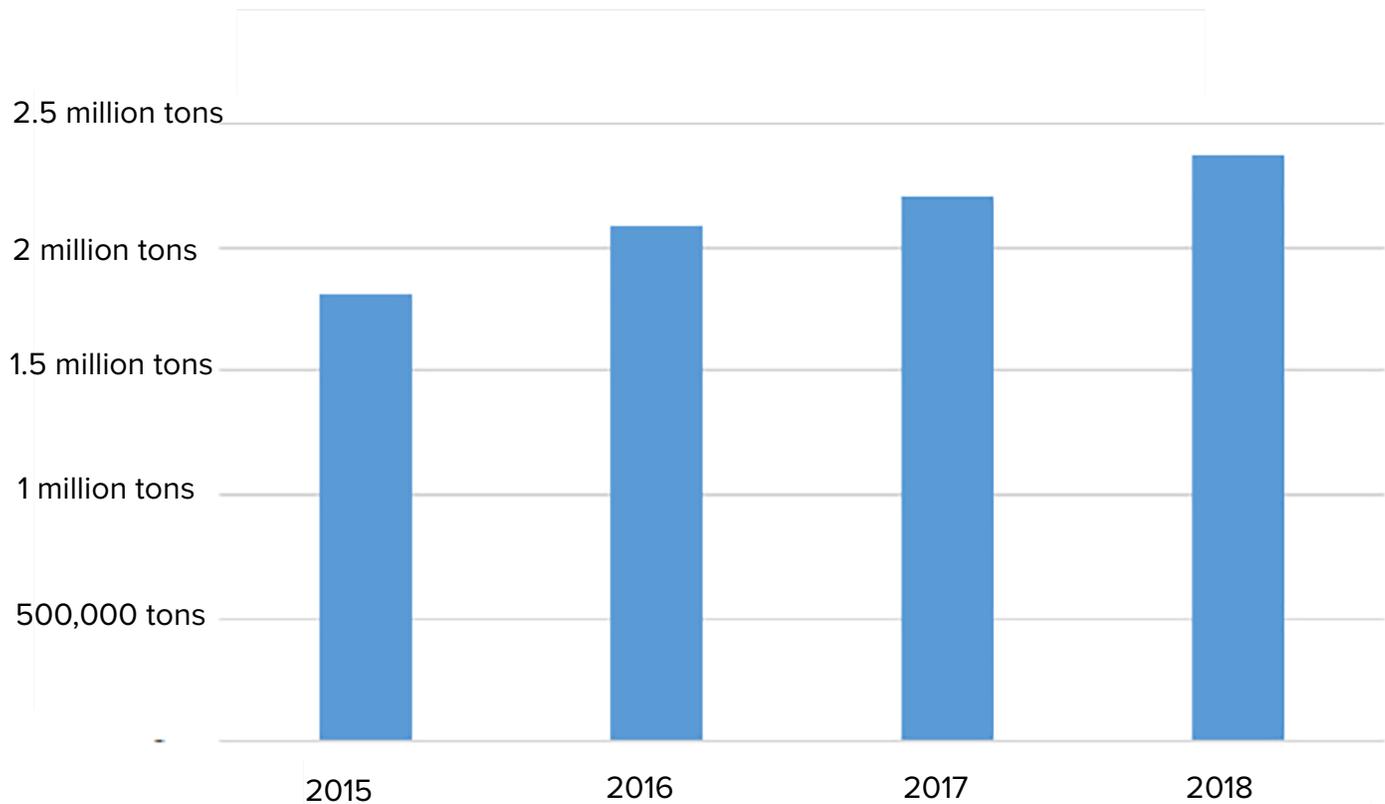


State and City transfer station reports both show a large increase in the amount of commercial waste that privately owned waste transfer stations sent to landfills and incinerators over the past four years.¹

Notably, this increase does not appear to correspond to a simple increase in population or the number of businesses in NYC, both of which might explain an increase in total waste.

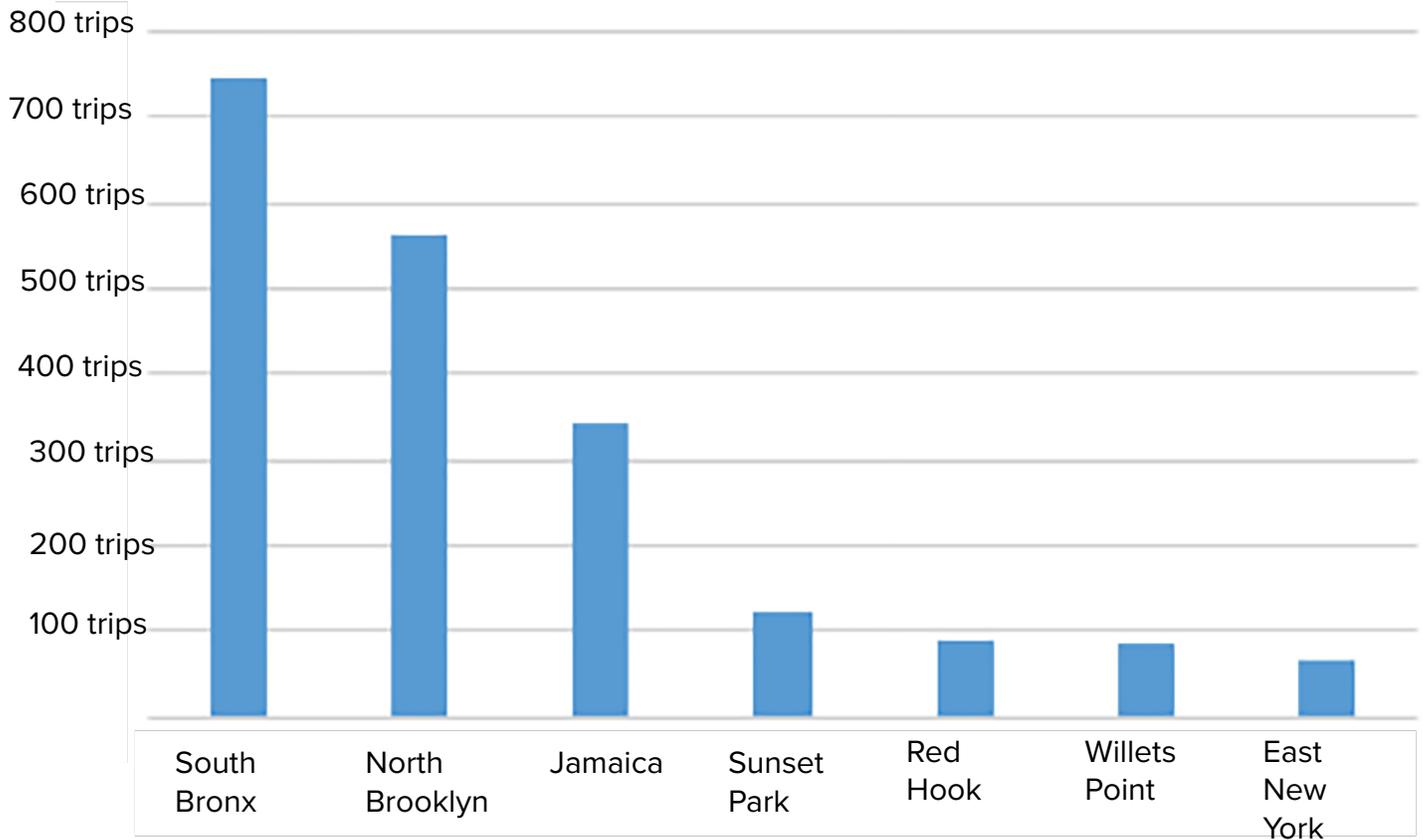
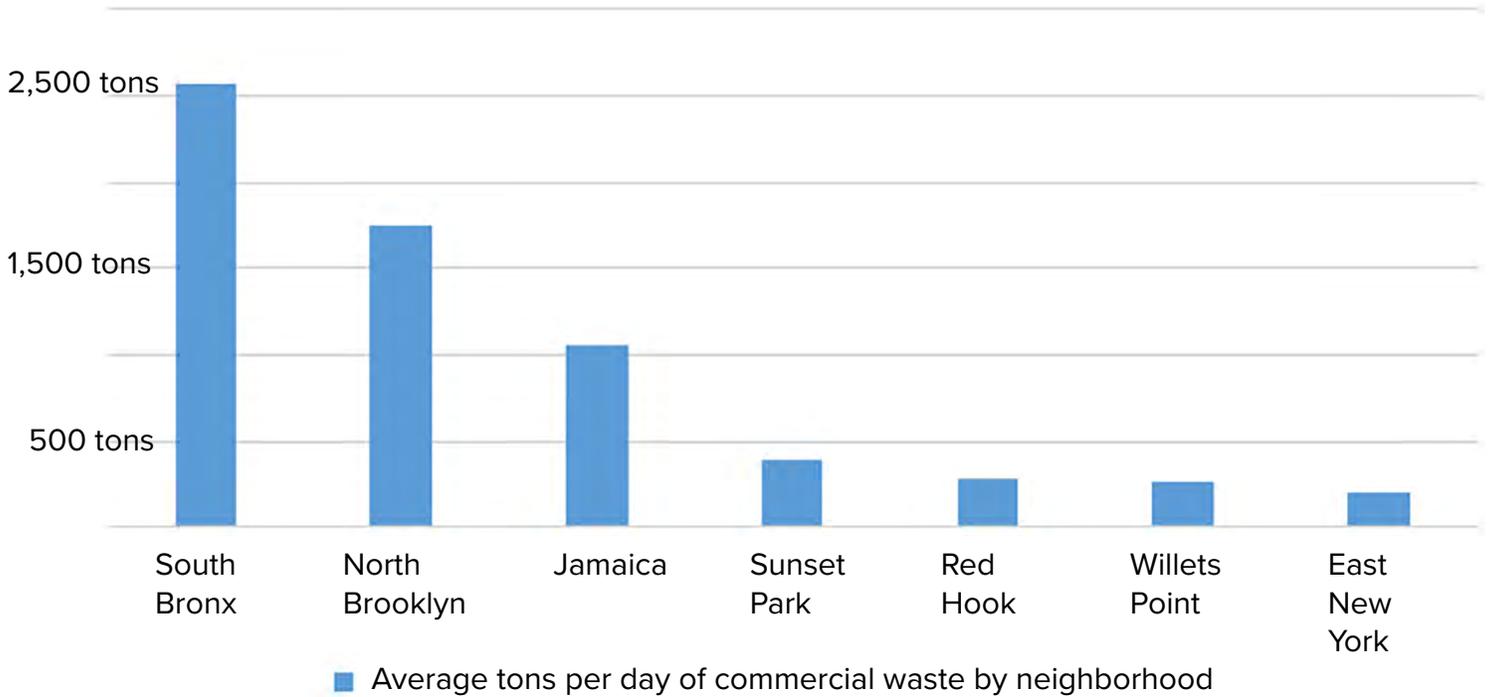
While annual commercial putrescible waste processed in the City increased by 35% to 2.3 million tons per year since 2015, residential waste collected by DSNY increased by only 3% over the same period.²

The amount of commercial waste handled at NYC private transfer stations has increased from 1.7 to 2.3 million tons per year (35%) in just four years:



Commercial waste also imposes highly unequal burdens on local communities: First, more than 75% of this waste stream goes to communities designated as overburdened under the Waste Equity Law (Local Law 152 of 2018).³ These four community districts have large clusters of private transfer stations -- including facilities adjacent to residential neighborhoods -- and have borne a hugely disproportionate share of the City's garbage for decades. Second, more than 87% of commercial putrescible waste goes to diesel truck-based transfer stations that continue to degrade [air quality](#), [safety](#), and public health in environmental justice communities. (Less than 13% goes to less-polluting rail transfer facilities). This increase in commercial waste requires more than 450 added private garbage truck trips in and out of local communities near transfer stations each day, undermining the equity and environmental goals of the City's Solid Waste Management Plan.

State DEC reports also show that much of this waste ends up in distant communities in upstate New York, Ohio, Pennsylvania, and Virginia that are similarly burdened with traffic, air, noise, and water pollution associated with landfills and incinerators.



Approximate Commercial Waste Truck Trips per day per neighborhood, 2018⁴

NEW YORK'S COMMERCIAL RECYCLING RATE REMAINS LOW

The local commercial waste industry continues to recycle only about one-quarter of the commercial waste stream, despite the implementation of new [commercial recycling](#)⁵ and composting rules intended to make recycling easier for New York City businesses. The more than two million tons of NYC commercial waste disposed of in landfills and incinerators annually are a [major contributor](#) to climate emissions, threaten to prevent the city from meeting its goal of zero waste by 2030, and represent a major missed opportunity to create new, [green jobs](#) in recycling.

This low diversion rate, coupled with the sharp increase in disposed commercial waste, contrasts starkly with cities like Seattle, San Francisco, and San Jose that all use exclusive waste zone systems. Using this policy, they have rapidly achieved far higher commercial recycling and composting programs, despite challenges in global recycling markets caused by China's restrictions on contaminated materials, while maintaining fair and transparent prices and service standards for customers and equitable and safe conditions for workers. Seattle [recently reported](#) maintaining its 65% commercial diversion rate in 2018 -- that is, waste that is diverted to recycling or composting. San Francisco has reported an overall diversion rate topping 60%.

RECOMMENDATIONS TO REALIZE EQUITY AND COMBAT CLIMATE CHANGE

Current regulations and voluntary commitments from sanitation companies remain woefully inadequate to reduce waste, raise recycling rates, and move commercial waste to more equitably and efficiently located facilities. However, the city is now poised to implement Commercial Waste Zone (CWZ) system -- an historic reform that will require the commercial waste system to operate with far greater efficiency, transparency, and accountability.

To advance urgent community equity, zero waste, and climate emissions goals, Transform Don't Trash NYC recommends that DSNY and the City Council do the following:

1. **Fully implement the waste equity law** — including reductions to private transfer station permits in overburdened communities mandated by the [Waste Equity Law](#) (Local Law 152 of 2018). The law also includes exemptions to allow transfer stations to continue expanding environmentally preferable recycling, organic waste recovery, and rail- and barge- based export initiatives.
2. **Pass the Commercial Waste Zones Bill (Intro 1574)** to achieve the greatest possible truck mile reductions. The City's Environmental Impact Statement for Commercial Waste Zones estimates that an exclusive zone system - with a single hauler designated to collect commercial waste in each zone would cut truck miles by 58% citywide⁶. This bill will also require the city to hold each designated hauler to high recycling, emissions, and safety standards. An exclusive system with a stable customer base and predictable revenue for each designated hauler will also enable haulers, transfer stations, and recycling facilities to secure the necessary financing to make infrastructure investments, and create local green jobs in the process.
3. **Ensure that the CWZ system includes incentives** for private haulers to use equitably and efficiently located transfer and recycling facilities, including barge- and rail-based facilities. Although the City's 2006 [Solid Waste Management Plan](#) calls for DSNY to utilize the four publicly owned marine transfer stations to accept commercial waste during nighttime hours, these facilities have thus far been exclusively dedicated to residential waste. The CWZ policy can incentivize commercial haulers to use the marine transfer stations for commercial collection districts located nearby, which would further reduce truck miles and provide relief for EJ communities beyond the modest permit reductions mandated by Local Law 152.

4. **Require private haulers to transition to low- or zero-emissions trucks during the first 10 years of the CWZ system.** Los Angeles and other West Coast cities have successfully used long-term exclusive waste zone contracts to mandate that commercial haulers purchase low-emissions vehicles.⁷ In contrast, the huge NYC private sanitation fleet remains highly polluting and dangerous.⁸

5. **Require designated haulers and their customers to meet rigorous waste reduction and diversion targets over the course of the first 10-year CWZ contract.** Cities including San Francisco; Seattle; San Jose; Boise, Idaho; and various Chicago-area suburbs have demonstrated that haulers and customers can rapidly scale up reduction, recycling, and composting programs to achieve diversion rates of 65% and higher. NYC's zone system should adopt best practices including the following strategies:

- Intensive and ongoing customer education and waste stream analysis performed by third-party auditors, as mandated by Intro 1574.
- Partnerships and subcontracts with food rescue groups and local recyclers and micro-haulers, particularly those that can efficiently serve small businesses. These partnerships should include logistical collaboration between designated haulers and local recyclers, collaborative marketing of local diversion services to customers in each zone, and financial support for local recyclers from both designated haulers and the City.
- Major investments in organic waste processing and recycling facilities necessary to increase diversion. These facilities should be sited equitably with respect to historically overburdened districts, should be located as close as possible to each commercial waste zone, and should use environmentally preferable transportation such as barges, rail, and zero-emissions vehicles.
- Pricing structures that incentivize customers to properly source-separate recyclable materials and organic waste. Pricing structures that incentivize customers to adopt waste-reduction strategies, such as discounted rates for source-separated organic waste and recyclables. These pricing structures have been successfully implemented in other major cities, with waste zone and franchise systems.

SOURCES AND METHODOLOGY

Transfer stations in New York City are permitted by both the Department of Sanitation (DSNY) and the New York State Department of Environmental Conservation (DEC). DSNY collects quarterly data on the average tons per day handled at each private transfer station, including a breakdown of tonnage delivered by DSNY and commercial waste haulers. We obtained copies of these quarterly reports for calendar years 2015 through 2018 via a Freedom of Information Law request.

Transfer stations and other solid waste facilities permitted by New York State are also required to submit annual reports to the DEC, including quantities of waste received, disposed, and recovered; the destinations of disposed and recovered materials; and the mode of transport used to take materials from the facility to disposal or recovery.⁹

DSNY and DEC data do not include quantities of NYC commercial waste hauled directly to incinerators, landfills, and transfer facilities in New Jersey, Long Island, and other sites outside of New York City. Based on DSNY estimates of commercial waste generation in New York City, there may be as many as 500,000 additional tons of waste hauled to out-of-city locations each year.

We used the following sources to arrive at the estimates in this report:

- Quantities of commercial and residential waste handled at putrescible transfer stations were derived from DSNY quarterly reports, which report waste volumes in average tons per day. We cross-checked these quantities of commercial waste with DEC reports, which include annual tons of waste, but do not distinguish between residential and commercial putrescible solid waste.
- Quantities of residential waste handled at DSNY Marine Transfer Stations and the Staten Island rail transfer station were obtained from DEC annual reports filed by these facilities.

ENDNOTES

- 1 The analysis in this report is limited to commercial putrescible waste or “trade waste,” which is waste collected regularly from businesses by licensed haulers and delivered to transfer stations permitted to process putrescible waste. Construction and demolition recycling waste is largely handled at separately permitted facilities, and recycling rates for this waste are calculated separately.
- 2 N.Y.C. Dep’t of Sanitation, 2018 Annual Report (Nov. 14, 2018), available at https://issuu.com/newyorkcitydepartmentofsanitation/docs/annual_report_2018_final_pages.
- 3 Overburdened districts are North Brooklyn (CD 1), the South Bronx (CDs 1 and 2), and South-east Queens (CD 12). Local Law 152 also protects all communities from acquiring more than 10% of the City’s transfer station capacity going forward. Several private waste companies are seeking to block the implementation of Local Law 152 in court. NYLPI and several other amici have [filed a brief](#) in support of the law.
- 4 Based on 9 tons per commercial collection truck (estimated in City EIS for Commercial Waste Zones) and 20 tons per long-haul waste truck.
- 5 The City’s [Draft Generic Environmental Impact Statement](#) for the Commercial Waste Zones plan estimates the commercial diversion rate at 25% [p. 2-4]. Our compilation of annual reports from transfer stations and commercial recycling facilities shows a similar diversion rate. Because our estimate relies on figures that the industry self-reports to the New York State Department of Environmental Conservation (DEC), the actual amounts of commercial material recycled in NYC may be even lower.
- 6 N.Y.C. Dep’t of Sanitation, Draft Generic Environmental Impact Statement for Commercial Waste Zones, S-9, 9-15 (Feb. 22, 2019), available at https://dsny.cityofnewyork.us/wp-content/uploads/2019/02/19DOS003Y_DGEIS_reduced.pdf.
- 7 For example, see Los Angeles’ contracts with franchised waste providers, Section 3.19.1 “Clean Fuel Vehicle Requirements,” available at <https://www.lacitysan.org/cs/groups/public/documents/document/y250/mde0/~edisp/cnt014119.pdf>
- 8 Current local law ([Local Law 145 of 2013](#)) requires only that commercial haulers adopt 2007 or newer diesel engines by 2020, or use a retrofit technology. Vehicle fleet records obtained from the Business Integrity Commission show that as of April 2019, no private haulers are operating low- or zero-emissions electric or renewable natural gas heavy duty trucks in New York City. Additionally, only 15% of private waste trucks had installed low-cost safety side guards as of April 2019.
- 9 Annual solid waste facility reports submitted to NYS DEC are available at <ftp.dec.ny.gov/dshmf/SWMF/>

ABOUT THIS REPORT

Transform Don't Trash NYC is a growing coalition dedicated to transforming New York City's commercial trash industry to reduce waste and pollution, foster clean and healthy communities for all New Yorkers, and create good jobs. Members include the New York City Environmental Justice Alliance, ALIGN: The Alliance for a Greater New York, the International Brotherhood of Teamsters Joint Council 16 & Locals 210, 813, and 831, the Natural Resources Defense Council (NRDC) and New York Lawyers for the Public Interest.

This report and underlying research were produced by members of the [Transform Don't Trash NYC coalition](#), with Justin Wood of New York Lawyers for the Public Interest (NYLPI) as the lead author. It was designed by NYLPI's Communications Director, Matt Davis.

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