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## TECHNICAL MEMORANDUM No. 3 NYC COMMERCIAL WASTE ZONE PROGRAM

CEQR No. 19DOS003Y

### Changes in Background Conditions and Updated Information

January 11, 2024

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#### A. DESCRIPTION OF PROPOSED PROJECT

This Environmental Review Technical Memorandum No. 3 has been prepared to address new information and changes in background conditions related to the proposed New York City Commercial Waste Zone (CWZ) Program that was analyzed in a Final Generic Environmental Impact Statement (FGEIS) (CEQR No. 19DOS003Y) issued by the Department of Sanitation (DSNY) as lead agency on September 17, 2019 pursuant to the State Environmental Quality Review Act and the City Environmental Quality Review Procedure (SEQRA/CEQR).

#### PROJECT BACKGROUND

In November 2018, DSNY proposed the New York City CWZ Program to advance the City's efforts to increase commercial recycling, reduce commercial waste carter truck traffic and associated air, noise, and greenhouse gas (GHG) emissions, and improve the carting industry's operational standards. As proposed, the CWZ Program would regulate the collection of a portion of the commercial waste collected by private carters in New York City, including refuse, designated recyclables, such as paper, cardboard, metals, glass, and plastics, and source-separated organic waste. The CWZ Program would exclude specialized or intermittent waste streams, such as construction and demolition (C&D) debris, hazardous waste, and textiles, which would continue to be collected in the current manner under existing City and State regulatory requirements.<sup>1</sup>

The CWZ Program analyzed in the FGEIS was assumed to be a non-exclusive system of 20 geographic zones permitting at least three but no more than five carters operating within each zone. As discussed in the FGEIS, this zone design of 20 zones with at least three and up to five carters in some zones was chosen after stakeholder feedback due in part to a desire to maintain competition and fair pricing for commercial waste customers, and include additional carters and minimize market disruption. The proposed zones consisted of seven zones in Manhattan, six zones in Brooklyn, four zones in Queens, two zones in the Bronx, and one zone in Staten Island. Carters that win zone contracts would be obligated to meet certain contractual requirements aligned with the City's program goals and objectives. The CWZ Program would standardize the carting contract process by requiring written service agreements between carters and customers and by making the pricing structure more transparent.

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<sup>1</sup> Other excluded waste streams include fill material, medical waste, electronic waste, yard waste collected by landscapers, waste collected by a one-time, on-call bulk waste removal service, grease, waste that is collected by a micro-hauler, sewage, industrial wastewater discharges, irrigation return flows, radioactive materials, and materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process.

The FGEIS concluded that the proposed CWZ Program would not result in significant adverse environmental impacts.

#### *LOCAL LAW 199 OF 2019 & TECHNICAL MEMORANDUM NO. 1*

As a result of the legislative process to authorize the proposed CWZ Program, the final bill that became Local Law 199 of 2019 (LL199/2019) modified the plan studied in the FGEIS in several respects, including limiting the number of carters per zone to a maximum of three. The aspects of the CWZ Program in LL199/2019 that differed from the program analyzed in the FGEIS were analyzed in Technical Memorandum No. 1 dated October 25, 2019. Technical Memorandum No. 1 concluded that the post-FGEIS modifications would not alter the conclusions of the FGEIS and would not result in a significant adverse environmental impact.

LL199/2019 was enacted on November 20, 2019, authorizing DSNY to establish a zoned commercial waste system throughout the City's five boroughs through DSNY rulemaking and a contract-award process.

#### *DSNY RULEMAKING & TECHNICAL MEMORANDUM NO. 2*

On December 12, 2019, DSNY released a proposed rule for public comment that would establish the map setting the boundaries for the 20 commercial waste zones authorized per LL199/2019. The proposed rule included certain modifications to the geographic boundaries of the CWZ Program zones from what was analyzed in the FGEIS and subsequent Technical Memorandum No. 1, including a change from seven zones in Manhattan to eight zones in Manhattan and from six zones in Brooklyn to five zones in Brooklyn. The aspects of the CWZ Program in the proposed rule that differed from the program analyzed in the FGEIS were analyzed in Technical Memorandum No. 2 dated February 13, 2020. Technical Memorandum No. 2 concluded that the modifications in the proposed rule would not alter the conclusions of the FGEIS and would not result in a significant adverse environmental impact. DSNY adopted final rules in February 2020 designating the boundaries of the 20 commercial waste zones. **Figure 1** shows the 20 commercial waste zones as adopted in the final rules.

## **B. CHANGES SINCE THE FGEIS AND TECHNICAL MEMORANDA**

Since the completion of Technical Memorandum No. 2, there have been notable changes in background conditions as a result of the COVID-19 pandemic and new information related to the CWZ Program is now available as the competitive procurement process has advanced. Each of these items is discussed below.

### **CHANGES IN BACKGROUND CONDITIONS**

The onset of the COVID-19 pandemic in March 2020 led to widespread disruption and changes in the commercial waste market and commercial carting industry. Non-essential businesses were forced to cease in-person functions, and many businesses closed altogether. As a result, commercial waste carters endured the suspension of substantial portions of their customer accounts and experienced significant reductions in revenue. At the same time, the shift to work-from-home by large portions of the office-based workforce led to increases in the amount of residential waste generated in the City. Even as the City has emerged from the pandemic, the shift to remote work has reduced the amount of waste being put out by commercial properties, forcing commercial carting companies to reduce service and lay off workers.

**Table 1** below shows the trends in the City's estimated residential and commercial waste generation from 2018 through 2022. As shown, residential waste generation experienced notable increases in 2020 and 2021 during the height of the pandemic as compared to 2018 and 2019.<sup>2</sup> Commercial waste generation decreased substantially in 2020, increased in 2021, and increased again in 2022. Commercial waste generation has not yet returned to pre-pandemic volumes.<sup>3</sup>

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<sup>2</sup> Residential waste generation from January to October 2023 was 2,560,547 tons over a 10-month period. Extrapolated over a 12-month period, this 2023 number indicates similar residential waste generation patterns as seen in 2018, 2019, and 2022.

<sup>3</sup> Information on commercial waste tonnages is gathered annually, and carters will not begin to report 2023 data until 2024.

**Table 1**  
**Residential and Commercial Waste Trends, 2018 to 2022**

Year	Residential Tonnage	Percent Change from Prior Year	Commercial Tonnage	Percent Change from Prior Year
2018	3,169,201	--	3,627,745	--
2019	3,124,115	-1.4%	3,491,532	-3.8%
2020	3,338,208	6.9%	2,168,302	-37.9%
2021	3,326,396	-0.4%	2,512,064	15.9%
2022	3,125,783	-6.0%	2,798,897	11.4%

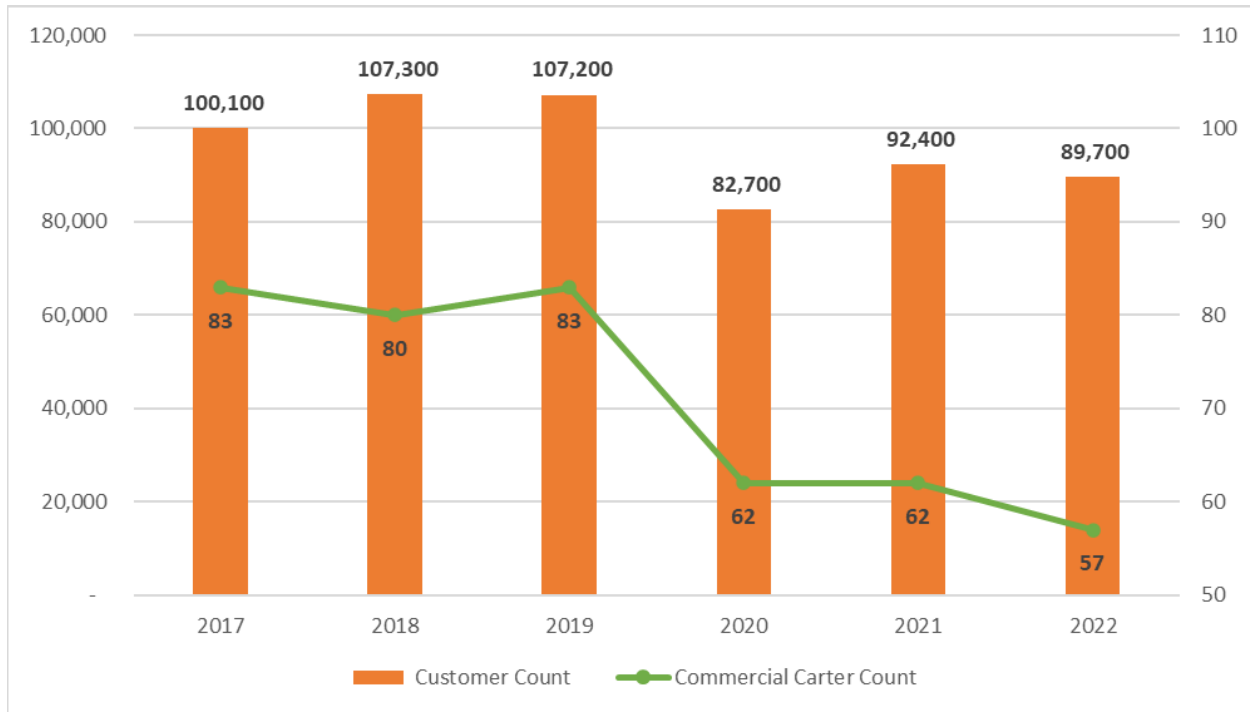
**Notes:** Residential tonnage includes refuse, paper, MGP, residential organics, school organics, leaves, and Christmas trees.

**Sources:** Residential tonnage compiled from DSNY Open Data: <https://data.cityofnewyork.us/City-Government/DSNY-Monthly-Tonnage-Data/ebb7-mvp5>  
Commercial tonnage compiled from DSNY Private Transfer Station and Recycling Facility data and self-reported Private Carter Survey data.

The commercial carting industry collects from every commercial business within the City, from standalone retail to large office buildings. With the contraction of commercial business activity within the City during the pandemic, the commercial carting industry experienced a similar contraction. Before the pandemic, based on the New York City Business Integrity Commission’s (BIC) 2019 Q1-Q3 customer register, 83 commercial carting companies collected from approximately 107,200 commercial waste customers within the City (see **Chart 1**). The COVID-19 pandemic saw a reduction in both the number of commercial customers and commercial carting companies in the City, with a reduction to approximately 82,700 customers and 62 carters in 2020. Data from the 2022 customer register indicates a gradual return of businesses, with an increase in the number of customers to approximately 90,000. However, in 2022, the number of carters reported decreased to 57.<sup>4</sup>

<sup>4</sup> Preliminary data from the 2023 Q1 BIC customer register indicates approximately 92,000 customers reported by 55 carters, further indicating the gradual return of businesses.

**Chart 1**  
**Customer Register and Commercial Carter Count, 2017-2022**



**Notes:** The datasets presented in this chart include customer information reported by individual carters to BIC. The number of unique “customers” identified in the customer register (these customers can also be understood conceptually as unique billing entities) is not linked to the number of commercial businesses serviced by carters, since in large office buildings carters may collect waste from multiple businesses but may only report the single building management company as the billing entity.

**Sources:** BIC Private Carter Customer Register 2017 Q2-Q4; 2018 Q3-Q4; 2019 Q1-Q3; 2020 Q3-2021 Q1; 2021 Q2-2022 Q1, and 2022 Q2-Q4.

Of the 57 carters reported in 2022, there are 34 carters considered small operators that each collect from less than 1 percent of the commercial waste customers, 13 carters considered medium operators that each collect from between 1 and 3 percent of the commercial waste customers, and 10 carters considered large operators that each collect from more than 3 percent of the commercial waste customers. Other carters beyond the 57 reporting carters collect other types of waste (e.g., tires and grease) and are, therefore, not represented in the data used for this analysis.

Additionally, as the region emerges from the COVID-19 pandemic, the commercial waste carting industry has experienced inflationary pressures much like the rest of the economy. Key inflationary pressures cited by the industry include rising labor and equipment costs, higher fuel costs, and higher tip fees at transfer stations. In recognition of the inflationary pressures facing the industry, BIC approved two rate cap<sup>5</sup> increases in 2022 - a 9 percent rate cap increase for June 2022 and a 7 percent increase for October 2022. In addition, BIC held a public hearing on October 11, 2023 to consider further changes to the rate cap.

<sup>5</sup> The BIC rate cap is the maximum rate that private carters can charge for putrescible waste and recyclable removal services under the current commercial waste disposal system.

*OTHER NOTABLE CHANGES TO BACKGROUND CONDITIONS*

This section discusses two other notable changes to background conditions: the Central Business District (CBD) Tolling Program and the expansion of the DSNY Organic Waste Rules.

*CBD Tolling Program*

The Metropolitan Transportation Authority (MTA) is implementing a congestion pricing program, known as the CBD Tolling Program (CBDTP), in which drivers will be charged a toll to enter the Manhattan CBD (Manhattan south of and inclusive of 60<sup>th</sup> Street). The program is expected to be implemented in 2024 and is expected to reduce congestion on roadways in the Manhattan CBD. On December 6, 2023, the MTA authorized the commencement of the process for setting the toll structure, including toll price and crossing (tunnel) credits. The proposed toll rates were published, and the public will have the opportunity to comment on them for a period of 60 days. Starting on December 27, 2023 and running through March 11, 2024, the MTA will be accepting public comments on the proposed toll rate schedule. After the public comment period, the MTA board will have a final vote on the toll rates.

Seven commercial waste zones are fully or partially located within the Manhattan CBD. The CBDTP will affect commercial waste carters entering the Manhattan CBD in that they will be charged a toll to enter the area. The proposed rates for trucks will vary based upon the type of truck, and the time of entry into the CBD. The proposed peak period tunnel credit amounts vary by truck type and particular tunnel used. The MTA has released the following information for public comment:

<b>Truck type</b>	<b>CBD Peak Entry Charge- (EZ-Pass)* (5am – 9pm weekdays, 9am – 9pm weekends)</b>	<b>CBD Overnight Entry Charge- for EZ-Pass* (9pm – 5am weekdays, 9pm – 9am weekends)</b>	<b>Tunnel Credit (Peak period per-trip credit) -Lincoln/Holland Tunnel</b>	<b>Tunnel Credit (Peak period per-trip credit)-Queens Midtown/Hugh L. Carey Tunnel</b>
Single-unit trucks (includes non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with cabs above the roofline or extending over the sides, and vans with an extended roof above the windshield.)	\$24	\$6	\$12	\$6
Multi-unit trucks (includes articulated trucks where a power unit is carrying one or more trailers.)	\$36	\$9	\$20	\$10

\*Proposed rates for non-EZ-Pass customers are higher, but it is presumed that Awardees will use EZ-Pass.

The CBDTP will also affect commercial waste carters entering the Manhattan CBD by increasing their efficiency as a result of the expected reduction in traffic congestion. The CWZ Program will occur with or without the CBDTP, and the CBDTP implementation will not alter the conclusions of the FGEIS. The costs and efficiencies of the CBDTP will only further the improvements that will occur with the CWZ Program – including reducing commercial waste carter truck traffic and associated air, noise, and GHG emissions. Furthermore, the toll charges that will be paid by Awardees are small, relative to their overall costs.

Any incremental cost resulting from the CBDTP that Awardees pass along to their customers would be negligible. Therefore, the CBDTP is not analyzed further in this Technical Memorandum.

*DSNY Organic Waste Rules for Restaurants, Food Retailers, Food Preparation Sites, Catering & Public Events*

DSNY has promulgated rules to implement Local Law 146 of 2013, the Commercial Organics Law, which required that commercial businesses designated in the law (covered businesses)<sup>6</sup> separate organics for beneficial use, such as composting or anaerobic digestion to produce biogas. The Local Law required DSNY's rules to establish participation start dates for this mandatory diversion program. It also allowed participation to be rolled out in phases. The first two rules promulgated by DSNY each applied to a different subset of the covered businesses-- these rules went into effect in 2016 and 2018. These rules applied to the largest generators of putrescible waste. However, because these rules did not apply to all covered businesses specified in the Local Law, the No Action condition of the 2019 FGEIS anticipated that the City would continue to expand organics diversion to capture more of the covered businesses. In 2020, DSNY expanded the organic waste recycling and waste diversion requirements to the remainder of the covered businesses. The 2020 DSNY rule was the third and last phase of the rollout. Overall, the Local Law and the 2020 DSNY rule have expanded the number of businesses required to source separate their organic waste, thereby reducing the amount of food waste sent to landfills and waste-to-energy plants.

This rule did not change the total amount of waste produced by the covered establishments; some of it is just collected as source separated organic waste (SSO) rather than refuse. In addition, this rule did not materially change traffic associated with waste collections. As set forth in the Environmental Assessment Statement for the 2020 rule, with the increased number of commercial businesses required to manage SSO, private carters would adjust their routes to handle the collection of SSO and routes would thereby become more efficient. The expansion was expected to generate approximately 22 additional daily truckloads of SSO citywide, with about 5 truckloads during daytime hours and 17 truckloads during nighttime hours. This equals less than one truck trip per hour during the daytime hours and up to two trips per hour during the nighttime hours, dispersed throughout the City. The CWZ Program would result in reduced vehicle miles travelled (VMT) due to more efficient routing by carters. Therefore, the 2020 DSNY Organic Waste Rule would not alter the conclusions of the FGEIS and it is not analyzed further in this Technical Memorandum.

## **NEW INFORMATION RELATED TO THE PROJECT**

DSNY's Request for Proposals (RFP) for the CWZ Program was issued in two parts, which provided sufficient time for potential program awardees to prepare, plan, and respond to the RFP, and allowed for the economic condition of the industry to stabilize and improve. Since late 2020, DSNY has been actively advancing the competitive procurement process for the CWZ Program. In order to collect waste, commercial carters have responded to DSNY's RFP with proposals for DSNY's review. As indicated in the FGEIS, the RFP included a number of requirements that carters would implement in order to demonstrate compliance with applicable policies. The following paragraphs summarize the overall commercial carter participation in the RFP process and the carters selected as a result of the evaluation process.

Of the 57 commercial carters that reported a customer register to BIC in 2022, 46 carters participated in RFP Part 1 or RFP Part 2.<sup>7</sup> 42 carters participated in proposals in response to RFP Part 2. These 42 carters were part of a total of 34 proposals received in response to RFP Part 2.<sup>8</sup> In some instances, carters formed joint

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<sup>6</sup> Local Law 146 of 2013 focused on businesses that involve food, including but not limited to food manufacturers, food wholesalers, retail food stores, arenas and stadiums, food service establishments, and catering establishments. The law's applicability also depends on business or facility size, and other factors.

<sup>7</sup> 50 carters overall responded to RFP Part 1.

<sup>8</sup> Six (6) carters that did not collect commercial waste in New York City in 2022 were part of the 34 proposals received in response to RFP Part 2. These carters include newly formed carters, carters with experience in hauling other trade wastes or as waste brokers, carters that had previously operated in New York City but had left the market, or carters that have experience outside of New York City such as in New Jersey, Long Island, and nearby upstate New York counties.

ventures with other carters and some carters entered into subcontracting arrangements with proposers as Designated Carters for certain zones.<sup>9</sup> The carters that participated in Part 1 and/or Part 2 of the RFP collect from approximately 98 percent of the New York City customer market, indicating widespread local industry participation in the RFP process. Eleven (11) carters did not participate in the RFP in either Part 1 or Part 2; all of these were small carters.

DSNY evaluated each proposal based on criteria outlined in the RFP to determine which carters provide the best overall value to the City consistent with program goals and service requirements. Specifically, DSNY convened an evaluation committee (Committee), which carefully reviewed all proposals. The Committee applied the criteria set forth in RFP Part 2, including all addenda, in scoring the proposals. The Committee also reviewed the advisory maximum number of zones described in the RFP Addendum 4, to assist it in making determinations as to which proposers were selected for which zone awards.

DSNY has now selected preliminary Awardees for each zone (three Awardees per zone) and for citywide containerized collection (five Awardees). DSNY has preliminarily selected 18 proposers as Awardees for commercial waste zones and citywide containerized collection. These 18 proposers are comprised of 30 commercial carters, inclusive of the proposers' subcontractors that are Designated Carters. Of these 30 carters, 26 operated in New York City in 2022. Of these 26, there are 10 carters considered small operators that each collect from less than 1 percent of the commercial waste customers, 7 carters considered medium operators that each collect from between 1 and 3 percent of the commercial waste customers, and 9 carters considered large operators that collect from more than 3 percent of the commercial waste customers. The preliminary Awardees and their subcontractor Designated Carters currently collect from approximately 82 percent of commercial waste customers in New York City and collect approximately 86 percent of the commercial waste tonnage in New York City. This data demonstrates that the commercial waste zones RFP process has selected preliminary Awardees of a variety of sizes, including small, medium, and large operators. The preliminary Awardees also collect from a large majority of the existing customer market, and the total market share in tonnage.

Under the CWZ Program, 31 carters that operated in New York City in 2022 would not have the opportunity to collect from the commercial waste zones (i.e., 11 carters that did not participate in the RFP process at all, 4 carters that participated in RFP Part 1 but did not participate in RFP Part 2, and 16 carters that participated in RFP Part 2 but were not selected for any zone or citywide containerized collection). Of the 31 carters, there are 24 carters considered small operators that each collect from less than 1 percent of the commercial waste customers, 6 carters considered medium operators that each collect from between 1 and 3 percent of the commercial waste customers, and 1 carter considered a large operator that collects from more than 3 percent of the commercial waste customers. However, as indicated above, the preliminary Awardees and their Designated Carters currently collect from approximately 82 percent of commercial waste customers in New York City and collect approximately 86 percent of the commercial waste tonnage in New York City.

As a result of DSNY's preliminary Awardee selections, new information is available with respect to potential effects on commercial waste carters and customers, economic and operational effects on the industry, and changes to vehicle miles traveled (VMT) and overall truck traffic associated with the commercial waste carting industry with the CWZ Program. This information is based on the responses from the commercial carters through DSNY's procurement process.

#### *PRELIMINARY AWARDEE MAXIMUM RATES*

Under the CWZ Program, the BIC rate cap for licensed carters of putrescible waste would no longer apply. At the time of the FGEIS, the exact maximum rates at which waste could be collected under the CWZ Program were unknown because they would be determined through the procurement process. Now, maximum rates for

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<sup>9</sup> The term "Designated Carter" in this context refers to a carter licensed by BIC to haul trade waste that is subcontracted for waste hauling services by an Awardee. An Awardee is limited to 2 Designated Carters per commercial waste zone or citywide containerized collection contract.

each preliminary Awardee have been determined through the procurement process. As discussed in the FGEIS, pricing will be negotiated between individual customers and the carters that operate in their zone, subject to the Awardee's maximum rate.

### BIC Rate Cap

Under the BIC rate cap, the maximum price charged to customers for curbside service is set by rule. Under the BIC rate cap, the maximum price charged to customers with curbside service is based solely on volume (dollar per cubic yard) or weight (dollar per 100 lbs.). Fees for using roll-on/roll-off boxes, also known as roll-off containers (roll-offs),<sup>10</sup> as well as for using compactors, are negotiated separately. These negotiated fees for the use of roll-offs and compactors are not included in the BIC rate cap. By rule, BIC holds a hearing every odd-numbered year and considers an adjustment of the rate cap. In determining whether the rate should be adjusted, BIC considers the Producer Price Index as well as data on the trade waste industry, including, but not limited to, overall revenues, operating expenses, total regulated tonnage, and other factors that BIC considers relevant.<sup>11</sup>

### CWZ Maximum Rate

Under the CWZ Program, maximum rates are set by the Department's contract with each Awardee. Like the BIC rate cap, the CWZ Program maximum rates set prices for curbside service on a volume (dollar per cubic yard) or weight basis (dollar per 100 lbs.), however, prices are not solely set on this basis. The maximum rates under the CWZ Program are also based upon the frequency of collection. The frequency-based fee is the price for getting service one time per week, two times per week, etc., up to seven times per week. Under the CWZ Program, the frequency-based fee is added to the volume or weight-based fee to arrive at a maximum rate for curbside service. (Additionally, under the CWZ Program, fees for using roll-offs and compactors are subject to a maximum rate set forth in each Awardee's contract with the Department.) Annual increases to the maximum rates under the CWZ Program would commence on July 1, 2025, pursuant to the Department's contracts with each Awardee.<sup>12</sup> The automatic annual rate adjustments are based upon four enumerated inflation factors (CWZ Program Weighted Index), discussed on page 15.

### Discussion of the BIC Rate Cap and the CWZ Maximum Rate

Under both the BIC rate cap and the CWZ Program's maximum rate, customers can negotiate prices for service below the maximum. However, where they differ is that under the CWZ Program, specific, additional pricing elements or information are provided to the customer. Because the BIC rate cap does not include fees for using roll-offs and compactors, which are negotiated separately, the comparison below considers only curbside service.<sup>13</sup> The BIC rate cap and CWZ Program also use different factors to determine rate increases, as further discussed below.

Based upon an analysis of today's pricing under the BIC rate cap, which was last set by rule in October 2022, and the CWZ's maximum rates, which were established by contracts in December 2023 and which rates are fixed until July 1, 2025, the ratio of the maximum cost of service to customers on a citywide basis for curbside service under the CWZ Program, as compared to the current BIC rate cap, would be 0.95. This means that citywide, on average, customers will see maximum rates that are 5 percent lower under the CWZ Program, as compared to the most recent BIC rate cap from October 2022.<sup>14</sup> There are 14 zones where the average maximum rate of the three carters in that zone is lower than the BIC rate cap. There are six zones where the average maximum rate is higher than the BIC rate cap. However, in four of those six zones, at least one Awardee's maximum rate is lower than the BIC rate cap. This analysis is discussed further on pages 13-16. Overall, the CWZ Program is not expected to increase the costs associated with commercial carting services

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<sup>10</sup> This refers to containers 10 cubic yards or larger in size.

<sup>11</sup> 17 RCNY Section 5-02.

<sup>12</sup> Awardees may also petition for an increase to the maximum rate, pursuant to rule. 16 RCNY Section 20-21(d).

<sup>13</sup> A very small percentage of commercial waste customers use roll-offs or compactors.

<sup>14</sup> This comparison represents a citywide average; the actual costs to customers would be negotiated between individual customers and the carters that operate in their zone, subject to the Awardee's maximum rate.



to the point that local businesses are unable to pay for carting services, refuse remains uncollected, and these businesses ultimately close due to the burden associated with commercial waste collection.

#### *VEHICLE MILES TRAVELED (VMT)*

Commercial carter truck VMT calculations are based upon the estimated number of miles that all commercial carter trucks serving New York City businesses drive to pick up and drop off waste each day, beginning at a truck's garage, continuing to each customer for waste collection, then to the transfer station or disposal facility for waste disposal/removal, and ending back at the truck's garage. Existing inefficiencies in waste collection routes lead to an elevated VMT within the New York City region.

One of the main goals of the CWZ Program is to reduce commercial carter truck VMT. The FGEIS developed a VMT analysis based on a comparison of 2018 No Action conditions and projected conditions with the CWZ Program. The analysis demonstrated that the CWZ Program would result in a reduction of VMT because of the new operational requirements of the zone-based system. This VMT analysis has been updated to account for information regarding the selected preliminary Awardees, such as their garage locations and the locations of transfer stations or disposal facilities, and results in conclusions similar to those of the FGEIS. As discussed above, the COVID-19 pandemic reduced the number of commercial customers in New York City. The change in the number of commercial customers would not materially change the VMT analysis because the reduction in customers would apply to conditions with and without the CWZ Program.

The methodology for the updated VMT analysis is described below.

#### *VMT Methodology*

The VMT analysis for this Technical Memorandum updates the VMT reduction expected in the FGEIS analysis utilizing new information provided by the preliminary Awardees for each zone. It also updates the methods documented in the FGEIS which were used to assign garages and disposal facilities to routes.

The FGEIS VMT analysis estimated the VMT reduction of a future citywide CWZ system to be approximately 50 percent from the No Action condition. At the time of the FGEIS VMT analysis, the preliminary Awardees were unknown. As preliminary Awardees have now been identified, the VMT analysis can be updated based upon the specific garages and disposal locations they selected for each zone.<sup>15</sup> This Technical Memorandum VMT analysis utilizes this specified pool of garages and disposal facilities. Inputting the garages and facilities identified for use by the preliminary Awardees and their Designated Carters into the model allows it to more accurately assess the VMT of the future CWZ system. Since the real customer-to-customer sequences on each route still remain unknown, there is no change from the FGEIS methodology for this component of the VMT analysis.

Specifically, the Technical Memorandum analysis updates the FGEIS VMT analysis garage and disposal facility assignment methodologies as follows:

- a. The garage assigned to a hypothetical route in a zone is the closest garage to the awarded zone that a preliminary Awardee of the zone has access to. The preliminary Awardee of a zone has access to its own garages and the garages of its Designated Carter(s) that also serve(s) the zone. The carters' garage information was provided by BIC to DSNY in response to information requests in March and April 2023. Truck depots used for dispatch were identified via preliminary Awardees' responses to RFP Part 2.
- b. The disposal location is assigned to each hypothetical route proportionally based on the guaranteed capacity of the disposal facilities available to each preliminary Awardee. It is assumed that, in practice, more trucks will dispose of collected waste at facilities with larger capacity, and fewer trucks will dispose of collected waste at the facilities with lower capacity. Thus, the possibility of a facility being assigned as a disposal facility on a route is proportional to its guaranteed capacity. The disposal

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<sup>15</sup> The garage and disposal facility locations are taken from information provided by preliminary Awardees to BIC, and information submitted by preliminary Awardees to DSNY as part of their RFP Part 2 proposal packages.

locations and their guaranteed capacities were provided by the preliminary Awardees in their RFP Part 2 responses.

Due to the ability to identify specific garages and disposal locations based upon the particular preliminary Awardee, and the updated selection methods (described in points (a) and (b) above), the VMT that the commercial carter trucks incur on three segments of their routes is recalculated: 1) from their garage to the first customer on the routes they serve, 2) from the last customer on the routes they serve to the disposal facility, and 3) from the disposal facility to their garage. The rest of the collection route segments, which involve solely the trips the trucks take from one customer to another, are unchanged. The recalculated results are combined with the results of the customer-to-customer portions of the FGEIS simulation.

It should be noted that even though a more specific pool of garages and disposal facilities are used for this revised VMT analysis, since the assignment of disposal facilities is not fixed, as described in point (b) above, six simulation rounds are conducted to account for slight variations between model runs. Similar to the FGEIS analysis, the three route segments are simulated in six rounds and an average of the six rounds' VMT is taken. In each round, the simulation of the three segments for the routes in each zone is done for each of the three preliminary Awardees (including their Designated Carters). Then, an average of the three preliminary Awardees' VMT is taken as the simulation result for the zone.

#### *VMT Results*

Using the VMT methodology described above and the information provided by the preliminary Awardees for each zone, the VMT model was run to determine the potential impact to citywide VMT. The results showed the CWZ Program – when accounting for the new information regarding the preliminary Awardees – would result in a 50 percent reduction in citywide commercial carter truck VMT over the No Action condition. This is the same percent reduction in citywide commercial carter truck VMT estimated in the FGEIS. Overall, the CWZ Program would result in a reduction of 12 million VMT annually and a reduction in the number of carter trucks used to collect commercial waste in the City.

With respect to the case study areas examined in the FGEIS (i.e., Midtown Manhattan; Flatbush Nostrand Junction, Brooklyn; and College Point, Queens), the CWZ Program's reductions in VMT from the No Action condition range from approximately 28 to 70 percent and for daily carter trucks range from approximately 19 to 59 percent. **Table 2** provides the results of the VMT analysis for each case study area. **Table 3** provides the results of the daily truck count for each case study area.

As shown in **Table 2** and **Table 3**, the percent reduction in VMT and the reduction in the number of daily trucks passing through the College Point, Queens case study area is less than was projected in the FGEIS. The difference between the FGEIS and the modeling conducted for this Technical Memorandum is mostly attributed to an increase in commercial carter trips by preliminary Awardees and their Designated Carters for zones outside the College Point case study area passing through the College Point case study area via the Whitestone Expressway. Preliminary Awardees and their Designated Carters may use the Whitestone Expressway to reach their garages and disposal facilities in other areas of the City and region. The large majority of these commercial carter truck trips on the Whitestone Expressway would not use local streets in the College Point area. These “pass-through” carter trips in the College Point case study area are specific to its geography and transportation infrastructure, i.e., the presence of the Whitestone Expressway. Such trips are not a feature of most low-density commercial areas in the City. Therefore, the projected reductions in VMT and daily trucks in the College Point, Queens case study area are conservative, in that they reflect “pass-through” carter trips on an expressway that are not expected to occur in most low-density commercial area of the City.

**Table 2**  
**No Action, FGEIS With Action, and Preliminary Awardee VMT (miles/day) per Case Study Area**

<b>Case Study Area</b>	<b>No Action VMT</b>	<b>FGEIS With Action VMT</b>	<b>Percent Reduction based on FGEIS With Action</b>	<b>Preliminary Awardee VMT</b>	<b>Percent Reduction based on Preliminary Awardees</b>
Midtown Manhattan CBD	810	355	56%	245	70%
Flatbush Nostrand Junction, Brooklyn	49	26	47%	26	47%
College Point, Queens	499	200	60%	357	28%

**Notes:** The change in percent reduction in VMT for the case study areas is due to the change in the garage and disposal facility points used in the VMT model. Due to the preliminary Awardees chosen, there is the potential for even less travel going through Midtown Manhattan CBD than was modeled in the FGEIS. Flatbush Nostrand Junction, Brooklyn is estimated to see similar reductions in VMT as originally modeled, but from fewer numbers of trucks. The difference in VMT for College Point, Queens is mostly attributed to an increase in routes modeled to pass through the case study area to reach garages and disposal facilities using the Whitestone Expressway.

**Sources:** 2018 Routing Data simulated to reflect No Action Condition, FGEIS With Action Condition, and Preliminary Awardee scenarios, including Diversion Program Impact. The Diversion Program is discussed on page 6 of this Technical Memorandum (DSNY Organic Waste Rules) and referenced in FGEIS Chapter 5 (Transportation).

**Table 3**  
**No Action, FGEIS With Action, and Preliminary Awardee Daily Carter Trucks per Case Study Area**

<b>Case Study Area</b>	<b>No Action Daily Trucks</b>	<b>FGEIS With Action Daily Trucks</b>	<b>Percent Reduction based on FGEIS With Action</b>	<b>Preliminary Awardee Daily Trucks</b>	<b>Percent Reduction based on Preliminary Awardee</b>
Midtown Manhattan CBD	174	104	40%	90	48%
Flatbush Nostrand Junction, Brooklyn	46	24	48%	19	59%
College Point, Queens	85	32	62%	69	19%

**Notes:** The change in percent reduction in daily trucks for the case study areas is due to the change in the garage and disposal facility points used in the VMT model. Due to the preliminary Awardees chosen, there is the potential for even less travel going through Midtown Manhattan CBD than was modeled in the FGEIS. Flatbush Nostrand Junction, Brooklyn is estimated to see similar reductions in VMT as originally modeled, but from fewer numbers of trucks. The difference in daily trucks for College Point, Queens is mostly attributed to an increase in routes modeled to pass through the case study area to reach garages and disposal facilities using the Whitestone Expressway.

**Sources:** 2018 Routing Data simulated to reflect No Action Condition, FGEIS With Action Condition, and Preliminary Awardee scenarios, including Diversion Program Impact. The Diversion Program is discussed on page 6 of this Technical Memorandum (DSNY Organic Waste Rules) and referenced in FGEIS Chapter 5 (Transportation).

**CHANGE OF THE BUILD YEAR**

The FGEIS anticipated that the CWZ Program would have begun customer transition to authorized carters at the end of 2021, with all customer transitions complete by 2024. Now, customer transitions are expected to

begin in 2024 and be complete by 2026. Therefore, the build year (or analysis year) for this technical memorandum is 2026.

### C. ENVIRONMENTAL ANALYSIS

This section assesses the potential for the CWZ Program, inclusive of the changes to background conditions and new information described above, to alter the conclusions of the FGEIS and result in significant adverse environmental impacts such that a supplemental environmental impact statement would be warranted. The changes to background conditions and new information related to the CWZ Program would not affect the following technical areas: land use, zoning and public policy; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; energy; greenhouse gas emissions and climate change; public health; neighborhood character; or construction. The CEQR technical areas considered below include socioeconomic conditions, solid waste and sanitation services, transportation, air quality, and noise.

As discussed below, the change in background conditions and new information for the CWZ Program would not alter the conclusions of the FGEIS and would not result in significant adverse environmental impacts.

### SOCIOECONOMIC CONDITIONS

The CWZ Program as analyzed in the FGEIS and subsequent technical memoranda would impose limits on the number of carters operating per zone and impose certain costs on the industry, while making carting routes more efficient and reducing operating costs. While some carters may exit the market, overall the CWZ Program was found not to result in significant adverse effects on the commercial waste carting industry, or on businesses that rely on commercial waste carting services. Therefore, as disclosed in the FGEIS, the CWZ Program would not result in significant adverse environmental impacts due to changes in socioeconomic conditions.

This section considers whether the changes to background conditions and new information related to the CWZ Program would alter the conclusions of the FGEIS and result in significant adverse impacts related to socioeconomic conditions. Specifically, this analysis focuses on the potential for the CWZ Program to increase the costs of commercial carting operations to the point that commercial carting becomes too expensive to be a viable industry and carting businesses close, or to increase the costs associated with commercial carting services to the point that local businesses are unable to pay for carting services, refuse remains uncollected, and these businesses ultimately close due to the burden associated with commercial waste collection.

#### *EFFECTS ON COMMERCIAL WASTE CARTERS*

As discussed above, the COVID-19 pandemic led to disruption and changes in the commercial waste market and commercial carting industry. There have been reductions in the number of commercial waste customers and the total amount of commercial waste collected, as shown in **Table 1** and **Chart 1**.

The RFP was issued in two parts, which provided sufficient time for potential program Awardees to prepare, plan and respond, and allowed for the economic condition of the industry to stabilize and improve. As such, commercial waste carters were able to account for the changes in the commercial waste industry that have occurred as a result of the COVID-19 pandemic in their response to DSNY's RFP. The CWZ Program also would not impose additional costs for carters beyond those already considered in the FGEIS and subsequent technical memoranda. Moreover, the CWZ Program would still be expected to result in a reduction of overlapping routes and the time necessary to complete a route, which would result in increased zone routing efficiencies (ZRE) as compared to the current system and No Action condition. As anticipated in the FGEIS, as a result of ZRE, the total operational expenses to be incurred by the carting industry are expected to decrease by approximately 2 percent as compared to the No Action condition, despite additional equipment and administrative costs associated with the CWZ Program.

Based on DSNY's procurement process and the selection of preliminary Awardees, 31 of the 57 commercial waste carters in New York City would not have the opportunity to collect from the commercial waste zones

(i.e., 11 carters that did not participate in the RFP process at all, 4 carters that participated in RFP Part 1 but did not participate in RFP Part 2, and 16 carters that participated in RFP Part 2 but were not selected for any zone or citywide containerized collection). Although some carters would not have the opportunity to collect from the commercial waste zones, the CWZ Program would not impair the economic viability of the commercial waste carting industry or result in the loss or substantial diminishment of this important service in the City, for the following reasons:

- The RFP process attracted a high rate of participation among commercial carters operating in New York City. Of the 57 commercial carters reported in the City in 2022, 46 carters participated in RFP Part 1; 42 of those 46 carters participated as part of proposals in response to RFP Part 2. The participating carters as of RFP Part 2 collect from approximately 98 percent of the New York City customer market, indicating widespread local industry participation in the RFP process.
- The preliminary Awardees and their Designated Carters currently collect from approximately 82 percent of commercial waste customers in New York City and collect approximately 86 percent of the City's commercial waste tonnage. This data demonstrates that the commercial waste zones RFP process has selected preliminary Awardees that collect from a large majority of the existing customer market, and the total market share, in tonnage.
- The carting industry is not being displaced, and there will not be a substantial diminishment of collection services that the carting industry provides to commercial customers.
- Carters of every size, including small carters, would participate in the CWZ Program.

As anticipated in the FGEIS, some of the carters that are not participating in the CWZ Program may cease operating in New York City. They may pursue carting opportunities outside New York City. Others that wish to continue operating in New York City may undertake the collection of waste streams outside of the CWZ Program such as construction and demolition debris. The remaining commercial carters continuing to operate in the CWZ Program (i.e., the preliminary Awardees and their Designated Carters) would continue providing competitive, effective commercial waste collection services across the City.

Overall, the CWZ Program, inclusive of the changes to background conditions and new information described above, would not adversely affect commercial waste carters in a way that would affect the economic viability of the industry or result in the loss or substantial diminishment of this important service in the City. Therefore, the CWZ Program would not alter the conclusions of the FGEIS and would not result in significant adverse impacts to the commercial waste carting industry.

#### *EFFECTS ON COMMERCIAL WASTE CUSTOMERS*

The changes to background conditions and new information described above would not alter the conclusion that the CWZ Program will create a more efficient and transparent carting industry that provides a higher level of service to commercial carting customers (commercial businesses). The changes to commercial carting services as a result of the CWZ Program would not increase the cost of service associated with commercial waste collection to a level where the service would be unaffordable to specific categories of commercial waste generators, or waste generators within specific neighborhoods. Each customer would still have access to three competitively priced commercial carters within each commercial waste zone.

At the time of the FGEIS, the exact maximum rates at which waste would be collected under the CWZ Program were unknown because they were to be determined through the procurement process. As discussed above, maximum rates for each preliminary Awardee have now been determined through the procurement process. As noted previously, based upon an analysis of today's pricing under the BIC rate cap, which was last set by rule in October 2022, and the CWZ's maximum rates, which were established by contracts in December 2023 and which rates are fixed until July 1, 2025, the ratio of the maximum cost of service to customers on a citywide basis for curbside service under the CWZ Program as compared to the current BIC rate cap would be 0.95. This means that, on average, citywide customers would see 5 percent lower maximum rates under the CWZ Program when compared to the most recent BIC rate cap from October 2022. Each

zone’s maximum rate is an average of the three preliminary Awardees’ maximum rates in that zone. A ratio of 1.00 would be equivalent to the BIC rate cap. **Table 4** shows the individual zone ratios which yield that 0.95 average.

**Table 4**

**Ratios of the Average CWZ Program Awardees Maximum Rates Compared to the Current BIC Rate Cap for Curbside Service Per Zone**

Zone	Ratio	Citywide Zoned Ratio
Bronx West	1.15	0.95
Bronx East	0.90	
Brooklyn North	0.87	
Brooklyn West	1.10	
Brooklyn Southwest	0.88	
Brooklyn South	0.79	
Brooklyn East	0.76	
Lower Manhattan	0.91	
Manhattan Southwest	0.99	
Manhattan Southeast	0.94	
Midtown South	0.88	
Midtown North	0.97	
Manhattan West	1.01	
Manhattan Northeast	0.97	
Upper Manhattan	1.18	
Queens West	0.97	
Queens Central	0.99	
Queens Northeast	0.83	
Queens Southeast	1.08	
Staten Island	1.01	

While six zones (Bronx West, Brooklyn West, Manhattan West, Upper Manhattan, Queens Southeast, and Staten Island) out of 20 would experience, on average, slightly higher average maximum rates than the BIC rate cap, four of these six zones have at least one Awardee with a maximum rate that is below the BIC rate cap. Of the two zones remaining (Upper Manhattan and Bronx West), one has an Awardee with a maximum rate that is 2 percent higher than the BIC rate cap and the other zone has an Awardee with a maximum rate that is 5 percent higher than the BIC rate cap. Overall, the analysis indicates that curbside collection customers would have comparable and, in many cases, lower maximum rates for curbside service under the CWZ Program than under the BIC rate cap.

The non-exclusive, competitive nature of each zone, with three carters competing for customers, provides an incentive for carters to compete on price, which could limit the rate charged to customers. It is expected that customers, especially those that are price-sensitive, would gravitate toward the lower-priced carter options within their zone, creating downward pressure on prices within the market. Additionally, pricing would be negotiated between individual customers and the carters that operate in their zone. Customers can negotiate

with any or all of the carters in a zone to obtain pricing below the carters' maximum rate and the lowest possible price. Customers would not be expected to experience widespread or substantial increases in maximum rates for curbside collection service based on the CWZ Program maximum rates.

### Build Year (2026)

Under the CWZ Program, maximum rate increases to customers will occur pursuant to the Awardee's agreement with the City, and such increases will be based primarily on the Consumer Price Index (CPI) and the Employment Cost Index. As discussed above, in determining rate cap increases, BIC considers the Producer Price Index (PPI) and available trade waste data, including the carters' operating expenses. Both the CWZ Program and the BIC rule governing the rate cap utilize available data on inflation to serve as the basis for increasing the maximum rate carters can charge their customers.

Based on current and historical data, the maximum rates under both the CWZ Program and the BIC rate cap are expected to increase between now and the build year of 2026. While the specific inflation data considered under the CWZ Program and the existing BIC rate cap are slightly different, the increases under both are expected to be approximately the same.

The current BIC rate cap prices do not account for inflation between October 2022 and December 2023. By rule promulgated in 2013, BIC holds a rate cap hearing every other year in odd-numbered years. With the exception of 2020 due to COVID-19, BIC has raised the rate cap in even-numbered years, which it did in 2016, 2018, and twice in 2022. (BIC also raised the rate cap in November 2013). It is expected that BIC would raise the rate cap consistent with its past practices over the past ten years. In contrast to the current BIC rate cap, the CWZ Program maximum rates do account for inflation through December 2023. The next CWZ Program rate adjustment will occur on July 1, 2025; the CWZ Program maximum rates are locked in through July 1, 2025.

The inputs into increases of the BIC rate cap may include, but are not limited to, the PPI.<sup>16</sup> The PPI is an index which measures the average change over time in selling prices received by domestic producers for their output.<sup>17</sup> In contrast, the CWZ Program uses four different indices as the inputs into the rate of inflation, and a weighted average is taken (CWZ Program Weighted Index.) The CWZ Program Weighted Index is mostly CPI based.<sup>18</sup> The CPI is a measure of the average change over time in the prices paid by consumers for consumer goods and services.<sup>19</sup> Overall, inflation across the last 10 years has had a similar average using both approaches, though the average annual inflation rate under the PPI used by BIC was slightly higher than the average rate under the CWZ Program indices (2.8 percent as compared to 2.6 percent, respectively). Therefore, it is expected that the BIC rate cap increase will approximate increases under the CWZ Program through 2026. Because, on average, customers will see 5 percent lower maximum rates under the CWZ Program based on today's pricing, the anticipated similar rate of adjustment using the CWZ Program Weighted Index compounds the likelihood that most customers will not experience widespread or substantial increases in costs.

It should be emphasized that maximum rates are just that, maximums. Customers will continue to be able to negotiate lower rates, but under the CWZ Program, they will have more information to better inform negotiations. The customers will experience full transparency, including the maximum rates for all Awardees in their zone, and all components of the charges, including frequency-based charges. Disclosing the frequency-based fee in the CWZ Program improves pricing transparency for customers and can result in

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<sup>16</sup> Pursuant to 17 RCNY, Chapter 1, § 5-02(f) and (g), BIC may consider information from proponents of a change in the maximum rate, the PPI, and any relevant factor affecting the trade waste industry or its customers.

<sup>17</sup> <https://www.bls.gov/ppi/>

<sup>18</sup> The CWZ program uses four different indices as the inputs into the rate of inflation, corresponding to the following four categories: Labor (34%), Fuel (4%); Truck Maintenance (9%) and Other (53%). Both the "Truck Maintenance" and "Other" categories are based upon the Consumer Price Index.

<sup>19</sup> <https://www.bls.gov/cpi/>

cost savings (e.g. with this transparency, a customer may decide that fewer pick-ups per week not only meet the needs of the business but are a good way to achieve cost savings.) The CWZ Program would also benefit business conditions in the city by standardizing the carting contract process by requiring written service agreements between carters and customers and making the pricing structure more transparent. Customers that use roll-offs or compactors will also know the maximum prices for the services applicable to their needs. Customers that use roll-offs or compactors are among the largest City businesses.

The expectation that customers will not experience widespread or substantial increases in costs is supported by the CWZ Program's components of price transparency, average maximum rates, and method of determining inflation-based rate increases. Therefore, new information related to preliminary Awardee maximum rates is consistent with the FGEIS conclusions that the CWZ Program would not substantially increase the price for collection services, or cause it to reach a point where the price of waste collection becomes burdensome on customers.

Overall, with the CWZ Program, the costs associated with commercial carting services are unlikely to reach the point that local businesses are unable to pay for carting services, refuse remains uncollected, and these businesses ultimately close due to the burden associated with commercial waste collection. Therefore, the CWZ Program, inclusive of the changes to background conditions and new information described above, would not alter the conclusions of the FGEIS and result in significant adverse impacts to commercial waste customers.

### **SOLID WASTE AND SANITATION SERVICES**

The changes to background conditions and new information related to the CWZ Program would not alter the findings of the solid waste and sanitation services assessment presented in the FGEIS.

As discussed in the FGEIS, as both carters and customers would be required to comply with any existing laws regarding recycling and organics as well as comply with any new or revised laws or regulations, there would be an expected increase in recycling and organics diversion. The DSNY Organic Waste Rules implemented in 2020 would also contribute to the organics waste diversion. However, this would not decrease the overall volume of total collections of all three commercial waste types (refuse, designated recyclables, and organics). Therefore, the CWZ Program would not increase the total volume of waste being produced or collected.

As anticipated and analyzed in Technical Memorandum No. 1, there will be three Awardees per zone, as well as an additional five Awardees for citywide containerized contracts. As a result, the operating carters within these zones would provide sufficient capacity to continue collecting commercial waste generated within the zones without missed pick-ups or disruption to service.

The CWZ Program, inclusive of the changes to background conditions and new information described above, would not alter the conclusions of the FGEIS and result in significant adverse impacts to solid waste and sanitation services.

### **TRANSPORTATION**

The changes to background conditions and new information related to the CWZ Program would not alter the findings of the transportation assessment presented in the FGEIS. As analyzed in the FGEIS, the CWZ Program would result in ZRE (zone routing efficiencies), leading to an overall decrease in overlapping carting truck routes and a corresponding decrease in VMT.

As discussed above, the CWZ Program is now anticipated to reduce citywide VMT by approximately 50 percent, and as shown in Table 2, by 28 to 70 percent in the three case study areas. The citywide VMT reduction is the same as the 50 percent VMT reduction predicted in the FGEIS, and as predicted in the FGEIS, there are notable VMT reductions for each case study area. Overall, the CWZ Program would result in a reduction of 12 million VMT as compared to the No Action condition. In addition, as shown in **Table 3** above, the CWZ Program is now anticipated to decrease the number of daily trucks in the future by approximately 19 percent to 59 percent in the case study areas as a result of ZRE that would be achieved



with the preliminary Awardees. As noted above, the percent reduction in VMT and the number of daily trucks passing through the College Point, Queens case study area is less than was projected in the FGEIS with the difference mostly attributed to an increase in commercial carter trips from other zones passing through the College Point case study area using the Whitestone Expressway to reach garages and disposal facilities in other areas of the City and region. Most of these commercial carter truck trips on the Whitestone Expressway would not use local streets in the College Point area. As a result, the projected reductions in VMT and daily trucks in the College Point, Queens case study area are conservative in that they reflect pass-through carter trips on an expressway that are not expected to occur in most low-density commercial area of the City. Furthermore, in the two other case study areas, the reductions in VMT and daily trucks developed for the Technical Memorandum are greater than the reductions anticipated in the FGEIS.

In addition to reducing the existing overlap of commercial carting routes and reducing truck traffic, the CWZ Program would encourage carters to comply with industry health and safety standards, which would enhance worker, pedestrian, and roadway safety.

The CWZ Program is still anticipated to result in reduced VMT and overall truck traffic associated with the commercial carting industry. Therefore, the CWZ Program, inclusive of the changes to background conditions and new information, would not alter the conclusions of the FGEIS and would not result in significant adverse transportation impacts.

#### **AIR QUALITY**

As discussed above under “Transportation,” the CWZ Program, inclusive of the changes to background conditions and new information, would result in ZRE leading to an overall decrease in overlapping commercial carter truck routes and a corresponding decrease in VMT. Therefore, the decreased VMT would result in reductions to emissions within the New York City region. The CWZ Program is also anticipated to decrease the number of daily trucks in each case study area in the future, as anticipated in the FGEIS. With these reductions, the CWZ Program would not have the potential for mobile source air quality impacts.

Therefore, the CWZ Program, inclusive of the changes to background conditions and new information, would not alter the conclusions of the FGEIS and would not result in significant adverse air quality impacts.

#### **NOISE**

As discussed above under “Transportation,” the CWZ Program, inclusive of the changes to background conditions and new information, would reduce inefficiencies in commercial waste collection routes, resulting in a 50 percent reduction in commercial carting truck VMT citywide. Within the three case study areas, the CWZ Program would reduce VMT and the number of daily trucks. As a result, the Proposed Action would not cause any roadway segments to experience an increase in maximum hourly truck volume. Also, the CWZ Program, as anticipated in the FGEIS, would not require changes in operations that would affect collection times, duration of collections, collection dates, frequency of collections, or number of nighttime collections. Consequently, the CWZ Program would not generate any increase in noise from mobile sources.

As discussed in the FGEIS, commercial carter trucks are stationary when compacting refuse and, therefore, would also be considered a stationary noise source at such times. The compacting cycle noise from all commercial carter trucks is regulated by Subchapter 5, § 24-225 of the New York City Noise Control Code to a consistent level of noise emission. The changes to background conditions and new information related to the CWZ Program do not affect the New York City Noise Control Code. Fewer commercial trucks are expected under the CWZ Program than under the No Action condition. Commercial carter trucks compacting refuse at a given location would not result in a change in the level of stationary noise generated during collections. Consequently, the Proposed Action would not generate any increase in noise from stationary sources.

Therefore, the CWZ Program, inclusive of the changes to background conditions and new information, would not alter the conclusions of the FGEIS and would not result in significant adverse noise impacts.

## D. CONCLUSION

Based on the above assessment, no new or additional significant environmental impacts are expected to result from the changes in background conditions and new information regarding the CWZ Program. Therefore, the CWZ Program would not alter the conclusions of the FGEIS and would not result in significant adverse environmental impacts, and a supplemental EIS is not warranted.



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January 11, 2024

Robert Orlin, Deputy Commissioner  
Bureau of Legal Affairs  
NYC Department of Sanitation

### Attachment

Figure 1 – Zone Boundaries

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