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Via Email Only:

alyssap@dep.nyc.gov; markpa@dep.nyc.gov;
russp@dep.nyc.gov; and gerryk@dep.nyc.gov

Re: Section 24-163 Variance Request

Dear Sir:

We represent the Interior Demolition Contractors Association, Inc., a not-for-profit trade association (the "IDCA").

Each of the companies that is seeking a company-wide exemption to § 24-163 have listed their trucks that are at issue.

Those companies perform interior demolition and construction debris removal.

The trucks are low emission trucks that are in compliance with all NYC environmental protection rules and regulations. Specifically, the NYC Business Integrity Commission mandated that trucks be certified as being clean idle trucks by 2018. All of the trucks are so certified.

We have two problems with the three-minute idling rule that is leading to the company-wide exemption request or, at least, an exemption request for the trucks listed by each company.

First, companies are receiving tickets for idling a truck when they need to do so in order to regenerate/self-clean the new filtration system that is required on the trucks. The regenerate can take up to a half an hour, and there is no set time to do it. When the light appears on the truck, it's time to regenerate it. It

does not matter where you are, or what time it is. You have to do it. No vehicle that is equipped with the clean air regenerate/self-clean filtration system should be ticketed for idling while the system is regenerating. *See, e.g.*, the August 25, 2022 letter from Gabrielli Truck Sales Ltd., which is being submitted by one of the companies on this issue.

Second, companies are also receiving tickets for loading demolition debris from occupied buildings onto their trucks, which are commonly known as packers. That debris is loaded into containers and, then, travels down to the street level though the use of the building's elevator(s) to be placed into our clients' packers. Since elevators have a limited capacity as to how much debris can be brought down in one trip, multiple trips are required to be made, which can lead to the packer idling for more than three minutes between loads.

The shutting off and starting up of the truck in between loads is not feasible and is noisy. It is not feasible due to the strain and damage to the truck's components from doing this time after time, which will strain and damage the truck's starter, fly wheel, timing chain and other parts. In addition, as noted, that operation is noisy as well.

Please note that during our operations, it may appear that a truck is idling without a driver in place, but that is not, in fact, the case. At that time, the driver is usually operating the hydraulic hopper on the back of the truck (which requires the truck's engine to be in operation), loading containers and making sure that this work is performed safely, efficiently, and with a minimum amount of noise and interruption to the public.

Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'D ETKIND', written over a horizontal line.

David Etkind