

**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION**

**NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON
PROPOSED AMENDMENTS TO RULES GOVERNING THE DEPARTMENT OF
SANITATION'S REGULATION OF TRANSFER STATIONS**

NOTICE IS HEREBY GIVEN in accordance with the requirements of section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of Sanitation by section 753(a) and (b) of the New York City Charter and by section 16-131 of the Administrative Code of the City of New York that the Department proposes to adopt the following rule governing the Department of Sanitation's regulation of transfer stations. This rule amends Chapter 4 of Title 16 of the Rules of the City of New York. Existing provisions to be deleted are shown below in brackets and new provisions are underlined. This rule was not included in the Department of Sanitation's most recent regulatory agenda because the need for it was not foreseen at the time the agenda was compiled.

Written comments regarding this proposed rule may be sent to the office of the Deputy Commissioner for Legal Affairs, New York City Department of Sanitation, 125 Worth Street, Room 710, New York, New York 10013 on or before May 5, 2009. In addition, a public hearing regarding the proposed amendment will be held on May 5, 2009 at 125 Worth Street, Room 819, New York, New York from 9:30 A.M. to 10:30 A.M. Persons seeking to testify are requested to notify the Deputy Commissioner at the foregoing address. Persons who request that a language interpreter or sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Edna Luna by April 29, 2009. Ms. Luna may be contacted by fax at (212) 788-3876 or by mail at 125 Worth Street, Room 710, New York, New York 10013. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at the office of the Deputy Commissioner. Dated: April 3, 2009. John J. Doherty, Commissioner.

Section 1. Subdivision (g) of section 4-05 of subchapter A of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

(g) The annual fee for a permit issued pursuant to this section shall be [three thousand five hundred dollars (\$3500)] seven thousand dollars (\$7000).

Section 2. Subdivision (g) of section 4-07 of subchapter A of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

(g) The annual fee for a permit issued pursuant to this section shall be [three thousand five hundred dollars (\$3500)] seven thousand dollars (\$7000).

Section 3. Subdivision (a) of section 4-14 of subchapter B of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

(a) No person shall operate a putrescible solid waste transfer station without a permit issued by the Commissioner of Sanitation. No permit is required, however, for a putrescible solid waste transfer station operated by the Department. Review of any application for a Department of Sanitation putrescible solid waste transfer station permit may be suspended or terminated if the putrescible solid waste transfer station applicant is found to be operating any facility required to be permitted pursuant to §16-130 of the Administrative Code of the City of New York without a permit therefor or in violation of any such permit. The term of a putrescible solid waste transfer station permit shall not exceed one year. The annual fee for such permit shall be [six thousand five hundred dollars (\$6500)] thirteen thousand dollars (\$13000).

Section 4. Subdivision (10) of section 4-42 of subchapter D of chapter 4 of title 16 of the rules of the city of New York is amended to read as follows:

(10) The annual fee to cover the cost of inspection for a registration issued pursuant to this subchapter shall be [six thousand five hundred dollars (\$6500)] seven thousand dollars (\$7000).

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Department of Sanitation is authorized to adopt rules relating to the permitting of solid waste transfer stations and intermodal solid waste container facilities pursuant to §§753 and 1043 of the New York City Charter, and §16-130 of the New York City Administrative Code.

Local Law Number 18 of 2009 amended §16-131 of the New York City Administrative Code to increase the annual fee for a non-putrescible solid waste transfer station from thirty-five hundred dollars (\$3,500) to seven thousand dollars (\$7,000), and to increase the annual fee for a putrescible solid waste transfer station from sixty-five hundred dollars (\$6,500) to thirteen thousand dollars (\$13,000). Additionally, the annual registration fee for an intermodal solid waste container facility was increased to seven thousand dollars (\$7,000). As a result of this local law, the Department proposes to amend its rules to coincide with the new annual fees established.