12 SOLID WASTE AND SANITATION SERVICES

12.1 Introduction

This chapter assesses the potential for a proposed project to result in a significant adverse impact on New York City's solid waste and sanitation services. Per the 2021 *CEQR Technical Manual*, a solid waste and sanitation services assessment determines whether a project has the potential to cause a substantial increase in solid waste. Such an increase may overburden available waste management capacity, or otherwise be inconsistent with the city's Solid Waste Management Plan (SWMP), or with state policy related to the City's integrated solid waste management system.

As described in Chapter 1 of this Environmental Impact Statement (EIS), "Project Description" the Proposed Actions would allow the development of the Proposed Facility on the Development Site, an approximately 3,093,880-gross-square-foot (gsf) facility containing gaming space with food and beverage services, a hotel, an event center, retail, and a 4,660-space parking garage. Additionally, the Proposed Actions would allow the development of a new, approximately 40,160-gsf golf clubhouse. The Proposed Actions would create approximately 3,500 new jobs on the Development Site.

The Development Site is currently improved with the Golf Course clubhouse, parking lot, a portion of the golf course practice area, and other landscaped areas. The clubhouse is one story and has approximately 25,265 gross square feet (gsf) of floor area. Absent the Proposed Actions, existing conditions would remain. Therefore, the Proposed Actions would result in an increment of 3,108,775 gsf on the Development Site.

This assessment estimates the amount of incremental solid waste that would be generated by the Proposed Development and assesses the consistency of the project with the City's SWMP in accordance with the *CEQR Technical Manual*.

12.2 Principal Conclusions

The Proposed Actions would not result in a significant adverse solid waste and sanitation services impact. The Proposed Actions would not directly affect a solid waste management facility but would generate an increment of up to 213.33 tons per week of solid waste, the equivalent of up to 18 commercial carter trucks per week. The project-generated solid waste would be handled by private carters. The project-generated solid waste would represent approximately 0.29 percent of the of the City's anticipated future weekly commercial waste generation handled by private carters by 2025, as projected by the SWMP – a nominal increase relative to the waste handled by private carters in New York City every day. As such, the Proposed Actions would not result in an increase in solid waste that would overburden available waste management capacity. The Proposed Actions would not conflict with, or require any amendments to, the City's solid waste management objectives as stated in the SWMP.

During construction of the Proposed Development, excavated material would be characterized and disposed of in accordance with City, State, and Federal regulations based on the change of use workplan approved by the New York State Department of Environmental Conservation (NYSDEC).

The Applicant – Bally's New York Operating Company, LLC ("Bally's") – would follow a waste management program that prioritizes landfill avoidance, recycling, and reuse. Bally's would supply the necessary source separation infrastructure at the Proposed Facility and golf clubhouse, train staff on waste sorting and storage, and work with suppliers and waste management vendors on program implementation.

Bally's expects that up to 36 percent of waste generated at the Proposed Facility would be recycled or reused. Once the Proposed Development is operational, Bally's intends to conduct a waste stream audit to confirm baseline conditions and validate or adjust the program. Therefore, the Proposed Actions would not result in a significant adverse impact on solid waste and sanitation services and no further analysis is warranted.

12.3 Methodology

Solid waste generation rates provided in the *CEQR Technical Manual* were used to assess the effects of the Proposed Actions on municipal and private sanitation services. These estimates were supplemented by data from Bally's other gaming facilities of similar size. In both the No-Action Condition and the With-Action Condition, Bally's would be required to participate in the City's recycling program for paper, metals, glass, and certain types of plastics and organic material.

Per the *CEQR Technical Manual*, projects resulting in a generation rate of less than 50 tons (100,000 pounds [lbs]) of solid waste per week would not result in a significant adverse impact to the City's waste management capacity and therefore do not warrant a detailed analysis. Using the solid waste generation rates noted in Table 14-1 of the *CEQR Technical Manual*, the Proposed Actions are anticipated to generate an increase of up to 213.33 tons of solid waste per week; thus, a preliminary solid waste and sanitation services analysis is warranted.

This analysis describes existing and future New York City solid waste disposal practices (including collection and disposal methods) and estimates the solid waste generated by activities on the Development Site under existing conditions, the No-Action Condition, and the With-Action Condition. Forecasts of solid waste generation on the Development Site

are based on the solid waste generation rates for relevant land uses and activities provided in the *CEQR Technical Manual*. The chapter also assesses the effects of the Proposed Actions' incremental solid waste generation on municipal and private sanitation services in the With-Action Condition and considers the Proposed Actions' consistency with the City's SWMP.

Impact Criteria

Per the *CEQR Technical Manual*, most projects do not have the potential to generate significant waste to warrant a detailed solid waste analysis and result in a solid waste and sanitation services impact. However, a significant adverse impact may occur for projects that generate large quantities of solid waste over a multiyear period – such as a river or harbor dredging project – that exceed local and regional disposal or processing capacity. In addition, a project that causes substantial excavation into a closed, regulated City landfill may be considered a significant impact to that solid waste facility.

Data Sources

Solid waste and sanitation services data was obtained from the New York City Department of Sanitation (DSNY) and information provided in the *CEQR Technical Manual*. Supplemental waste and recycling data was obtained from Bally's other gaming facilities of comparable size.

12.4 Existing Conditions

Solid Waste and Sanitation Services in New York City

The DSNY is responsible for the collection and disposal of residential and institutional solid waste (including waste from schools, some non-profits institutions and many City and State agencies) in New York City, which constitutes approximately 25 percent of the City's daily total waste. In addition to collecting solid waste, DSNY also collects waste from City litter baskets, street sweeping operations, and lot cleaning activities. DSNY has over 2,000 waste collection trucks in its fleet. Per the *CEQR Technical Manual*, the typical collection truck for residential refuse carries approximately 12.5 tons of waste materials, 11.5 tons of paper, or 10.0 tons of metal, glass, and plastic containers. DSNY collects approximately 12,000 tons of trash, recycling, and organic material every day.[1]

Private carters are responsible for the remaining 75 percent of the City's daily solid waste from commercial and manufacturing uses.[2] Private carting companies collect, process, and dispose of garbage generated by the City's commercial, manufacturing, and construction activities. This includes municipal solid waste (MSW), construction and demolition debris, non-hazardous industrial waste, recyclables, and organics. Certain commercial establishments – such as food service establishments, retail food stores, and other facilities meeting certain size and capacity requirements – are required under Local Law 146 of 2013 to separate their organic waste. Businesses are given the option to arrange for collection by a private carter, transport organic waste themselves, or process the material on-site through composting. The City's Business Integrity Commission licenses over 2,200 private carting trucks to collect the City's commercial municipal solid

[1] https://www.nyc.gov/site/dsny/about/about-dsny.page
[2] DSNY, *Comprehensive Solid Waste Management Plan*, 2006.

waste, recyclables, and other wastes. The commission registers over 5,200 more trucks to haul private section construction and demolition debris.[3] Private commercial carters typically carry between 12 and 15 tons of waste material per truck. The 2006 SWMP estimates that 74,000 tons of commercial solid waste per week will be generated in New York City by 2025.[4]

As a part of the City's Zero Waste Plan discussed below, DSNY has implemented the Commercial Waste Zone (CWZ) program in accordance with Local Law 199 of 2019, which incentivizes the collection of recycling and compostable waste through targeted price reductions. Under the CWZ program, DSNY divided the five boroughs into twenty Commercial Waste Zones. The Development Site is in the Bronx East zone which includes Bronx Community District 10.

Under NYC's Mandatory Recycling Law (Title 16 of the NYC Administrative Code, Chapter 3), DSNY has established and enforces rules that require that certain designated recyclable materials be separated from household waste for separate collection. The recyclable materials include aluminum foil, glass and metal containers, plastic bottles and jugs, other rigid plastics, beverage cartons, newspaper and magazines, cardboard and other paper waste and other metal items. Commercial establishments are also subject to mandatory recycling materials, including waste, cardboard, metal components in bulk waste, bulk metal, aluminum foil products, and construction waste. Significant generators of yard or textile waste must recycle that material. Private carters may also separate other types of recyclables from the waste after collection.

DSNY delivers most of the refuse it collects to certain public or private solid waste management facilities known as transfer stations, in the City or adjoining communities, for processing and transportation to out-of-the-City disposal facilities. At waste transfer stations DSNY-delivered refuse is compacted and loaded onto railroad cars or barges for transport to landfills or waste-to-energy facilities. Similarly, commercial municipal solid waste and other solid waste that is not carted directly to disposal facilities is delivered to transfer stations for transport to disposal facilities; most of this commercial waste leaves New York City by truck. Under the SWMP, solid waste generated at the Development Site is expected to be processed at either the Harlem River Yard transfer station or the East 132nd Street transfer station.

NYC Comprehensive Solid Waste Management Plan

New York City has adopted a comprehensive SWMP for the long-term management of solid waste generated by the City, as required by New York State law. The current SWMP was adopted in 2006 and covers through the year 2026. The SWMP estimates public- and private-sector waste quantities that must be managed over the planning period and identifies processing, transfer, and disposal capacity that will be necessary for such waste. Per the SWMP, the City's total commercial solid waste generation is projected to increase to approximately 74,000 tons per week by the year 2025. The total amount of DSNY-managed waste for export, recycling, compost and reuse is projected to increase to approximately 139,600 tons per week by the year 2026.[5]

The SWMP considers the objectives of New York State's solid waste management policy with respect to the preferred hierarchy of waste management methods, in order of preference: waste reduction, recycling, composting, resource conservation and energy

[3] 2019 figures from the 2021 *CEQR Technical Manual*.
[4] DSNY, *Comprehensive Solid Waste Management Plan*, Sept 2006; Attachment IV, Table IV 2-2
[5] DSNY, *Comprehensive Solid Waste Management Plan*, Sept 2006; Attachment II, Table II 2-6.

production, and landfill disposal. The SWMP includes programs designed to prevent, reduce, reuse, recycle, and compost solid waste, and includes initiatives intended to reduce truck traffic and air emissions associated with the export of DSNY and commercial waste and recyclables to processors and disposal facilities such as landfills and resource recovery facilities.

The SWMP also requires railroad export of commercial refuse from the three private transfer stations in the City that also contract to handle DSNY refuse. The SWMP includes stringent restrictions on the siting and operation of commercial solid waste transfer stations, a reduction in the concentration of transfer station capacity, and additional measures to reduce the impacts of commercial waste truck traffic on communities.

Three DSNY Sanitation District garages, Bronx Garages Districts 9, 10, and 11, are located within one mile of the Development Site. These garages are essential to DSNY's sanitation operations, as they store and maintain DSNY vehicles that provide refuse collection, recycling, and winter emergency services and allow DSNY to perform its regular duties and execute emergency response, as needed, to the surrounding neighborhoods. The Development Site is served by Bronx Garage District 10. DSNY operations at Bronx Garage Districts 9 and 11 would not be affected by the Proposed Actions.

DSNY Zero Waste Plan

DSNY developed the Zero Waste Plan in 2023 as an overview of waste diversion programs available to residents and business owners in NYC. The Zero Waste Plan fulfills the requirements of Local Law 87 of 2023 for the City to submit a plan that includes programs and initiatives to divert a significant amount of waste away from landfills in a cost-effective way. Traditional recycling and compostable materials currently make up two-thirds of NYC's waste and improved standards would allow for a curbside waste diversion rate of up to 68 percent. The City is committed to significant waste diversion improvements by 2030, with the intent to ultimately achieve "Zero Waste." In 2023, Bronx Community District 10 disposed of approximately 129.1 tons of waste per day and only 17.3 percent of organic waste, paper, and other materials were diverted from a landfill.

DSNY and the Business Integrity Commission (BIC) set rules and provides oversight and management of commercial waste that is collected by private carters. As a part of the Zero Waste Plan, DSNY has instituted expanded rules that focus on organic waste diversion including the CWZ Program.

Local Law 199 of 2019 established the CWZ program to reduce truck traffic and improve labor standards while also incentivizing recycling and the collection of organics. Once this program is fully operational, private carters who provide services within commercial waste zones will be required to provide recycling and organics collection in addition to trash collection as a standard service. Private carters cannot opt out of these services and cannot refuse to collect these waste streams from any customer. Additionally, rates for recycling and organics will be lower than trash rates to promote increases in recycling and organics separation.

Development Site

The Development Site is improved with the Golf Course clubhouse, parking lot, a portion of the golf course practice area, and landscaped areas. Up to 165 employees work at the Golf Course clubhouse during peak operations.

Based on the citywide average rates for retail – the land use most closely aligned with the existing use – solid waste generated by the existing Golf Course clubhouse is estimated at 13,035 lbs of solid waste per week. The solid waste is removed from the Development Site and taken to a transfer facility via private carter. Table 12-1 shows the solid waste generation rates at the Development Site.

Table 12-1: Solid Waste Generation Existing Conditions

Land Use (Unit Type)	Lbs per wk/ Employee [1]	Employees	Rate (lbs/wk)	Solid Waste (Tons/wk)[2]
General Retail	79	165	13,035	6.52
Solid Waste Handled by DSNY				0.00
Solid Waste Handled by Private Carter				6.52

1. Solid Waste Generation Rates are listed in Table 14-1 of the *CEQR Technical Manual.*
2. One ton equals 2,000 lbs.

As a part of current operations at the Golf Course, Bally's collects any organic waste such as clippings on any fine turf areas (greens, teeing areas, and approaches). Organic waste is stored in a 30-yard organic container that is disposed via a private carter. Typically, the organic container is unloaded, and contents are disposed of three to four times per year. Once organic waste is stored in the organic container, clippings and any other organic waste is not reused at the Development Site.

Bally's is committed to continued improvements, and reviews disposal practices routinely to take advantage of emerging technologies and recycling or reuse strategies such as composting, organic container maintenance, bio feed, and soil mix improvements.

12.5 No-Action Condition

In the No-Action Condition, existing conditions on the Development Site would remain. The one-story, 25,270-gsf golf clubhouse, accessory parking lot, a portion of the practice area and other landscaped areas would remain on the Development Site. Solid waste generated by the uses on the Development Site would continue to be removed from the Development Site via private carter. No substantial changes to solid waste and sanitation services are anticipated in the No-Action Condition. The New York City Commercial Waste Zones program is expected to be in place by the 2030 analysis year independent of the Proposed Actions. As noted above, this program is expected to improve the efficiency of commercial waste collection and carter truck miles.

Landscape waste generated at the Development Site would continue to be handled as existing conditions.

NYCDOT Wetlands Mitigation Project

Independent of the Proposed Actions, NYCDOT is proposing a wetlands mitigation project to the east of the Whitestone Bridge and to the south of the Development Site. This proposed wetland mitigation project would convert a grassy area to tidal wetlands and would reconfigure the walking paths near the proposed tidal wetlands. The project is being completed as off-site mitigation for NYCDOT's Shore Road Bridge project in Pelham Bay Park. This project would be completed after the 2030 analysis year, but construction of the proposed tidal wetlands is likely to start before 2030. This project is not anticipated to generate additional solid waste once operational.

12.6 With-Action Condition

In the With-Action Condition, Bally's would demolish the existing golf clubhouse, accessory parking lot, and a portion of the practice area to construct the 3,134,040-gsf Proposed Facility and replacement golf clubhouse. The Proposed Actions would create approximately 3,500 new jobs on the Development Site.

The incremental solid waste generation at the Development Site was estimated based on the average daily solid waste generation rates provided in Table 14-1 of the *CEQR Technical Manual*. Based on these rates, the Proposed Actions would result in a net increase of approximately 426,660 lbs (213.33 tons) of solid waste per week compared to the No-Action Condition, as shown in Table 12-2.

Table 12-2: Solid Waste Generation No-Action, With-Action, and Increment

		No-Action Condition			With-Action Condition			Increment		
Land Use	**Lbs/Emp.[1]**	**Emp.**	**Lbs/wk**	**Tons/wk**	**Emp.**	**Lbs/wk**	**Tons/wk**	**Emp.**	**Lbs/wk**	**Tons/wk**
Entertainment, Retail, and Support[2]	79	165	13,035	6.52	2,485	196,315	98.16	2,320	183,280	91.64
Hotel	75	0	0	0	300	22,500	11.25	300	22,500	11.25
Restaurant	251	0	0	0	880	220,880	110.44	880	220,880	110.44
Total		**165**	**13,035**	**6.52**	**3,665**	**439,695**	**219.85**	**3,500**	**426,660**	**213.33**
Handled by DSNY				0.00			0.00			0.00
Handled by Private Carter				6.52			219.85			213.33

Emp. is shorthand for employees.
A ton equals 2,000 lbs.
1. Solid Waste Generation Rates are listed in Table 14-1 of the *CEQR Technical Manual.* Employee information is per Bally's.
2. For the purposes of CEQR, the General Retail rate includes entertainment space (excluding food or beverage areas), administrative and back of house (BOH), retail, gaming, marketing, and security uses at the Proposed Facility. This also includes golf clubhouse uses.

In the With-Action Condition, commercial uses would generate up to 219.85 tons of solid waste per week. Solid waste generated by the Proposed Development would be collected by private commercial carters and would be subject to mandatory recycling requirements for paper, metals, construction waste, and aluminum foil as well as metal, glass, plastic, and organics. Residential and community facility uses would not be developed with the Proposed Actions, and thus DSNY trucks would not be utilized for solid waste collection at the Development Site.

Bally's waste management program, as described below, would be applied to materials and refuse components at the Proposed Facility and replacement golf clubhouse. The program emphasizes landfill avoidance and diversion, and recycling and reuse. Of the potential waste generated on-site, Bally's projects that up to 36 percent of waste would be recycled or reused.[6] As part of an on-going effort to enhance sustainable policies and procedures, Bally's is committed to innovative environmental initiatives such as incorporating materials with lesser environmental impact and secondary uses, container standardization, and researching emerging technological and sustainable improvements.

Compared to the No-Action Condition, the Proposed Actions would result in an increase of up to 213.33 tons in weekly solid waste. Waste generated by the Proposed Development would be handled exclusively by private carters. The increase in waste would represent approximately 0.29 percent of the City's future commercial waste generation of 74,000 tons of solid waste per week that will be collected by private carters

[6] Bally's estimation based on programs at other gaming facilities of similar size and programming.

by 2025, as projected in the SWMP.[7] Based on the typical commercial carter capacity of between 12 and 15 tons of waste material per truck, the Proposed Actions would generate the equivalent of up to 18 additional collection trucks per week compared with the No-Action Condition (the equivalent of up to two additional trucks per day on average).

Under the CWZ program, DSNY divides the five boroughs into twenty Commercial Waste Zones. The Development Site is in the Bronx East zone which includes Bronx Community District 10. Local Law 199 of 2019 authorizes up to three private carters per zone. DSNY also has established contracts with five carters to operate citywide to pick up containerized waste from compactors and businesses that have loading docks.

Change of Use Workplan

The Development Site is on a former municipal landfill that was the subject of extensive regulatory oversight by NYSDEC during its transformation to a Golf Course. Oversight is ongoing via a Post Construction Custodial Care Plan (PCCCP) with NYC Parks responsible for inspection monitoring and reporting. A Declaration of Covenants and Restrictions further requires authorization from NYSDEC for a change of use on the site (see Chapter 10of this EIS, "Hazardous Materials").

The Proposed Development would be supported by deep foundations such as displacement piles anchored in bedrock, drilled piles, or steel/precast concrete piles. Deep foundation options typically generate minimal spoil (excavated) material because in-ground materials are displaced laterally, compacting the surroundings. The construction of these piles would not generate a significant amount of solid waste over a multiyear period and thus would not cause a disposal or processing facility to exceed capacity. Installation of these piles would require a breach of the landfill cap and excavation of material underlying the cap in targeted areas.

During construction of the Proposed Development, material excavated in the footprint of the former landfill will be managed via a Change of Use Workplan submitted to NYSDEC prior to the onset of construction. The Change of Use Workplan would outline the measures required to handle and dispose of project-generated material. The excavated material would be characterized and disposed of in accordance with City, State, and Federal regulations. Based on the Change of Use Workplan, NYSDEC would maintain oversight of excavated materials and solid waste generated at the Development Site during construction. The PCCCP would be amended to reflect the new use on the Development Site and Bally's ongoing inspection, monitoring and reporting requirements.

Waste Management Program

The Proposed Development would follow Bally's corporate waste management program. This waste management program would follow local laws and regulations, which govern commercial solid waste management and recycling/landfill diversion. Bally's will supply the necessary source separation infrastructure at the Proposed Facility and golf clubhouse, and work with suppliers and waste management vendors on program implementation. Bally's waste management program applies to all materials and refuse components, and is intended to:

- avoid and divert waste from landfills;

[7] DSNY, *Comprehensive Solid Waste Management Plan*, Sept 2006; Attachment IV, Table IV 2-2

- recycle and reuse potential waste by working with suppliers; and
- contract waste management vendors with internal waste and recycling handling procedures.

Waste and recyclables would be collected in separate containers at the Proposed Development. Recycled materials would be transferred to a recycling handling center within the Development Site or at a centralized facility. In conformance with Local Law 146 of 2013, materials would be diverted from landfills for recycling and would include paper, plastics, metals, glass, recyclable and reusable containers, office materials, food handling containers and recyclable utensils, and organics. Waste and recycling materials would be transferred via roll containers on-site by staff per building facility transfer and handling policies and procedures. Roll containers and waste and recycling bins would be cleaned regularly, and waste would be mechanically compacted to reduce transport frequency. Dumpsters would include a closed lid and would be cleaned daily.

Bally's waste management program would also follow the applicable law regarding organic waste. Food waste would be collected and sorted for composting, animal feed outsourcing, and food container reuse and recycling. Hotel rooms would include a two-tier waste receptacle for cans, bottles, paper goods, and trash. Three-tier waste containers would be placed around the exterior of the Proposed Facility and replacement golf clubhouse. Comingled materials would be handled and recycled by contracted specialized vendors.

Landscaping waste will be handled per the existing operations and maintenance requirements for the golf clubhouse and Golf Course. Separate containers for organic waste would be handled by private carters and disposed of regularly. Bally's would continue to review disposal practices routinely and identify opportunities to reduce landfill waste through methods such as reuse or composting. Available recycling streams will be selected from existing private carters at the time of operations commencement.

The procedures to source and procure are designed to reduce waste generation and increase recycling by selecting suppliers who prioritize manufacturing sustainability, product longevity, and innovative environmental practices. Priority is given to vendors who provide sustainable containers and transport, and the ability to repair or upgrade products and equipment.

Once the Proposed Facility is operational, Bally's intends to conduct a waste stream audit to confirm baseline conditions and validate or adjust the program. As part of Bally's Waste Management Program, program policies and procedures are expected to be revised on an annual basis.

Conclusion

Overall, the Proposed Actions would not conflict with the City's SWMP or have a direct effect on a solid waste management facility. The Proposed Actions would generate a net increase of the equivalent of up to 18 commercial carter truckloads of solid waste per week (up to two additional trucks per day on average). The incremental solid waste generated by the Proposed Actions would not overburden the City's solid waste handling systems. During construction, excavated material would be characterized and disposed of in accordance with City, State, and Federal regulations based on the change of use workplan approved by NYSDEC. Bally's would follow a waste management program that would avoid unnecessary waste in landfills and recycle or reuse potential waste for composting and animal feed outsourcing, and food container reuse and recycling. As part

of the waste management program, Bally's would select vendors that prioritize sustainable practices and product longevity, and recycling and reuse. Bally's intends to review and update their waste management program and related policies and procedures on an annual basis. Therefore, the Proposed Actions would not have a significant adverse impact on the City's solid waste and sanitation services, and no further analysis is warranted.