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**REVISED COMPREHENSIVE  
SOLID WASTE MANAGEMENT PLAN  
COMPLIANCE REPORT**

**For The Period of  
JANUARY 1, 2009 THROUGH DECEMBER 31, 2010**

**February 2012**

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**Attachment 4:** Local Law 32 of 2010

**Attachment 5:** Local Law 33 of 2010

**Attachment 6:** Local Law 34 of 2010

**Attachment 7:** Local Law 35 of 2010

**Attachment 8:** Local Law 36 of 2010

**Attachment 9:** Local Law 37 of 2010

**Attachment 10:** Local Law 38 of 2010

**Attachment 11:** Local Law 39 of 2010

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## EXECUTIVE SUMMARY

This revised biennial Compliance Report dated February 2012, submitted in accordance with the provisions of NYCRR Title 6 Part 360-15.12, provides information on the City of New York's (City) progress in implementing its approved Comprehensive Solid Waste Management Plan (SWMP) during the reporting period of January 1, 2009 through December 21, 2010. The City's first SWMP Compliance Report, submitted in July 2009, reported on the status of SWMP implementation during 2007 and 2008.

The SWMP was prepared by the City Department of Sanitation (DSNY) with the assistance of the New York City Economic Development Corporation (NYCEDC) and other mayoral agencies, adopted by the City Council in July 2006 and approved by the New York State Department of Environmental Conservation (NYSDEC) in October 2006. It involved a comprehensive review of the activities undertaken to implement the City's first Solid Waste Management Plan (the 1992 Plan), as amended, an evaluation of where and how those efforts should be refocused to better meet the City's solid waste management needs, information on the City's on-going solid waste management programs, and an extensive process of consultation with interested parties. The Final Environmental Impact Statement to support the SWMP was issued in April 2005.

Since the SWMP was approved, DSNY, other City agencies and related entities have advanced SWMP goals and substantially completed the majority of projects and initiatives discussed in the SWMP. A notable accomplishment for the City during the 2009 through 2010 reporting period is the inclusion of many SWMP initiatives in the City's update to *PlaNYC*, which sets forth long-term goals and contains initiatives to make New York a greener, greater city by 2030. The solid waste section of *PlaNYC* appears at <http://www.nyc.gov/html/planyc2030/html/theplan/solid-waste.shtml> and specifies projects designed to reach an ambitious goal to divert 75% of the City's solid waste from landfills. Other *PlaNYC* projects have broader goals, like the City's July 2011 announcement that it put into service 70 new electric vehicles for use by DSNY and other city agencies. The City already has the largest municipal electric fleet in the country, totaling

430, with the infusion of the 70 new electric vehicles and DSNY now operates an electric vehicle charging station at its central repair shop in Queens.

SWMP recycling achievements include the enactment in 2010 of a set of nine amendments to the City's Administrative Code that together make up revisions to the City's recycling laws known collectively as Local Law 19 of 1989, and the construction of the Sims Metal Management predominantly barge fed recyclables processing facility at the South Brooklyn Marine Terminal, which will accept the majority of recyclables collected by DSNY pursuant to a 20-year contract with the City.

With respect to the long-term export of solid waste from the City, during the 2009 through 2010 reporting period construction (and demolition of the existing MTSs) began on the North Shore Converted Marine Transfer Station (MTS) in Queens and the Hamilton Avenue Converted MTS in Brooklyn. These MTSs, expected to be operational in 2013, will accept both DSNY-managed waste from the Collection Districts they serve and some portion of commercial waste. In addition, construction bid documents for the East 91<sup>st</sup> Street MTS (Manhattan) were issued in January 2012 to allow for an end of Fiscal Year (FY) 2012 contract award and construction start pending issuance of an Army Corps of Engineers permit for the project. The release of the Southwest Brooklyn MTS bid documents is dependent upon the issuance of an NYSDEC Part 360 permit and an Army Corps of Engineers permit. A design contract award for the new Gansevoort Marine Transfer Station for Manhattan recyclables and recycling education is expected to be made in FY 2012.

With respect to the City's consideration of alternative solid waste management technology solutions, NYCEDC and DSNY are working together to develop a Phase 3 Siting Study to be issued in FY 2012. The Phase 3 Siting Study will determine the availability of sites and further evaluate the siting needs for the alternative solid waste management technologies analyzed in the Phase 1 and 2 Study Reports issued pursuant to the SWMP. These Reports appear on the DSNY web site at [http://www.nyc.gov/html/dsny/html/swmp\\_implementation/swmp\\_otherinit.shtml](http://www.nyc.gov/html/dsny/html/swmp_implementation/swmp_otherinit.shtml).

The Milestone Tables and accompanying narratives set forth below provide current information on completed and ongoing projects and on SWMP project implementation schedules and next steps.

## **SECTION 1 - PLANNING UNIT DESCRIPTION**

The Planning Unit is the City of New York (City) and consists of the five boroughs (and co-terminus counties) of Manhattan, (New York County) Queens (Queens County), Brooklyn (Kings County), Staten Island (Richmond County) and the Bronx (Bronx County). The components of the Planning Unit are unchanged since SWMP approval. Similarly, the statistical profile of the City, current and projected as it relates to the generation of solid waste is unchanged since the issuance of the approved SWMP; the data was based primarily on population estimates projected by the New York City Department of City Planning (NYCDCP) from 2000 Census Data and a 2005 Report on Social Indicators. More specifically, according to Census-based population information provided on the NYCDCP website at [http://www.nyc.gov/html/dcp/html/census/census\\_2010.shtml](http://www.nyc.gov/html/dcp/html/census/census_2010.shtml), as of April 1, 2010, the City's population reached an all time high of 8,175,133. The City has asked the Census Bureau to review its Census 2010 data for Queens and Brooklyn because despite record participation levels throughout the City and data that showed substantial population increases for Manhattan, the Bronx and Staten Island, only small population increases were determined for Queens and Brooklyn. Notwithstanding the perceived undercount, the Census 2010 population increase of roughly 2% over the 2000 Census continues the general predicted upward trend in population projected in the SWMP.

As noted in the SWMP Compliance Report for 2007 and 2008, the economic circumstances of the City have changed since SWMP approval. The economic recession and fiscal crisis that has affected the banking and financial sectors in recent years have resulted in greatly decreased tax revenues realized and projected for the City and have, in turn, precipitated sizeable budget cuts at mayoral agencies over the past several years. Despite the influx of federal stimulus money over the reporting period, capital funds continue to be scarce.

## SECTION 2 - SWMP ACCOMPLISHMENTS

The milestone tables in this Section provide the SWMP program descriptions, schedule and Sections along with information about the completion of the program during the compliance reporting period.

**Table 1**  
**Completed Recycling SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES</b>			
<b>MATERIALS PROCESSING FACILITY, 30<sup>TH</sup> STREET PIER AT SBMT</b>			
City and SHN execute 20-year agreement	2007	§ 2.3.1 + 2.4.3	Completed
<b>NEW INITIATIVES – RECYCLING</b>			
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion with percentage goals	2007	§ 2.4.1	Completed
Reach resolution on draft legislation to revise LL19	2008	§ 2.4.1	Completed
Electronics recycling Citywide events and mailings	Ongoing	§ 2.4.5	Completed; preempted by State EPR e-waste law enactment
Develop electronics recycling legislative initiative	2007	§ 2.4.5	Completed
<ul style="list-style-type: none"> <li>▪ <u>Issue Citywide Waste Characterization Study</u></li> <li>▪ <u>Final Report</u></li> </ul>	2007	§ 2.4.2	Completed
Submit Council on the Environment (a.k.a. GrowNYC) Outreach and Education Office work plan and budget	2007	§ 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations	2007	§ 2.4.0	Completed
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public	2009-10	§ 2.4,3.1	Completed; requiring source separation not recommended at this time. DSNY to revisit



**Table 1**  
**Completed Recycling SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
			annually, as req'd by local law
Issue various new public education materials	Ongoing	§ 2.4.7.4	Completed
Conduct public recycling pilot	2007	§ 2.4.9	Completed
<b>NEW INITIATIVES – WASTE REDUCTION</b>			
Develop, launch and promote Stuff Exchange Website	2007-8	§ 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report	2007-8	§ 2.4.2.2	Completed
Market Wa\$teMatch to add focus on hospitality, healthcare and property management industries	2010-12	§ 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction	2007-8	§ 2.4.4.3	Completed
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens	2005	Attachment VI, § 1.7.5	Completed
Seek regulation to require residents to set out leaves in paper bags, educate public and retailers	2007	§ 2.4.8	Completed
Issue electronic newsletter	Ongoing	§ 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot	2008	§ 5.4	Completed
NYCDEP to complete food waste disposal feasibility study	2009	§ 5.4	Completed
Issue new HHW reduction publication	2007	§ 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection	2007-8	§ 2.4.6	Completed
Commence HHW collection contract	2009	§ 2.4.6	Completed; 1 <sup>st</sup> phase (special waste ops) began FY 2010 and 2 <sup>nd</sup> phase (HHW drop-offs) began in Spring FY 2011
Establish Composting/New Technology Facility	2008	§ 2.4.8.4	Completed

**Table 1**  
**Completed Recycling SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
Task Force			
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins	N/A	§ 2.4.8.3	Completed

**Table 2**  
**Completed Long-Term Export SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES</b>			
<b>DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN</b>			
Complete design and permitting	2007	See § 3.2	Completed
<b>DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET, BROOKLYN</b>			
Complete design and permitting	2007	See § 3.2	Design Complete; Permitting Underway
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>			
Complete design and permitting.	2007	See § 3.2	Design Complete; Permitting Underway
<b>DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS</b>			
Complete design and permitting	2007	See § 3.2	Completed
<b>BRONX LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design permitting and construction, if required, <sup>1</sup> and begin facility operation	2007	See § 3.2	Completed
<b>BROOKLYN LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation	2009	See § 3.2	Completed

<sup>1</sup> Only one of the two private waste transfer stations in the Bronx requires permit modifications and construction.

**Table 2**  
**Completed Long-Term Export SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>QUEENS LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Negotiations Completed; Award anticipated in FY 2012.
<b>STATEN ISLAND TRANSFER STATION</b>			
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See § 3.1 + Table 3.2-1	Completed
<b>CONVERTED MTS REPORTING/PERMITTING</b>			
Report to Council on RFP process/permit approvals for MTSs	2008	See § 3.7	Completed
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>			
Issue Phase 2 Alternative Technology Evaluation	2007	See § 5.2	Completed

**Table 3**  
**Completed Commercial Waste SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>ASSESS FEASIBILITY OF USING WEST 59<sup>TH</sup> STREET MTS FOR PROCESSING COMMERCIAL WASTE</b>			
Issue an RFP to solicit private vendors	2007	See §§ 4.3 + 3.6	Completed
<b>FUTURE MANHATTAN CAPACITY</b>			
Investigate potential alternative Manhattan solid waste transfer station locations and report to Council annually on efforts to identify alternative locations	2008	See § 3.6	Completed
<b>TRANSFER STATION CAPACITY REDUCTION</b>			
Commence negotiations with transfer station operators to seek transfer station putrescible and C&D capacity (permitted and used) reductions in select CDs	2007	See § 4.4	Completed
<b>TRUCK TRAFFIC ANALYSIS</b>			
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2008	See § 4.4	Completed
<b>NYCDEP FOOD WASTE DISPOSAL STUDY</b>			
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City	2008	See § 5.4	Completed
Consultant to complete study	2009	See § 5.4	Completed

### SECTION 3 – SWMP STATUS / IMPLEMENTATION

The tables in this Section contain SWMP program descriptions, schedules and Section references along with updated status and implementation information for Recycling, Long-Term Export and Commercial Waste milestones.

**Table 4  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES</b>				
<b>MATERIALS PROCESSING FACILITY, 30<sup>TH</sup> STREET PIER AT SBMT</b>				
City and SHN execute 20-year agreement		2007	§ 2.3.1 + 2.4.3	Completed
SHN’s South Brooklyn processing facility to begin receiving paper in addition to MGP	2013	2011	§ 2.3.1 + 2.4.3	Operations expected to begin in CY 2013
<b>MANHATTAN ACCEPTANCE FACILITY</b>				
Finalize site selection and complete design and permitting	2014	2008	§ 2.3.2	Gansevoort design effort and approvals/permitting to start in FY 2012
Complete construction and begin facility operation	2017	2011	§ 2.3.2	Delayed; construction to begin FY 2014 w/start up in FY 2017
<b>NEW INITIATIVES – RECYCLING</b>				
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion w/percentage goals		2007	§ 2.4.1	Completed

**Table 4**  
**SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Reach resolution on draft legislation to revise LL19		2008	§ 2.4.1	Completed
Electronics recycling Citywide events and mailings		Ongoing	§ 2.4.5	Completed; preempted by State EPR e-waste law enactment
Develop electronics recycling legislative initiative		2007	§ 2.4.5	Completed
<ul style="list-style-type: none"> <li>▪ <u>Issue Citywide Waste Characterization Study</u></li> <li>▪ Final Report</li> </ul>		2007	§ 2.4.2	Completed
Conduct public education market research		Ongoing	§ 2.4.7.1	Completed
Submit Council on the Environment Outreach and Education Office work plan and budget		2007	§ 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations		2007	§ 2.4.0	Completed
Increase recycling diversion rate		Ongoing	§ 2.4.1	Ongoing; rate impacted by recession and widespread scavenging of recycling curbside – BBBB and non- BBBB items
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Ongoing
Begin recycling re-education of City Agencies and institutions		2007	§ 2.4.0	Ongoing
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public		2009-10	§ 2.4,3.1	Completed. DSNY to revisit annually, as req'd by local law
DSNY/BIC to report on completed study on		2010	§ 2.4.7.5	Underway

**Table 4**  
**SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
efficacy of current laws and feasibility of increasing commercial recycling and report and discuss cost effective ways to improve diversion				
2010 review of SWMP recycling initiatives		2010-11	§ 2.5.1	Completed
Issue various new public education materials		Ongoing	§ 2.4.7.4	Completed
Conduct public recycling pilot		2007	§ 2.4.9	Completed
<b>NEW INITIATIVES – WASTE REDUCTION</b>				
Develop, launch and promote Stuff Exchange Website		2007-8	§ 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report		2007-8	§ 2.4.2.2	Completed
Market Wa\$teMatch to add focus on hospitality, healthcare and property management industries		2010-12	§ 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction		2007-8	§ 2.4.4.3	Completed
Resume yard waste collection (where permitted composting facilities are available)	2013	2005	Attachment VI, § 1.7.2	Scheduled by local law to commence in Spring 2013
Resume compost education and give-back programs in cooperation with the City’s Botanical Gardens		2005	Attachment VI, § 1.7.5	Completed
Seek regulation revision to require residents to set out leaves in paper bags, educate public and retailers		2007	§ 2.4.8	Completed
Issue electronic newsletter		Ongoing	§ 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot		2008	§ 5.4	Completed



**Table 4**  
**SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
NYCDEP to complete food waste disposal feasibility study		2009	§ 5.4	Completed
Issue new HHW reduction publication		2007	§ 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection		2007-8	§ 2.4.6	Completed
Commence HHW collection contract		2009	§ 2.4.6	Completed; 1 <sup>st</sup> phase (special waste ops) began in FY 2010 and 2 <sup>nd</sup> phase (HHW drop-offs) begin Spring 2012
Establish Composting/New Technology Facility Task Force		2008	§ 2.4.8.4	Completed
Resolve feasibility issues regarding development of on-site food composting facility at Hunt's Point Food Center	2014	2007	§ 2.4.8.2	Ongoing
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins		N/A	§ 2.4.8.3	Completed

## **RECYCLING NARRATIVES:**

### **RECYCLABLES PROCESSING/XMAS TREE COMPOSTING:**

DSNY's adopted budget for the fiscal year that runs from July 1, 2011 through June 30, 2012 (FY 2012), allocates sufficient funds to process metal, glass and plastic recyclables, and to continue post-holiday Christmas tree composting in January 2012. Yard waste collection has been temporarily suspended, but is scheduled in Local Law 37 of 2010 to be restored in spring 2013.

### **PUBLIC SPACE RECYCLING:**

DSNY will continue to explore and expand the number of public space recycling sites in the City where it is feasible and where there is no additional cost to collection service. DSNY now has in excess of five (500) public space recycling sites situated throughout all five boroughs, including in many City parks. DSNY was able to achieve the Public Space Recycling receptacle goal set forth in Local Law 38 of 2010 almost two years early. The receptacles are bright blue and green containers placed out, in most cases, adjacent to one another and alongside a trash receptacle to control cross-container contamination.

### **OUTREACH:**

DSNY's Bureau of Waste Prevention, Reuse and Recycling staff will continue to enhance the existing DSNY-provided web based resources for residents and building management, including the conversion of all its public education materials to downloadable resources which can be printed from the convenience of one's home. Bureau staff will also continue to provide information, decals and brochures through 311 requests and DSNY's various websites.

To promote recycling diversion, the Bureau's recycling outreach staff will continue to assist the City's landlords, building managers, co-op boards and condo associations, and building superintendents requesting DSNY education and assistance to improve their buildings' recycling rates. The Bureau's outreach staff is a constant presence in the five boroughs, attending various

tenant, coop, and condo association meetings, as well as providing hands on outreach assistance to individual superintendents and building management where needed.

#### **SOUTH BROOKLYN MARINE TERMINAL RECYCLABLES PROCESSING FACILITY:**

The permitting, design and pier rehabilitation work required to be undertaken by Sims Metal Management to construct the recyclables processing facility proposed to be located at the South Brooklyn Marine Terminal has been completed, and construction of the facility began in fall 2011. MRF operations are expected to begin in CY 2013.

#### **PROPOSED LOCAL LAW 19 of 1989 AMENDMENTS:**

The SWMP presented proposed revisions to Local Law 19 of 1989 (Local Law 19). Upon adoption of the SWMP, discussions began between the Administration and City Council to come to consensus on what those changes would be. These changes were memorialized by the City Council and the Administration in a number of amendments to Local Law 19 fashioned as individual local laws. See Section 5 discussion entitled Recycling: Revisions to Local Law 19 and Attachments 5 through 15.

## ALL LONG-TERM EXPORT MILESTONES: Status and Implementation

**Table 5**  
**SWMP Milestones – Long Term Export**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
<b>PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES</b>				
<b>DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Complete Negotiations/Award in FY 2012
Complete design and permitting	2008	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	2010	See § 3.2	Construction Underway and Expected to be complete in Fall 2013
<b>DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET, BROOKLYN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Complete Negotiations/Award in FY 2012
Complete design and permitting	2012	2007	See § 3.2	Design Complete; Permitting Underway
Complete construction and begin facility operation	2017	2010	See § 3.2	Pending Permitting; Construction expected to begin FY 2012
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Complete Negotiations/Award in FY 2012
Complete design and permitting.	2012	2007	See § 3.2	Design Complete; Permitting Underway
Complete construction and begin facility operation	2016	2010	See § 3.2	Pending Permitting; Construction expected to begin FY 2012

**Table 5**  
**SWMP Milestones – Long Term Export**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Complete Negotiations/Award in FY 2012
Complete design and permitting	2010	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	2010	See § 3.2	Construction underway and Operation expected to begin in Fall 2013
<b>BRONX LONG TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed
Complete design permitting and construction, if required, <sup>2</sup> and begin facility operation	2008	2007	See § 3.2	Completed
<b>BROOKLYN LONG TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation		2009	See § 3.2	Completed
<b>QUEENS LONG TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2013	2007	See § 3.2	Negotiations Completed; Award anticipated in FY 2013
Complete design, environmental review, permitting and construction and begin facility operation	2013	2009	See § 3.2	Design Completed; Environmental review to be completed in FY 2012

<sup>2</sup> Only one of the two private waste transfer stations in the Bronx requires permit modifications and construction.

**Table 5**  
**SWMP Milestones – Long Term Export**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY</b>				
Complete contract negotiations, award contract and commence service	2012	2007	See § 3.2	Agreement execution expected in FY 2012; Service start expected FY 2014
<b>STATEN ISLAND TRANSFER STATION</b>				
Complete facility construction		2007	See § 3.1 + Table 3.2-1	Completed
Begin facility operations and implement long term service agreement for container rail transport and disposal		2007	See § 3.1 + Table 3.2-1	Completed
<b>CONVERTED MTS REPORTING/PERMITTING</b>				
Report to Council on RFP process/permit approvals for MTSs		2008	See § 3.7	Completed
Report to Council if any of the MTS agreements are not finalized by 2010 and recommend (as appropriate) proposed SWMP modification on handling residential solid waste	2012	2010-11	See § 3.7	Report to be submitted to City Council in FY 2012
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>				
Issue Phase 2 Alternative Technology Evaluation		2007	See § 5.2	Completed
Evaluate development of a pilot project to establish the basis for commercial application	2012	2007	See § 5.2	Ongoing

## **LONG-TERM EXPORT IMPLEMENTATION**

HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, (SUNSET PARK) BROOKLYN

Project Overview: The Hamilton Avenue Converted MTS (MTS) will replace the former MTS at the same location and serve the same watershed (Brooklyn Collection Districts 2, 6 - 10, 14 and 16 – 18). The MTS will accept an average of 1,900 tons per day of DSNY-managed waste from those communities and in the evening hours, the facility would be able to accept up to 1,240 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The MTS will be an enclosed processing building (with ramps) constructed along the Gowanus Canal (the former overwater MTS has been demolished). The MTS will be a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that will be placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS will be a City-owned facility; DSNY will accept waste, load and lid containers. DSNY will award a contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of the final MTS design and having obtained approval for the project under the City's Uniform Land Use Review Procedures, NYSDEC issued final State permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) to operate and construct the MTS on June 3, 2008. The project requires an Army Corps of Engineers (ACOE) permit for in-water demolition and dredging activities, the construction of a barge fendering system and barge staging that will affect littoral and non-littoral zones; the ACOE nationwide permit was issued for the MTS on May 22, 2008; a renewal permit was issued on May 20, 2010.

Construction: Pursuant to competitive bid procurement, DSNY received construction bids for the MTS on May 28, 2009 and awarded contracts thereafter. Construction began in May 2010 and is expected to be completed in fall 2013.

**SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET,  
(BENSONHURST) BROOKLYN**

Project Overview: The proposed Southwest Brooklyn Converted MTS (MTS) will be constructed on the site of the demolished Southwest Brooklyn Incinerator and will serve the same watershed as the former MTS (Brooklyn Collection Districts 11 – 13 and 15). The MTS will accept an average of 950 tons per day of DSNY-managed waste from those communities and in the evening hours, would be able to accept up to 718 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The MTS will be an enclosed processing building and ramp structure located on along Gravesend Bay. The MTS will be a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers to be placed by an outside gantry crane system onto barges for transport directly to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS will be a City-owned facility; DSNY will accept waste, load and lid containers. DSNY will award a contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of final designs for the MTS and having obtained approval for the MTS under the City's Uniform Land Use Review Procedures, DSNY submitted the final permit applications for the State environmental permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) needed for the construction and operation of the facility in January and February 2007. In support of its permit



application, thereafter, DSNY held an Environmental Justice Informational Meeting on the project in the Southwest Brooklyn Converted MTS community on April 16, 2007. A Notice of Complete Application and draft permits were issued for the project on August 29, 2007. The Notice established an October 1, 2007 deadline for public comments. Based on the comments received, NYSDEC referred the permit application to NYSDEC Office of Hearings and Mediation Services and assigned an Administrative Law Judge (ALJ) to oversee the permit proceedings.

The NYSDEC permit process began with a Legislative Hearing in the community on January 15, 2008 that was presided over by the ALJ. Opponents of the project seeking party status were heard at an Issues Conference held at NYSDEC Region 1 offices on January 23, 2008. Briefing opportunities were provided to NYSDEC staff, DSNY and those seeking party status. In July 2009, the ALJ issued Ruling on Issues and Party Status (Rulings) that held that there are no issues to adjudicate, the record is closed and the permit application is remanded to NYSDEC staff for processing. An appeal of the Rulings was filed by Assemblyman William Colton on behalf of NY/NJ Baykeeper, Natural Resources Protective Assn., Wake Up and Smell the Garbage, Urban Divers Estuary Conservation and the No Spray Coalition.

DSNY has a pending application for a permit to construct the Southwest Brooklyn Converted MTS with the Army Corps of Engineers. The MTS requires an ACOE permit for dredging activities, the construction of a barge fendering system and a king pile wall to protect the adjacent marina and barge staging that will affect littoral and non-littoral zones.

Construction: Construction specifications for the project have been developed. Pending the issuance of the requisite permits and the completion of a value engineering process, the project is expected to be bid and construction to begin at the end of FY 2012.

## EAST 91ST STREET CONVERTED MTS AND THE EAST RIVER, MANHATTAN

Project Overview: The proposed E. 91<sup>st</sup> Street Converted MTS will replace the existing MTS on the site and serving the same watershed as the former MTS (Manhattan Collection Districts 5, 6,

8 and 11), will accept an average of 720 tons per day of DSNY-managed waste from those communities. In the evening hours, the facility will accept up to 780 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The Converted MTS will be an over-water processing building, barge pier, and ramp structures that will entirely replace the existing MTS structure in the East River at the terminus of E. 91<sup>st</sup> Street on Manhattan's east side. The Converted MTS will be a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that would be placed by an outside gantry crane system onto barges for transport directly to a disposal site or to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The Converted MTS will be a City-owned facility. DSNY will accept waste, load and lid containers. DSNY will award a contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of final designs for the E. 91<sup>st</sup> Street Converted MTS (MTS) and having obtained approval under the City's Uniform Land Use Review Procedures, DSNY submitted the final permit applications for the State environmental permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) needed for the construction and operation of the facility in January and February 2007. In support of its permit application, thereafter, DSNY held an Environmental Justice Informational Meeting on the project in the E. 91<sup>st</sup> Converted MTS community on April 19, 2007. A Notice of Complete Application and draft permits were issued for the project on May 30, 2007. The Notice established a July 2, 2007 deadline for public comments. Based on the comments received, NYSDEC referred the permit application to NYSDEC Office of Hearings and Mediation Services and assigned an Administrative Law Judge (ALJ) to oversee the permit proceedings.

The NYSDEC permit process began with a Legislative Hearing in the community on October 9, 2007 that was presided over by the ALJ. Opponents of the project seeking party status were heard at an Issues Conference held at NYSDEC Region 1 offices on October 16, 2007. After briefing opportunities were provided to NYSDEC staff, DSNY and those seeking party status, the ALJ issued Rulings of the Administrative Law Judge on Issues and Party Status dated April 7, 2008 (Rulings) that determined that there were no issues to adjudicate except that DSNY had not submitted evidence that it had met the Part 360 noise standards for the project. The petitioners for party status, Environmental Defense Fund and Gracie Point Community Council, et al, were granted party status on the noise standard issue. Petitioners Gracie Point Community Council, et al. appealed the Rulings on May 2, 2008. After the parties had briefed the noise standard issue, in a Supplemental Issues Ruling dated December 10, 2008, the ALJ held that no issue existed with respect to the ability of the MTS, as designed, to meet the Part 360 noise standards. NYSDEC denied the appeal of Rulings and issued permits to operate and construct the MTS in October 2009. Petitioners appealed in Supreme Court. In June 2010, the Supreme Court determined that the State's decision to issue permits was not arbitrary and capricious. In December 2011, the Appellate Court affirmed the dismissal of the challenge.

DSNY has a pending application for a permit to construct the E. 91<sup>st</sup> Street Converted MTS to the Army Corps of Engineers. The project requires an ACOE permit for in-water demolition, construction and dredging activities, the construction of a barge fendering system and a pile supported transformer building and barge staging that will affect littoral and non-littoral zones. ACOE held a public hearing on the application on September 18, 2008 and established a thirty day comment period on the permit application. DSNY provided ACOE with responses to the comments received. DSNY submitted a Mitigation Plan in June 2011 and thereafter USACE issued a Supplemental Public Notice on July 25, 2011, establishing a 30 day written comment period on the Mitigation Plan.

Legal Actions: The project has been the subject of several lawsuits (The Association for Community Reform Now (ACORN), et al v. Mayor Michael Bloomberg, et al and New York State Assemblyman Adam Clayton Powell, IV, et al v. City of New York (Powell)) on the sufficiency of its environmental review. The project has survived both actions. The ACORN

lawsuit was unsuccessful at the Supreme Court level. On appeal, the Appellate Division, in June 2008, upheld the lower court's finding that DSNY took the required hard look at the relevant areas of environmental concern for the project and made a reasoned elaboration of the basis for its determination in its Final Environmental Impact Statement. In the Powell lawsuit, the Supreme Court held that the project's environmental review was lawful in all respects; on a parkland issue, in June 2011, the Appellate Court affirmed the lower court decision that the Asphalt Green and Bobby Wagner were not parks entitled to protection under the Public Trust Doctrine and held that even if these properties could be considered parks, the proposed MTS construction would not result in a substantial invasion of parkland that would trigger the Public Trust Doctrine.

Construction: A competitive bid solicitation was issued for the construction of the project in January 2012. Pending issuance of the Army Corps of Engineers permit, it is anticipated that construction will start at the end of FY 2012.

NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, (COLLEGE POINT) QUEENS

Project Overview: The North Shore Converted MTS (MTS) will replace the (now demolished) former MTS on the site and will serve the same watershed (Queens Collection Districts 7 -14). The MTS will accept an average of 2,200 tons per day of DSNY-managed waste from those communities and in the evening hours, would be able to accept up to 1,000 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The MTS will be an over-water processing building with an over-water barge pier and ramp structures that will entirely replace the demolished former MTS structure in Flushing Bay. The MTS will be a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers to be placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move

quickly through the facility without on-street queuing. The MTS will be a City-owned facility; DSNY will accept waste, load and lid containers. DSNY will award a contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to and disposal at an out-of-City disposal facility (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of final designs for the MTS and having obtained approval under the City's Uniform Land Use Review Procedures, DSNY obtained NYSDEC environmental permits to construct and operate the MTS (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters on September 14, 2007.

DSNY submitted an application for a permit to construct the North Shore Converted MTS to the Army Corps of Engineers in October 2007. The project requires an ACOE permit for in-water demolition and construction and dredging activities, the construction of a barge fendering system and barge staging that will affect littoral and non-littoral zones. The final ACOE permit was issued on January 11, 2010.

Construction: Pursuant to a competitive bid solicitation, DSNY received construction bids for the project on March 12, 2009 and awarded contracts thereafter. Construction is anticipated to be completed by mid CY 2013; operation of the facility is expected to begin in fall 2013.

## BRONX LONG TERM EXPORT PROCUREMENT

Pursuant to a procurement issued in December 2003, Waste Management of New York, L.L.C. ("Company") was awarded a 20-year Service Contract, with two five-year renewals to containerized transport by rail and dispose of an average of 2,100 tons per day of DSNY-managed waste from the Bronx, the wasteshed historically handled by the South Bronx Marine Transfer Station. The Service Contract terms require the Company to accept, manage, transport and dispose of Bronx long-term Service Contract Waste ("Contract Waste"), delivered by the City to the Company's Harlem River Yard Transfer Station located at 98 Lincoln Avenue,

Bronx. The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by the Company for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain holidays. Service under the Service Contract began in July 2007. The facility is a rail only facility; trucking of waste containers would only be permitted in an emergency defined by the facility's permit.

### BROOKLYN LONG TERM EXPORT PROCUREMENT

Pursuant to a procurement issued in December 2003, Waste Management of New York, L.L.C. ("Company") was awarded a 20-year Service Contract, with two five-year renewals to containerize, transport by rail and dispose of an average of 950 tons per day of DSNY-managed waste from Brooklyn Collection Districts 1, 3, 4 and 5, the Brooklyn wasteshed historically handled by the Greenpoint Marine Transfer Station. The Service Contract terms require the Company to accept, manage, transport and dispose of Brooklyn long-term Service Contract waste ("Contract Waste"), delivered by the City to the Company's Varick Avenue Transfer Station located at 215 Varick Avenue, Brooklyn, New York 11237. The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by the Company for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain holidays. The Company must manage, operate and maintain the Varick Avenue Transfer Station.

Full rail service began for DSNY-managed waste in March 2009; as of October 2011, any commercial waste accepted at the facility is required to be transported from the MTS by rail.

At the request of Brooklyn elected officials, a Brooklyn Long-Term Export Facility Community Advisory Group (CAG) was established in 2008 in connection with the Brooklyn long-term

export Service Contract. The CAG was established to advise the Mayor and the City Council on the operation of the Varick Avenue Transfer Station.

## QUEENS LONG TERM EXPORT PROCUREMENT

In FY 2012, DSNY will finalize and execute with Waste Management of New York, L.L.C. (WM), a long-term rail export Service Contract for the use of Review Avenue Transfer Station (Review Avenue TS or TS), located at 38 - 22 Review Avenue in Maspeth, Queens, to containerize, export by rail and dispose of the approximately 1,200 tons per day generated by Queens Collection Districts 1 - 6 and includes the Queens waste shed formerly served by the Greenpoint MTS. This contract will be similar to the 20-year long-term rail export contracts entered into by DSNY for the use of Harlem River Yards Transfer Station for Bronx waste and Varick Avenue Transfer Station for a portion of Brooklyn's. WM submitted an application for an NYSDEC Part 360 permit modification to increase capacity and revised its application in December 2011 to reflect new dray and rail yard plans in response to community concerns about its plans to dray containers approximately 1.5 miles (round trip) to the Maspeth Railyard through the Rust Avenue intersection. The proposed dray would be from Review Avenue TS's western entrance to the Blissville Yard, a 100 meter round trip on Railroad Avenue. If NYCDEC issues a Part 360 permit modification for the TS, service would begin under the Service Contract in FY 2014.

The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by WM for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain holidays. WM must manage, operate and maintain the Review Avenue TS and obtain the NYSDEC permit modification to increase capacity through the construction of a new processing facility (discussed above). Up to 451 tons per day of commercial waste would be permitted to be transferred at the TS in the evening hours upon DSNY's authorization.

## INTERGOVERNMENTAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY

DSNY and its consultants and counsel are involved in the ongoing negotiation of a 20-year inter-governmental Service Agreement with the Port Authority of New York. PANYNJ for the use of its mass burn resource recovery facility located in Essex County, New Jersey for Manhattan waste generated in Manhattan Collection Districts 1 – 4, 7, 9, 10 and 12, the wastesheds historically served by the W. 59th Street and W. 135<sup>th</sup> Street MTSs. The negotiations, delayed by a change in the operator of the facility from American Ref-Fuel Company of Essex County to Covanta Essex County, are scheduled to conclude with an executed Service Agreement in FY 2012. Pursuant to the draft Service Agreement, DSNY will truck an average of 1,600 tons per day of DSNY-managed waste in collection vehicles to the mass burn facility six days per week.

## STATEN ISLAND TRANSFER STATION

Pursuant to design and construction projects managed by DSNY, the Staten Island Transfer (SITS), a truck-to-container-to-rail facility, operated by DSNY's Bureau of Waste Disposal, began operations in November 2006 and entered into full scale rail operations in April 2007. An application for a renewal of the SITS NYSDEC Part 360 permit is pending. The SITS accepts only Staten Island DSNY-managed waste, an average of approximately, 750 tons per day. Allied Waste Systems, Inc. (now owned by Republic Services, Inc.), operates the SITS railyard and provides rail transport and disposal of all of Staten Island's DSNY-managed waste pursuant to a 20-year Service Contract. The waste is disposed in the Lee County Landfill, located in Bishopville, South Carolina. The SITS received the Solid Waste Assn. of North America's Golden Transfer Station award in 2008 for excellence in facility design and operation.

## CONVERTED MTS REPORTING/PERMITTING

Pursuant to SWMP Section 3.7, DSNY is required to report to the New York City Council on the progress of the Request for Proposals procurement processes and other approvals and contract



awards needed to use the four Converted Marine Transfer Stations proposed for construction and operation as facilities that would containerize DSNY-managed waste and some portion of commercial waste for barge transport and barge or rail export to a disposal facility. DSNY submitted a Progress Report to City Council on Implementation of the Marine Transfer Station Conversion Program in April 2008, including on the establishment of Community Advisory Groups. The 2008 MTS Progress Report appears on the DSNY website at [http://www.nyc.gov/html/dsny/downloads/pdf/swmp\\_implement/mts/shared/SWMPprogramprogress.pdf](http://www.nyc.gov/html/dsny/downloads/pdf/swmp_implement/mts/shared/SWMPprogramprogress.pdf).

Throughout FY 2012, DSNY and the Bloomberg Administration have met with the leadership of the New York City Council to inform the Council of the revised SWMP implementation schedule. These discussions will continue and be informed by this Compliance Report. Additionally since spring 2009, Commissioner Doherty has testified at City Council hearings about delays in the MTS projects.

#### MTS TRANSPORT AND DISPOSAL CONTRACT

DSNY is currently negotiating the award of two 20-year Service Contracts (with two five-year renewals) with vendors selected for discussions through a Request for Proposals procurement and Best And Final Offer processes that solicited vendors to accept operate/maintain the gantry cranes and accept loaded containers at the four proposed Converted MTSs and transfer those containers by barge for disposal to an intermodal facility onto rail cars or larger barges for disposal at an out-of-City disposal facility. The contract awards are anticipated to be made in CY 2012: one for the North Shore and E. 91<sup>st</sup> Street MTSs and one for the Hamilton Avenue and Southwest Brooklyn MTSs. Services are to be provided under the two contracts for the North Shore and Hamilton Avenue MTSs as those facilities begin operations in FY 2014.

#### ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING

Pursuant to SWMP Section 5.2, the New York City Economic Development Corporation was required to issue a Phase 2 Study that followed up its a Phase 1 Report on its Evaluation of New

and Emerging Solid Waste Management Technologies that appeared in the SWMP. Based on a review of successful projects outside the United States, the Phase I Study concluded that anaerobic digestion and thermal processing technologies merited further consideration for a potential demonstration project in New York City, the results of which could foster an appropriate basis for commercial application once the project and legal risks were sufficiently defined. The Phase I Study also concluded that hydrolysis technology might also be the subject of a demonstration project and recommended that a focused, detailed review be undertaken in the Phase 2 Study to supplement and verify the information provided for the Phase 1 Study before a final determination was made that any of the three technologies warranted a demonstration project in New York City. Thereafter, NYCEDC issued a Phase 2 Study Report entitled Focused Verification and Validation of Advanced Solid Waste Management Conversion Technologies conducted by Alternative Resources, Inc. The Phase 2 Study appears on the DSNY web site at [http://www.nyc.gov/html/dsny/html/swmp\\_implementation/swmp\\_otherinit.shtml](http://www.nyc.gov/html/dsny/html/swmp_implementation/swmp_otherinit.shtml).

The Phase 2 Study sought to provide a more detailed evaluation of the more advanced technologies so that they could be independently validated to the extent possible. Coupled with that evaluation was the consideration of technical, environmental and costs issues that were anticipated to arise if the implementation of one or more demonstration projects was deemed to be warranted by the technical analyses. The demonstration projects would be a key feature of long range planning for commercial application of these technologies for beneficial use of waste materials and for the purpose of developing feasible alternatives to waste export and landfilling - - the technologies on which the SWMP long-term export plan relies.

The Phase 2 Study contained detailed, independent technical and environmental reviews and evaluation for two anaerobic digestion technologies and four thermal processing technologies. The hydrolysis technology review did not provide enough information to be verified or validated; hydrolysis is not in commercial application for MSW. On a technical basis, it was confirmed that anaerobic digestion and thermal processing technologies are in commercial application for mixed MSW and no issues were identified that would prevent the technologies from being piloted in New York City. Recyclable materials and process products recovery rates were verified (along with residue disposal needs) and equipment layouts and site requirements

were developed. The environmental findings are that there is the potential for anaerobic digestion and thermal processing technologies to perform better than waste-to-energy facilities in some areas – decreased air emissions, less residue requiring disposal and better beneficial use of waste rates.

Building on the findings of the Phase 2 Study, in 2008, the City established the Composting/New Technology Facility Task Force to identify the site needs (including for preprocessing feedstock waste) for the technologies under consideration and identify and investigate sites, ownership arrangements, regulatory requirements and potential product markets.

With the assistance of the Composting/New Technology Facility Siting Task Force, NYCEDC developed a scope and engaged a consultant to perform a siting study that assessed the availability of sites for a demonstration project of an anaerobic digestion, thermal or hydrolysis technology. The Phase 3 siting study being undertaken in compliance with SWMP Section 2.4 and in connection with the work of the Composting/New Technology Facility Siting Task Force is expected to be issued in FY 2012.

## ALL COMMERCIAL WASTE MILESTONES

**Table 4.3-1**  
**SWMP Milestones – Commercial Waste**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>ASSESS FEASIBILITY OF USING WEST 59<sup>TH</sup> STREET MTS FOR PROCESSING COMMERCIAL WASTE</b>				
Issue an RFP to solicit private vendors		2007	See § 4.3 + 3.6	Completed
Report on West 59 <sup>th</sup> Street RFP process progress and required approvals		2008	§ 4.3 + 3.6	Completed
Report and recommend (as appropriate) SWMP modifications on commercial waste to Council if the City does not have an executed agreement for use of West 59 <sup>th</sup> Street MTS	2012	2009	See § 4.3 + 3.6	Report to be submitted to City Council in FY 2012
<b>USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE</b>				
Assess alternative implementation methods	2013	2009	See § 4.3	Pending MTS Construction
Implement selected method	2014	2010	See § 4.3	
Report on use of MTSs for transport and disposal of commercial waste	2015	2010	See § 4.3	
Report to Council on status of commercial recycling and propose SWMP modifications if for 3 years in a row, any MTS receives less than 50% of commercial capacity analyzed in FEIS	Post 2017	Post 2010	See § 4.3	Anticipated that two MTSs will commence operation in 2014
<b>FUTURE MANHATTAN CAPACITY</b>				
Investigate potential alternative Manhattan solid waste transfer station locations and report to Council annually on efforts to identify alternative locations		2008	See § 3.6	Issued in 2008

**Table 4.3-1  
SWMP Milestones – Commercial Waste**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>TRANSFER STATION CAPACITY REDUCTION</b>				
Commence negotiations with transfer station operators to seek transfer station putrescible and C&D capacity (permitted and used) reductions in select CDs		2006	See § 4.4	Completed
Reach agreement on transfer station capacity reductions by April 2007, if not work with Council to draft legislation to accomplish reductions	2014	2007	See § 4.4	Under Review by the City
MTS host district specific and Bronx capacity reductions to occur	2014	2010	See § 4.4	Anticipated that two MTSs will commence operation in 2014
<b>TRUCK TRAFFIC ANALYSIS</b>				
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2009	2008	See § 4.4	Study for Brooklyn communities completed in November 2008
<b>NYCDEP FOOD WASTE DISPOSAL STUDY</b>				
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City		2008	See § 5.4	RFP Issued in October 2007
Consultant to complete study		2009	See § 5.4	Completed in December 2008

## COMMERCIAL WASTE IMPLEMENTATION

### ASSESS FEASIBILITY OF USING WEST 59<sup>TH</sup> STREET MTS FOR PROCESSING COMMERCIAL WASTE

The MTS is a permitted facility that is operated by DSNY seven days per week for the receipt of mixed paper recyclables collected by DSNY and private carters. Pursuant to a contract with DSNY, paper is barged by Visy Paper to its paper mill located in Staten Island and used to make linerboard. Pursuant to a 2009 permit renewal for the MTS, DSNY will re-locate the scale from the bottom of the ramp to the top, thus reducing the potential for on-street truck queuing. The scale relocation has been designed and is expected to be implemented in 2013.

DSNY assessed the feasibility of developing the West 59<sup>th</sup> Street MTS to serve as a transfer point for Manhattan commercial waste as required by SWMP Sections 3.6 and 4.3 and issued a Request for Procurement (RFP) in 2007 to determine the best way to use the site to achieve the goals of the SWMP. The RFP sought proposals for a two-phased approach to using the site to transfer Manhattan commercial waste. During the first phase, the West 59<sup>th</sup> Street MTS would serve as a transfer point for commercial waste, as well as recyclable paper. This shared usage would continue until the Gansevoort MTS facility could be reactivated. Once Gansevoort was operational for the receipt of Manhattan paper recyclables, the West 59<sup>th</sup> Street MTS would be available to handle an additional quantity of commercial waste. Sims Metal Management (Sims) was selected for negotiations on October 14, 2007.

DSNY was required to submit a report to the New York City Council on its efforts to implement the West 59<sup>th</sup> Street MTS in compliance with SWMP Section 4.3; a report on future Manhattan capacity for commercial waste and West 59<sup>th</sup> Street Marine Transfer Station progress was issued on February 14, 2008 (see discussion below).

So that both shared and exclusive use of the MTS could be negotiated with Sims, DSNY began to work with its consultants to gather the necessary information to analyze the potential impacts of a C&D transfer operation as a precursor to an environmental review of the project. As a result of this analysis of the C&D operations, it was determined that dust from the C & D in the enclosed MTS would require the installation of special purpose air handling systems, similar to systems used in the transfer of coal dust, and intensive spraying of the C&D as it is dumped into

the barge. The installation, operation and maintenance of these special systems were determined to place logistical restrictions on the paper transfer operations. As a result, DSNY determined that shared use of the MTS was infeasible. The exclusive use of the MTS as an export facility for the barging of Manhattan commercial waste was deferred until the paper operations can be moved to the new Gansevoort MTS recyclables facility, expected to be operational in FY 2017.

#### USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE

It is worth noting that in connection with its use of three private transfer facilities for export services, DSNY has or will award 20-year service contracts for containerization, rail transport and disposal services for DSNY-managed waste that require that commercial waste accepted at the facilities be transported by rail from the facility by a date certain. The requirements are designed to reduce truck congestion and emissions by encouraging private transfer station operators to export waste by barge or rail.

Each of the four proposed Converted MTSs has been designed to accept a portion of commercial waste between the hours of 8 PM and 8 AM, the hours when DSNY collections are very limited and when commercial carters typically collect. Commercial waste trucks are limited pursuant to the Final Environmental Impact Statement for the SWMP to specific numbers in each hour of the delivery period so as to avoid noise exceedances during the quiet nighttime hours. Commercial waste maximum acceptance per day is as follows: North Shore – 1,000 tpd; E. 91<sup>st</sup> Street -- 780 tpd; Southwest Brooklyn -- 718 tpd; and Hamilton Avenue -- 1,240 tpd. DSNY will select and implement a mechanism to attract commercial waste to the MTSs as the MTSs begin operation.

Pursuant to SWMP Section 4.3, DSNY will report to the New York City Council on the use of the Converted MTSs for the transport and disposal of commercial waste. If after three years of operation, any MTS has received less than 50% of the MTS's commercial capacity, DSNY will report on the status of commercial recycling and, as necessary, propose modifications to the mechanism employed to attract commercial waste to the MTSs.

## FUTURE MANHATTAN CAPACITY

DSNY issued a Report to the New York City Council on Future Manhattan Capacity for Commercial Waste (Report) in fulfillment of SWMP Section 3.6 in February 2008. The Report, which appears on DSNY's website at

[http://www.nyc.gov/html/dsny/downloads/pdf/swmp\\_implement/comm/W59thMTSProgress.pdf](http://www.nyc.gov/html/dsny/downloads/pdf/swmp_implement/comm/W59thMTSProgress.pdf)

, describes efforts to explore opportunities to increase the collective commercial waste capacity in Manhattan through the ongoing implementation of the Marine Transfer Station on Pier 52 on the Gansevoort Peninsula (Gansevoort MTS) and the West 59<sup>th</sup> Street MTS on Pier 99 (see discussion above). The Gansevoort MTS will be a state-of-the-art recycling center, designed to handle recyclable metal, glass, plastic and paper generated in Manhattan that is currently trucked to facilities in the Bronx, Brooklyn and New Jersey. It will also host an environmental education center that will be a destination for school groups and users of Hudson River Park. The environmental center will house a classroom that could provide much-needed indoor space for community uses, as well as viewing platform and education panels that will describe the importance of recycling, alternative modes of transportation and the history and ecology of New York Harbor. The new facility would free up capacity at the W. 59<sup>th</sup> Street MTS to accept more Manhattan construction and demolition debris under a contract to be negotiated with The Sims Group. As a result, the implementation of the Gansevoort MTS will help to achieve SWMP goals to make each borough responsible, to the extent practicable, for the transfer of its own waste and recyclables.

The Report also describes DSNY's continued assessment of proposals brought forward by stakeholders, including its review of the Pier 76 Siting Study presented by Friends of Hudson River Park, judged to be excessively expensive in comparison to DSNY's two facilities, W. 59<sup>th</sup> Street and Gansevoort MTSs, sited separately, but designed to result in new recyclables and commercial waste transfer capacity for Manhattan. The Pier 76 Study was also reviewed by DSNY consulting engineers, Greeley and Hansen, LP in a July 2000 Study of the Friends of the Hudson River Park Pier 76 Concept that concluded that the existing substructure and concrete deck structure of Pier 76 could not carry the expected loads from a DSNY containerization facility and a rooftop park.



Since the issuance of the Report, the State Legislature enacted legislation to amend the Hudson River Park Act to allow for the Gansevoort MTS to be constructed and to require that a Memorandum of Understanding (MOU) be executed that would delineate the financial and other responsibilities of the State and the City on the Gansevoort implementation project. The MOU, now in draft, is expected to be executed in FY 2012. DSNY issued a procurement to solicit qualified firms to design the MTS in 2010 and expects that a contract will be awarded in FY 2012. The design and environmental review of the MTS project are anticipated to be complete by the end of FY 2014. DSNY will vacate the Gansevoort Peninsula in FY 2014 and construction will commence thereafter. Construction is expected to take three years to complete; the new Gansevoort MTS will likely start operations in FY 2017.

#### TRANSFER STATION CAPACITY REDUCTION

Pursuant to SWMP Subsection 4.4.4, DSNY, in cooperation with the New York City Council, commenced negotiations with representatives of the solid waste management industry in the city to seek voluntary reductions in permitted transfer station capacity. DSNY and the Council met with all seventeen (17) operators of the twenty-two (22) different putrescible and construction and demolition debris transfer stations located in the community districts of Bronx 1, Brooklyn 1 and Queens 12. Oral agreements on reductions of capacity have been reached with the overwhelming majority of relevant transfer station operators. As required by the SWMP, these capacity reductions will be achieved no later than one year after the city-owned Marine Transfer Station (MTS) serving the borough in which each particular community district is located becomes operational. In the Bronx, where no MTS will be constructed, the reductions will be achieved within one year after the first MTS becomes operational.

In determining whether to reduce the lawful permitted putrescible capacity of a transfer station the SWMP detailed that the factors to be considered would include, among other things: 1) the overall concentration of transfer stations in the community district in which the transfer station is located; 2) a transfer station's proximity to other transfer stations; 3) a transfer station's unused throughput capacity in relation to its lawful permitted capacity during the twelve month period immediately preceding the date when the obligation to reduce authorized capacity became effective; 4) the City's solid waste management needs; 5) a transfer station's compliance with

revised operating rules promulgated by DSNY in 2005; 6) a transfer station's ability to facilitate export of waste outside the city by barge or rail; 7) a transfer station's ability to provide on-site truck queuing; and 8) number and type of violations issued to a transfer station during the eighteen month period immediately preceding the date when the obligation to reduce the authorized capacity became effective.

A DSNY summary on the negotiated voluntary transfer station capacity commitment reductions is under review by the City.

## TRUCK TRAFFIC ANALYSIS

Pursuant to SWMP Subsection 4.4.5 that required the conduct of a feasibility study of routing alternatives for commercial waste trucks, representatives of the New York City Department of Transportation (NYCDOT), DSNY and Urbitran Associates, Inc. met with members of the Greenpoint, Williamsburg and Bushwick communities in Brooklyn in November 2007 to outline the goals of the study. The proposed alternative routes were presented to the Brooklyn communities in September 2008. The presentations made at these meetings appear on DSNY's website at [http://www.nyc.gov/html/dsny/html/swmp\\_implementation/swmp\\_commwaste.shtml](http://www.nyc.gov/html/dsny/html/swmp_implementation/swmp_commwaste.shtml).

## NYCDEP FOOD WASTE DISPOSAL STUDY

Pursuant to SWMP Section 5.4, the Request for Proposal (RFP) for the Commercial Food Waste Disposal Study (Study) was issued January 8, 2007. The New York City Department of Environmental Protection (NYCDEP), with a team of consultants led by AKRF, with R.W. Beck and Greeley and Hansen as sub contractors, initiated the Study in March 2007. Hazen and Sawyer, Savin Engineers, and City College of New York provided additional support. The Study analyzed the economic, engineering, and environmental impacts that food waste disposers (FWD) could have on NYCDEP infrastructure and operations and on the current land-based commercial waste management system.

The scope of services included a commercial food waste characterization study; laboratory analysis of food waste; evaluation of the current land disposal system for food waste; capital and

operations and maintenance (O&M) impacts on sewers, other NYCDEP infrastructure, and programs including water conservation, nitrogen removal, combined sewer overflows, solids handling and disposal, secondary treatment, and sewer back-up and maintenance; the comparison of the two disposal methods; energy use assessments; and a neighborhood-scale study area assessment.

The Study completed on December 31, 2008, analyzed 50% penetration of commercial food waste diverted by FWDs from food service establishments likely to use FWDs. The penetration of this food waste (approximately 500 tons per day) represents 4% of total commercial waste and would thus divert only a small percentage of the volume handled by commercial waste transfer stations and trucks. The Study found that approximately nine trucks would be diverted from city streets by the diversion of food waste; this figure accounts for the reduction of solid waste disposal trucks which would be offset by the additional trucks required by NYCDEP to transport the increased sludge.

The introduction of this food waste into NYCDEP's sewer infrastructure would impact sewers and treatment facilities and threaten NYCDEP compliance with State and Federal regulations. The Study found that use of commercial FWDs at a 50 percent penetration rate would result in the need for very costly investments of \$1.4 to 1.7 billion; should primary tanks be required at Newtown Creek Water Pollution Control Plant, an additional investment of \$1.7 billion would be required for a total of \$3.1 to 3.4 billion. Annual O&M costs associated with these investments would be between \$34 and 35 million a year. These costs would likely be borne by New York City's water and sewer ratepayers at an increase of up to 3-6% per year.

## SECTION 4 - PLANNING UNIT RESOURCES

This section demonstrates that DSNY has available adequate capital and expense funds and staffing levels to continue to advance SWMP goals and projects.

### Adopted Budget Highlights

The City's FY 2012 Adopted Budget provides adequate funding for recycling processing, exportation of unrecycled solid waste and Fresh Kills Landfill closure construction, as well as the continued implementation of the MTS Conversion Program. Funding is also provided in connection with the construction of the Sims Metal Management South Brooklyn Marine Terminal recycling processing facility and for composting facility remediation.

### EXPENSE BUDGET OTPS FUNDING

<b>Programs</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>Grand Total</b>
<b>Metal, Glass &amp; Plastic Processing</b>	\$ 16,955,160	\$ 16,955,160	\$ 33,910,320
<b>Composting (Composting Task Force FY 2010 only)</b>	1,800,000	1,800,000	3,600,000
<b>Public Education &amp; Outreach</b>	2,907,200	5,407,200	8,314,400
<b>(OREO FY 2010 only, Printing, Postage, Contracts &amp; Professional Services)</b>	2,108,500	2,108,500	4,217,000
<b>Household Hazardous Waste Program</b>	1,000,000	1,000,000	2,000,000
<b>Export Contractual Cost*</b>	305,325,932	338,199,234	643,525,166
<b>Fresh Kills Closure Cost</b>	32,645,000	30,450,000	63,095,000
<b>Long Term Export (Legal/Engineering)</b>	2,144,452	554,607	2,699,059
<b>Staten Island Transfer Station</b>	767,869	767,869	1,535,738
<b>Long-Term MTS &amp; Headquarters</b>	-	1,786,642	1,786,642
<b>Total</b>	<b>\$365,654,113</b>	<b>\$399,029,212</b>	<b>\$764,683,325</b>

\*Includes interim and long-term export funds.

**FY'12 ADOPTED CAPITAL BUDGET**  
**SWMP - Related Projects**  
**\$ in 000's**

<b>Item Description</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Staten Island Transfer Station</b>	<b>\$550</b>	<b>\$0</b>
<b>Composting Remediation</b>	<b>\$2,651</b>	<b>\$0</b>
<b>Long-Term Export*</b>	<b>\$254,798</b>	<b>\$134,071</b>
<b>Long-Term Export Design</b>	<b>\$14,878</b>	<b>\$0</b>
<b>Recycling</b>	<b>\$0</b>	<b>\$0</b>
<b>Totals</b>	<b>\$246,962</b>	<b>\$234,074</b>

**\*Includes Export Equipment**

**Staffing Levels**

The FY 09 and 10 adopted budgets funded 37 and 32 staff positions, respectively, for the recycling program; the FY 11 and 12 budgets have funded 29 positions. The FY 09 and FY 10 budgets funded 71 staff positions for export programs and 36 for the Staten Island Transfer Station; staffing is expanded in the FY 11 – 13 budget plan to reflect start-up operations at North Shore and Hamilton Avenue MTSs. DSNY has been subject to a hiring freeze since 2007 and participated in several rounds of staff cuts in the reporting period; staffing remains adequate to implement the SWMP projects. The Headcount table below shows SWMP-related headcount for FY 2012 – 13 based on Adopted Budget 2012; Fresh Kills closure construction headcount is not included:

**HEADCOUNT**

<b><u>Programs</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>
<b>Recycling</b>	<b>29</b>	<b>29</b>
<b>Waste Management Eng.</b>	<b>22</b>	<b>22</b>
<b>Export Unit BWD &amp; BCC</b>	<b>59</b>	<b>59</b>
<b>Staten Island Transfer Station</b>	<b>36</b>	<b>36</b>
<b>Long Term MTS &amp; HQ</b>	<b>-</b>	<b>302</b>
<b>Adm. - SWMP IFA</b>	<b>3</b>	<b>3</b>
<b>Legal Affairs - SWMP IFA</b>	<b>1</b>	<b>1</b>
<b>Long Term Export Unit</b>	<b>12</b>	<b>12</b>
<b><u>Total</u></b>	<b><u>162</u></b>	<b><u>464</u></b>

## **Evaluation of Waste Stream for Additional Recyclables**

DSNY conducts ongoing evaluations for additional recyclables (see Section 3 - SWMP Status / Implementation recycling milestone tables and narratives).

## **New Issues**

New issues have not been separately identified. See Section 3 SWMP Status / Implementation narratives for issues related to specific projects.

## **SECTION 5 - SOLID WASTE and RECYCLABLES INVENTORIES**

### **Data Collection Method and Data Sources**

Sources for the data collected to provide the information in this Compliance Report include the City's 2012 Adopted Budget, DSNY's FY 2010/11 January Plan Civilian Headcount by Unit, the FY'12 –FY'21 Executive Budget Ten Year Capital Plan, Residential Recycling Diversion Reports and Loads and Tonnage Exported Reports for the Compliance Reporting Period. The Recycling Diversion Reports derive information on recycling diversion from scale data and from commercial waste recycling from quarterly reports submitted by private transfer stations operating in the City. The Loads and Tonnage Exported Reports reflect the sum of all DSNY-managed tonnage exported for the period based on scale data.

### **List of destinations for solid waste generated in Planning Unit**

The lists of destinations for solid waste generated in the City in 2009 and for 2010 are appended hereto as Attachment 1 and Attachment 2, respectively.

### **List of destinations for recyclables generated in Planning Unit**

The current list of destinations for recyclables generated in the City is appended hereto as Attachment 3.

### **Annual Recycling Report for Calendar Year 2009/10**

The completed Annual Recycling Reports for calendar year 2009 and for 2010 are appended hereto as Attachment 4.

### **New or revised source separation and solid waste management-related laws, ordinances, regulations, resolution and rules within the Planning Unit**

#### **Recycling: Revisions to Local Law 19**

#### **Local Law 32 of 2010 (Commercial Recycling Study)**

The law amends Section 16-306(b) and adds Section 16-306(c) of the

Administrative Code of the City of New York (Administrative Code), to require that DSNY conduct a commercial recycling study in the City by January 1, 2012. The study is to include elements set forth in the SWMP, including, but not limited to, data on commercial waste processed at transfer stations, assessment of current private carting industry practices, comparison of waste estimates and diversion rates in other jurisdictions, measurement of waste in different commercial sectors, and potential efficiencies in transporting waste within and outside the City. The law allows the DSNY Commissioner to conduct follow-up studies, if necessary, and to report on such a determination to the Mayor and Council after completion of the study.

The law is appended hereto as Attachment 5.

### **Local Law 33 of 2010 (Voluntary Paint Stewardship Program)**

Subchapter 3 of chapter 3 of title 16 of the Administrative Code is amended to include a new Section 16-310.2 that requires DSNY to establish by August 16, 2011, a voluntary paint stewardship program under which manufacturers, distributors and retailers could establish a reclamation system for accepting unwanted paint from consumers. Pursuant to the law, the DSNY Commissioner is to provide assistance or guidance to participating paint manufacturers, distributors and retailers for developing strategies to reduce paint in waste stream and promote reuse of paint, including posting such information on the DSNY website.

The law is appended hereto as Attachment 6.

### **Local Law 34 of 2010 (Enforcement and Education)**

The law repeals and replaces Administrative Code Section 16-305(d) and (e) and Section 16-311 and amends Administrative Code Subdivision 16-305(f) and (g) and Sections 16-315, 16-323 and 16-324. The law became effective on December 15, 2011.

With respect to recycling enforcement, the law establishes two tiers for fines based on number of units in a building, and increases fines for larger apartment buildings and commercial and industrial buildings. First time fines for smaller residential buildings do not increase:

**1-8 units** – 1<sup>st</sup> violation: \$25; 2<sup>nd</sup> violation: \$50; 3<sup>rd</sup> and subsequent violation in 12-month period: \$100 (no change from current law).

**9 or more units, and non-residential buildings** - 1<sup>st</sup> violation: \$100; 2<sup>nd</sup> violation: \$200; 3<sup>rd</sup> and subsequent violation in 12-month period: \$400.

(Previously fines were \$25; \$50 and \$100 with no distinction made with respect to building size or commercial versus residential status.)

The law also creates a rebuttable presumption that the number of dwelling units designated on a notice of violation reflects the number of units in such dwelling. If such presumption is rebutted, the number of dwelling units listed on the summons shall be modified accordingly, and shall not be grounds for dismissal due to the incorrectly stated number of units originally written. (This provision was added so that building owners converting premises and basements into additional



illegal apartments are not rewarded with summons dismissal at ECB for those summonses handwritten by DSNY enforcement officers.) The law also contains waiver liability such that no person shall be deemed liable for improper commingling if he or she incorrectly places a non-designated rigid plastic container in the recycling stream.

As to recycling education, the law requires DSNY to promulgate separate rules governing requirements by owners of 4 to 8 family buildings, and owners of 9+ family buildings, to: 1) provide adequate storage space for source separated recyclables, 2) post instructions to the buildings' residents of the storage area, and 3) issue a Department Recycling Guide to new tenants at the time of lease inception. The law requires instructional training for owners and employees (may include tenant participation too) of buildings having 9 or more units that receive three summonses in one year, which DSNY or OROE may conduct on-site at the apartment building.

The law also requires that DSNY create a building owners' and managers' guide that outlines requirements of the residential recycling program, to be distributed in print and made available to the public on-line and requires updates bi-annually, or more frequently as laws and rules change, and publication of collection locations/dates for non-curbside collected recyclable events, as they are scheduled. Further, the law requires DSNY and the Office of Recycling Outreach and Education to establish a recycling program that includes recycling instructional workshops, training curricula, and internet-based recycling tutorial for building owners and residents, and for employees of city agencies.

Finally, the law eliminates the requirement that the City Council Speaker must approve any DSNY-proposed rules during a 30-day Council comment period prior to publishing them in the City Record as final.

The law is appended hereto as Attachment 7.

### **Local Law 35 of 2010 (Rigid Plastic Container Recycling)**

The law amends the Administrative Code to replace Section 16-305 subdivisions (d) - (g), add new Section 16-311 and amend Sections 16-315, 16-323 and 16-324. The law became effective on August 16, 2011.

The law requires the DSNY Commissioner to designate 'rigid plastic containers' as a recyclable material prior to DSNY commencing delivery of DSNY-managed recyclables to the South Brooklyn Marine Terminal. However, if at the time the South Brooklyn Marine Terminal opens, the DSNY Commissioner determines the cost of designating rigid plastic containers as recyclables is not reasonable in comparison to with the cost of recycling only MGP and paper recyclables currently designated, the Commissioner must notify and provide documentation to the Council within ten business days of his decision and reasons not to designate such material.

The law requires Commissioner to annually re-evaluate the cost to the city of designating rigid plastic containers as recyclable materials, and report such annual evaluation as part of the Department's Annual Recycling Report, but provides discretion to the Commissioner to not designate certain types of rigid plastic containers if the cost of recycling any such containers is

not reasonable as compared with the cost of recycling other designated recyclable materials such as metal, glass and plastic already designated as of the law effective date.

Finally, the law requires DSNY to conduct outreach and education after DSNY Commissioner determines that rigid plastic containers shall be recycled and the Department promulgates rules designating such items as recyclable materials for DSNY collection.

The law is appended hereto as Attachment 8.

### **Local Law 36 of 2010 (City Agency Recycling)**

The law amends Section 16-307 of the City's Administrative Code to require DSNY to promulgate rules, as necessary, to govern the separation of MGP and paper by city agencies.

Specifically, by July 1, 2011, the law requires city agencies to submit to DSNY for approval a plan to increase waste reduction and recycling by city agencies located in all city-owned and city-managed buildings and, to the extent practicable, by city agencies occupying offices in privately-owned buildings that receive private-carter collection. By July 1, 2012 and annually thereafter, requires city agencies to submit to DSNY a report of actions undertaken in the last 12 month period, and DSNY will incorporate such information into its Annual Recycling Report.

The law is appended hereto as Attachment 9.

### **Local Law 37 of 2010 (Leaf and Yard Waste Composting)**

The law, which became effective on December 16, 2010, amends subdivisions (g) and (h) of Section 16-308 of the City's Administrative Code to require DSNY to, within twenty-four months of the law's effective date (December 16, 2012 (Spring 2013)), collect yard waste generated at residential premises and at NYCHA facilities in designated areas of the City where a substantial amount of yard waste is generated from March 1<sup>st</sup> to July 31<sup>st</sup>, and from September 1<sup>st</sup> to November 30<sup>th</sup> and prohibits any facility owned, operated or used by DSNY from accepting truckloads of DSNY-managed waste primarily composed of yard waste for final disposal from March 1<sup>st</sup> to July 31<sup>st</sup>, and from September 1<sup>st</sup> to November 30<sup>th</sup>, except that composted yard waste may be used as part of the final vegetative cover at a DSNY landfill.

The law requires that as of December 16, 2010, DSNY operate at least one leaf and yard waste composting facility, provides that DSNY may utilize the services of a privately-owned composting facility to comply with this requirement and requires DSNY to accept for composting yard waste that has been source separated for DSNY collection from any city agency.

The law also requires that DSNY work with the compost siting task force created by the SWMP to identify additional locations to site additional compost facilities, with the goal of establishing at least one composting facility in each borough, requires every composting facility within the City to report annually to the DSNY Commissioner, on or before February 1<sup>st</sup> of each year, the amount of yard waste and other compostable waste collected and disposed of by

weight for the previous calendar year, and requires this information to be included in DSNY's annual recycling report.

Finally, the law eliminates the collection of grass clippings as regular waste during the periods when DSNY conducts residential yard waste composting collection, except that no resident shall be liable for any violation during the first year DSNY provides yard waste composting collection and reduces the frequency of Christmas tree composting program from three to two weeks each January.

The law is appended hereto as Attachment 10.

### **Local Law 38 of 2010 (Public Space Recycling and Textile Drop-off)**

The law amends the City Administrative Code by replacing Section 16-310 with a new Section 16-310 and by adding Section 16-310.1. The law requires DSNY to site a cumulative total of 500 public space bins in the next 3 years, and cumulative total of 1,000 in next ten years. DSNY is not required to expand the public space recycling program beyond existing or newly-established collection routes that can be efficiently serviced by DSNY. The bins would be sited at public locations such as public parks and recreational areas, transportation hubs, high pedestrian traffic and commercial areas, and also include Business Improvement Districts that perform litter basket maintenance in the City. The law provides DSNY discretion to remove bins that receive contaminated and/or commingled material, but must replace any such bin at another location within thirty days and requires DSNY to report in its annual recycling report the number and locations of public space recycling receptacles and, by weight, the amount of textiles collected in publicly-accessible textile drop-off bins on public and private property.

On or before January 1, 2011, DSNY is required to establish a citywide textile reuse and recycling program on city-owned or city-managed property throughout the city, directs DSNY Commissioner to explore opportunities to work cooperatively with private entities such as non-profits and religious institutions to site textile drop-off bins on privately owned property and requires DSNY to consider using DSNY personnel and/or facilities as an option to implement this law.

The law prohibits the placement of any textile drop-off bin on public property unless authorized by the city and unless written permission by the property owner has been obtained. Every publicly-accessible textile drop-off bin must prominently display the name, address and telephone number of owner or other person responsible for the bin.

The law is appended hereto as Attachment 11.

### **Local Law 39 of 2010 (Household Hazardous Waste)**

Subchapter 3 of chapter 3 of chapter 16 of the City's Administration Code is amended by addition of a new Section 16-316.3 that requires that DSNY, by July 1, 2011, establish one annual DSNY-sponsored drop-off collection event in each borough, and report on the category of material and quantity collected in the recycling annual report. The law requires DSNY to study opportunities to establish additional HHW events and other sites, and to report to the

Council within 2 years and annually thereafter. This report must also be included in the annual recycling report.

The law is appended hereto as Attachment 12.

#### **Local Law 40 of 2010 (Percentage Goals, Reports, Definitions)**

The law amends the City's Administrative Code in relation to recycling goals, repeals Section 16-304 and subdivisions (a) and (b) of Section 16-305 and amends subchapter 3 of chapter 3 of title 16 of the City's Administrative Code related to DSNY disposed of solid waste, DSNY collected solid waste and a recycling plan. Specifically, the law establishes two sets of recycling percentage goals for recyclable material:

- a. One set of percentage diversion goals pertains to all residential material that is recycled in the City of New York regardless of DSNY collection, such as e-waste, textiles, HHW, bottles returned for deposit under the State's bottle bill, etc. pertaining exclusively to material that DSNY collects from curbside (i.e., metal, glass, plastic and paper), and a second set pertains to curbside collected materials.
- b. First set of goals for DSNY-managed materials begins at 16% on July 1, 2011, and increases to 33% by July 1, 2020.
- c. Second set of goals for DSNY curbside collection begins at 16% on July 1, 2011 and increases to 25% by July 1, 2020.

By August 1, 2011, the law requires DSNY to publish on its website raw data by material type on a monthly basis used to make its percentage goal calculations, and where the data is not generated by DSNY (i.e., NYS Bottle Bill data provided by State), within one month of receiving such information. In addition, the law requires the DSNY Commissioner to retain a special advisor selected by Mayor and Speaker if DSNY does not meet two consecutive goals under either set of recycling goals, except that the Commissioner need not retain a special advisor more than once every three years. Within 120 days after selection, the special advisor must submit a report to the Mayor and Council recommending additional measures that may be taken by the City to meet such recycling goals.

The law requires DSNY to submit to Mayor and Council an Annual Recycling Report beginning March 1, 2011, and annually thereafter, requires DSNY and OLTPS to prepare Recycling and Composting Economic Development Study within 2 years of law effective date, and requires DSNY to complete follow-up studies to Waste Characterization Study by January 1, 2012 and January 31, 2018, and a comprehensive study by January 31, 2024.

The law is appended hereto as Attachment 13.

#### **Local Law 41 of 2010 (Schools/DOE Recycling)**

The law amends the City Administrative Code by adding a new Section 16-307.1 that requires Chancellor to designate DOE Sustainability Director responsible for setting recycling policies throughout all the schools, and coordinating waste reduction and recycling programs in all school buildings and offices. By January 1, 2011, the Chancellor is required to develop and

implement a site-specific plan for each school or office building and by January 1, 2013, to submit to DSNY a report on compliance with school recycling requirements, and annually thereafter. The law requires every school principal under DOE jurisdiction to designate a recycling-sustainability coordinator, provide recycling receptacles in each classroom and other locations such as entrances and lunch rooms.

DSNY is required to provide model school recycling plan to non-DOE private and parochial schools that receive DSNY collection service for implementing plans for placement of recycling bins in classrooms, lunchrooms and entrances. This law became effective immediately upon enactment.

The law is appended hereto as Attachment 14.

### **Local Law 42 of 2010 (Food Waste Composting Study)**

The law amends Administrative Code Section 16-306(b) and adds a subdivision (c). The law requires that by July 1, 2012, DSNY and OLTPS are to issue a Report recommending methods to expand diversion of compostable waste from the City's waste stream. In preparing such report, DSNY and OLTPS must study:

- i) Methods for expanding capacity to compost residential and commercial food waste;
- ii) Existing capacity and cost to compost food waste in and near New York City and in locations that are within 60 miles the transportation routes traveled for delivery of regular City waste, as well as private and public facilities within 300 miles from the City that accepts such compostable waste; and
- iii) Opportunities to expand capacity in any of the areas noted above, including partnering with private entities for the development of any such site.

The Report must also provide a plan for DSNY and OLTPS to study the viability of instituting a food waste composting program for the residential or commercial waste stream, to be completed within 2 years after issuance of the Report (July 1, 2014).

The law is appended hereto as Attachment 15.