

**CITY OF NEW YORK  
MICHAEL R. BLOOMBERG  
MAYOR**

**DEPARTMENT OF SANITATION  
JOHN J. DOHERTY  
COMMISSIONER**



**COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN  
COMPLIANCE REPORT**

**For The Period of  
JANUARY 1, 2007 THROUGH DECEMBER 31, 2008**

**July 2009**

## TABLE OF CONTENTS

<b>Executive Summary</b>	<b>1</b>
<b>Section 1 - Planning Unit Description</b>	<b>2</b>
<b>Section 2 - SWMP Accomplishments</b>	<b>4</b>
<ul style="list-style-type: none"><li>• <b>Recycling</b></li><li>• <b>Long-Term Export</b></li><li>• <b>Commercial Waste</b></li></ul>	
<b>Section 3 - SWMP Status / Implementation</b>	<b>9</b>
<ul style="list-style-type: none"><li>• <b>Recycling</b></li><li>• <b>Long-Term Export</b></li><li>• <b>Commercial Waste</b></li></ul>	
<b>Section 4 - Planning Unit Resources</b>	<b>34</b>
<ul style="list-style-type: none"><li>• <b>Description of funding level and staffing for solid waste management</b></li><li>• <b>List of actual or proposed changes to funding mechanisms and management structure in the approved SWMP</b></li><li>• <b>Recommendations for State or federal actions to support local SWM efforts</b></li></ul>	
<b>Section 5 - Solid Waste and Recyclables Inventories</b>	<b>36</b>
<ul style="list-style-type: none"><li>• <b>Data Collection Method and Data Sources</b></li><li>• <b>List of destinations for solid waste generated in Planning Unit</b></li><li>• <b>List of destinations for recyclables generated in Planning Unit</b></li><li>• <b>Annual Recycling Report for Calendar Year 2008</b></li><li>• <b>New or revised source separation and solid waste management laws, ordinances, regulations, resolution and rules within the Planning Unit</b></li></ul>	

## **ATTACHMENTS**

**Attachment 1:** Destinations for DSNY-Managed Solid Waste generated in Planning Unit

**Attachment 2:** Destinations for DSNY-Managed Recyclables generated in Planning Unit

**Attachment 3:** Annual Recycling Report for Calendar Year 2008

**Attachment 4:** Local Law 40 of 2006

**Attachment 5:** Local Law 1 of 2008

**Attachment 6:** Local Law 13 of 2008

**Attachment 7:** Local Law 13 of 2009

**Attachment 8:** Local Law 42 of 2007

**Attachment 9:** Local Law 50 of 2007

**Attachment 10:** Local Law 18 of 2009

## **EXECUTIVE SUMMARY**

This Compliance Report, submitted in accordance with the provisions of NYCRR Title 6 Part 360-15.12, provides status information on the City of New York's (City) progress in implementing its approved Comprehensive Solid Waste Management Plan for the planning period of 2006 through 2025 (SWMP). The SWMP was prepared by the City Department of Sanitation (Department) with the assistance of the New York City Economic Development Corporation and other mayoral agencies, adopted by the City Council in July 2006 and approved by the New York State Department of Environmental Conservation 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.

During the 30-month period since the SWMP was approved, DSNY has advanced SWMP goals and/or substantially completed the majority of projects and initiatives discussed in the SWMP. Most notable in recycling are the issuance of the final report on the City's waste characterization study of residential waste and the execution of a 20-year agreement with Sims Metal Management for the construction and operation of a predominantly barge fed recyclables processing facility at the South Brooklyn Marine Terminal which will accept the majority of recyclables collected by DSNY.

With respect to the long-term export of solid waste from the City, 20-year service contracts were awarded for the rail transport and disposal by private vendors of all of the DSNY-managed waste generated in Staten Island and the Bronx and four community districts in North Brooklyn. In addition, two of the four Marine Transfer Stations to be constructed by DSNY have been fully permitted and have received bids for construction. One of these projects, the North Shore Converted Marine Transfer Station is now moving through the contract award and registration process.

Legal obstacles to the implementation of the Gansevoort Marine Transfer Station for Manhattan recyclables and recycling education have been removed and in the area of commercial waste management, an environmental review is underway that would allow the City to enter into an agreement with Sims Metal Management for the use of the West 59<sup>th</sup> Street Marine Transfer Station as a commercial waste export facility. Likewise, with respect to alternative solid waste management, 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 Report builds upon the study of alternative solid waste management technologies summarized in SWMP Section 5.2 and provides a more detailed evaluation of anaerobic digestion, thermal processing and hydrolysis technologies so that they could be independently validated to the extent possible. A Phase 3 Study will evaluate the siting requirements and related issues for possible pilot projects for these technologies.

Despite that some programs have been suspended due to budget cuts (e.g. fall leaf collection), in FY 2010 (July 1, 2009 through June 30, 2010), DSNY will continue to advance SWMP projects and will, where possible, employ green initiatives to apply enhanced state of the art technologies to its fleet. DSNY will put into service ten new CNG refuse collection trucks and take delivery of the first of three Hybrid Hydraulic Collection trucks. These trucks will be the first of this type in the entire country. It is DSNY's intention to test the performance and fuel efficiencies of these vehicles on the streets of New York City.

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 unchanged population estimates projected by the New York City Department of City Planning (NYCDCP) from 2000 Census Data and a 2005 Report on Social Indicators. According to NYCDCP, as of July 1, 2007, the population of the City was estimated to be 8,310,212, an increase of 3.8 percent since April 2000, continuing the general predicted upward trend reflected in the approved SWMP.

While the population growth rate is as predicted, the economic circumstances of the City have changed for the worse since the SWMP was approved in October 2007. A March 2009 report issued by the NYCDCP entitled, *The Population of New York City: Short Term Events and Long Term Patterns*, notes that despite the economic downturn which began in the beginning of the decade and has continued and deepened in recent years, the City continues to be a magnet for immigrants and young people and there is an expectation of continued moderate population growth. The report also indicates that the economic circumstances of the City have declined on a par with those of the rest of the United States during the recession that began in 2007 despite that the City's employment base is in the financial services industry, an industry that was particularly hard hit by the banking and financial crisis of 2008/9.

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 two years with additional budget cuts projected for the next several years. Despite the influx of federal stimulus money, capital funds are scarce and city employment job losses are predicted for the next fiscal year.

## 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	Sections 2.3.1 and 2.4.3	Completed
<b>NEW INITIATIVES – RECYCLING</b>			
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion with percentage goals	2007	Section 2.4.1	Completed
Develop electronics recycling legislative initiative	2007	Section 2.4.5	Completed
<ul style="list-style-type: none"> <li>▪ Issue Citywide Waste Characterization Study</li> <li>▪ Final Report</li> </ul>	2007	Section 2.4.2	Completed
Submit Council on the Environment Outreach and Education Office work plan and budget	2007	Section 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations	2007	Section 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	Section 2.4.3.1	Completed. Not recommended at this time. DSNY will revisit annually.
Issue various new public education materials	Ongoing	Section 2.4.7.4	Completed
Conduct public recycling pilot	2007	Section 2.4.9	Completed
<b>NEW INITIATIVES – WASTE REDUCTION</b>			

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
Develop, launch and promote Stuff Exchange Website	2007-8	Section 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report	2007-8	Section 2.4.2.2	Completed
Market Wa\$teMatch to add focus on hospitality, healthcare and property management industries	2010-12	Section 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction	2007-8	Section 2.4.4.3	Completed
Resume fall leaf and Xmas tree collection (where permitted composting facilities are available)	2005	Attachment VI, Section 1.7.2	Completed in past years; suspended due to budget cuts.
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens	2005	Attachment VI, Section 1.7.5	Completed; continuation threatened by new budget cuts.
Seek regulation to require residents to set out leaves in paper bags, educate public and retailers	2007	Section 2.4.8	Completed; see text/ discussion of LL 40 of 2006 in Section 5.
Issue electronic newsletter	Ongoing	Section 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot	2008	Section 5.4	Completed
NYCDEP to complete food waste disposal feasibility study	2009	Section 5.4	Completed
Issue new HHW reduction publication	2007	Section 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection	2007-8	Section 2.4.6	Completed
Commence HHW collection contract	2009	Section 2.4.6	Completed
Establish Composting/New Technology Facility Task Force	2008	Section 2.4.8.4	Completed
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins	N/A	Section 2.4.8.3	Completed, see text/discussion of LL 40 of 2006 in Section 5.



**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 Section 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 Section 3.2	Design Complete; Permitting Underway
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>			
Complete design and permitting.	2007	See Section 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 Section 3.2	Completed
<b>BRONX LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See Section 3.2	Completed
Complete design permitting and construction, if required, <sup>1</sup> and begin facility operation	2007	See Section 3.2	Completed
<b>BROOKLYN LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See Section 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation	2009	See Section 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 Section 3.2	Negotiations Completed; Award anticipated in early FY 2010.
<b>STATEN ISLAND TRANSFER STATION</b>			
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See Section 3.1 and Table 3.2-1	Completed
<b>CONVERTED MTS REPORTING/PERMITTING</b>			
Report to Council on RFP process/permit approvals for MTSs	2008	See Section 3.7	Completed
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>			
Issue Phase 2 Alternative Technology Evaluation	2007	See Section 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 Sections 4.3 and 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 Section 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 Section 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	TBD	See Section 4.4	Completed
<b>NYCEDP 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 Section 5.4	Completed
Consultant to complete study	2009	See Section 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>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	Sections 2.3.1 and 2.4.3	Completed
SHN's South Brooklyn processing facility to begin receiving paper in addition to MGP	2011	Sections 2.3.1 and 2.4.3	Delayed, operations now scheduled for 2012 or 2013.
<b>MANHATTAN ACCEPTANCE FACILITY</b>			
Finalize site selection and complete design and permitting	2008	Section 2.3.2	Site selected, but design delayed; permitting and design are due in 2010.
Complete construction and begin facility operation	2011	Section 2.3.2	Delayed, see above; operations scheduled for 2012 or 2013.
<b>NEW INITIATIVES – RECYCLING</b>			
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion with percentage goals	2007	Section 2.4.1	Completed

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Reach resolution on draft legislation to revise LL19	2008	Section 2.4.1	Delayed, now 2010
Electronics recycling Citywide events and mailings	Ongoing	Section 2.4.5	Fall 08 event canceled due to budget cuts; program replaced by LL 13 of 2008 (see Section 5)
Develop electronics recycling legislative initiative	2007	Section 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	Section 2.4.2	Completed
Conduct public education market research	Ongoing	Section 2.4.7.1	Canceled due to budget cuts.
Submit Council on the Environment Outreach and Education Office work plan and budget	2007	Section 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations	2007	Section 2.4.0	Completed
Increase recycling diversion rate	Ongoing	Section 2.4.1	Ongoing, but impacted immediately by recession.
Promote restoration of recycling services	Ongoing	Attachment VI, Section 1.4.2	Ongoing
Begin recycling re-education of City Agencies and institutions	2007	Section 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	Section 2.4.3.1	Completed. Not recommended as feasible at this time. DSNY will revisit the issue annually.
DSNY/BIC to report on completed study on efficacy of current laws and feasibility of increasing commercial recycling and report and discuss cost effective ways to improve diversion	2010	Section 2.4.7.5	Delayed due to budget cuts.

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
2010 review of SWMP recycling initiatives	2010-11	Section 2.5.1	Not Due
Issue various new public education materials	Ongoing	Section 2.4.7.4	Completed
Conduct public recycling pilot	2007	Section 2.4.9	Completed
<b>NEW INITIATIVES – WASTE REDUCTION</b>			
Develop, launch and promote Stuff Exchange Website	2007-8	Section 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report	2007-8	Section 2.4.2.2	Completed
Market WasteMatch to add focus on hospitality, healthcare and property management industries	2010-12	Section 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction	2007-8	Section 2.4.4.3	Completed
Resume fall leaf and Xmas tree collection (where permitted composting facilities are available)	2005	Attachment VI, Section 1.7.2	Completed, but now suspended due to budget cuts.
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens	2005	Attachment VI, Section 1.7.5	Completed; continuation threatened by new budget cuts.
Seek regulation revision to require residents to set out leaves in paper bags, educate public and retailers	2007	Section 2.4.8	Completed, LL 40 of 2006 (See Section 5)
Issue electronic newsletter	Ongoing	Section 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot	2008	Section 5.4	Completed
NYCDEP to complete food waste disposal feasibility study	2009	Section 5.4	Completed
Issue new HHW reduction publication	2007	Section 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection	2007-8	Section 2.4.6	Completed
Commence HHW collection contract	2009	Section 2.4.6	Completed
Establish Composting/New Technology Facility Task Force	2008	Section 2.4.8.4	Completed

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Resolve feasibility issues regarding development of on-site food composting facility at Hunt's Point Food Center	2007	Section 2.4.8.2	Ongoing
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins	N/A	Section 2.4.8.3	Completed with enactment of L 40 of 2006 (see Section 5)

**RECYCLING NARRATIVES:**

**RECYCLABLES PROCESSING/XMAS TREE COMPOSTING:**

DSNY's adopted budget for the next fiscal year that runs from July 1, 2009 through June 30, 2009 (FY 2010) allocates sufficient funds to process metal, glass and plastic recyclables, and to continue post-holiday Christmas tree composting next January. Leaf collection has been temporarily suspended.

**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 fifty (50) public space recycling sites situated throughout all five boroughs, including in many City parks. They are bright blue and green containers, in most cases, adjacent to one another.

**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 Department 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 and design 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 is underway and expected to be completed in 2010. Construction will begin thereafter with operations anticipated to begin in 2012 or 2013.

**PROPOSED LL 19 AMENDMENTS:**

DSNY's proposed revisions to LL 19 were submitted on behalf of the Administration to the City Council and are under discussion by staff of the Council and the Administration. Among the amendments recommended is the replacement of recycling diversion tonnage mandates with percentage goals.



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

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</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 procurement and award Transport & Disposal contract	2007	See Section 3.2	Ongoing
Complete design and permitting	2007	See Section 3.2	Completed
Complete construction and begin facility operation	2010	See Section 3.2	Construction Bids Received; Construction expected to be complete in 2012
<b>DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET, BROOKLYN</b>			
Complete procurement and award Transport & Disposal contract	2007	See Section 3.2	Ongoing
Complete design and permitting	2007	See Section 3.2	Design Complete; Permitting Underway
Complete construction and begin facility operation	2010	See Section 3.2	Pending Permitting; Constructed expected to be complete by 2014
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>			
Complete procurement and award Transport & Disposal contract	2007	See Section 3.2	Ongoing
Complete design and permitting.	2007	See Section 3.2	Design Complete; Permitting Underway
Complete construction and begin facility operation	2010	See Section 3.2	Pending Permitting; Construction expected to be complete by 2014

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

<b>PROGRAM Milestone</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	2007	See Section 3.2	Ongoing; Contracts expected to be awarded in FY 2010
Complete design and permitting	2007	See Section 3.2	Completed
Complete construction and begin facility operation	2010	See Section 3.2	Construction Bids Received; Construction expected to be completed in Calendar Year 2012
<b>BRONX LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See Section 3.2	Completed
Complete design permitting and construction, if required, <sup>2</sup> and begin facility operation	2007	See Section 3.2	Completed
<b>BROOKLYN LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See Section 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation	2009	See Section 3.2	Completed
<b>QUEENS LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See Section 3.2	Negotiations Completed; Award anticipated in early FY 2010

<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>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Complete design, environmental review, permitting and construction and begin facility operation	2009	See Section 3.2	Design Completed; Environmental review expected to be completed in early FY 2010
<b>INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY</b>			
Complete contract negotiations, award contract and commence service	2007	See Section 3.2	Ongoing; Agreement execution anticipated in early CY 2010
<b>STATEN ISLAND TRANSFER STATION</b>			
Complete facility construction	2007	See Section 3.1 and Table 3.2-1	Completed
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See Section 3.1 and Table 3.2-1	Completed
<b>CONVERTED MTS REPORTING/PERMITTING</b>			
Report to Council on RFP process/permit approvals for MTSs	2008	See Section 3.7	Completed
Report to Council if any of the MTS agreements are not finalized by 2010 and recommend proposed SWMP modification on handling residential solid waste	2010-11	See Section 3.7	On Schedule

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>			
Issue Phase 2 Alternative Technology Evaluation	2007	See Section 5.2	Completed
Evaluate development of a pilot project to establish the basis for commercial application	2007	See Section 5.2	Ongoing

## **LONG-TERM EXPORT IMPLEMENTATION**

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

Project Overview: The proposed Hamilton Avenue Converted MTS will replace the existing MTS on the site and serving the same watershed as the former MTS (Brooklyn Collection Districts 2, 6 - 10, 14 and 16 - 18), will accept an average of 1,900 tons per day of DSNY-managed waste from those communities. In the evening hours, the facility will accept up to 1,240 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The Converted MTS will be an enclosed processing building and ramp structure constructed along the Gowanus Canal that will entirely replace the existing overwater MTS structure. 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 Hamilton Avenue Converted MTS project and having obtained approval for the project 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 Hamilton Avenue Converted MTS community on April 12, 2007. A Notice of Complete Application and draft permits were issued for the project on September 26, 2007. The Notice established an October 29, 2007 deadline for public comments. NYSDEC issued final State permits for the project on June 3, 2008.

DSNY submitted an application for a permit to construct the Hamilton Avenue Converted MTS to the Army Corps of Engineers in April 2008. The project requires an 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 on May 22, 2008.

Construction: Pursuant to a competitive bid procurement, DSNY received construction bids for the project on May 28, 2009 and is in the processing of reviewing the bids for award. Once the contracts have been awarded, construction will begin and is expected take approximately three years to complete.

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

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

The Converted MTS will be an enclosed processing building and ramp structure located on along Gravesend Bay. 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 Hamilton Avenue Converted MTS project and having obtained approval for the project 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; the ALJ has not issued a rulings on issues and party status.

DSNY submitted an application for a permit to construct the Southwest Brooklyn Converted MTS to the Army Corps of Engineers in January 2009. The project 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. The project will be bid once all permits and approvals have been obtained; it is anticipated that the project will go out for bid between April and June 2010.

## 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 wasteshed 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 project and having obtained approval for the project 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 exists with respect to the ability of the MTS, as designed, to meet the Part 360 noise standards. NYSDEC has not yet ruled on the appeal of Rulings.

DSNY submitted an application for a permit to construct the E. 91<sup>st</sup> Street Converted MTS to the Army Corps of Engineers in July 2008. 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 comments on the permit application. DSNY provided ACOE with responses to the comments received. ACOE has not yet issued a permit for the project.

Legal Actions: The project has been the subject of two 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; one issue remains in the Powell action. 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; a parkland issue in Powell remains to be decided and is the subject of summary judgment motions by the City and the plaintiffs.

Construction: Construction specifications for the project have been developed. The project will be bid once all permits and approvals have been obtained; it is anticipated that bids will be issued for the construction of the project during the period of January through March 2010. The facility construction is anticipated to be completed by 2014.

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

Project Overview: The proposed North Shore Converted MTS will replace the existing MTS on the site and serving the same watershed as the former MTS (Queens Collection Districts 7 -14), will accept an average of 2,200 tons per day of DSNY-managed waste from those communities.



In the evening hours, the facility will accept up to 1,000 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 with an over-water barge pier and ramp structures that will entirely replace the existing MTS structure in Flushing Bay. 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 North Shore Converted MTS project and having obtained approval for the project 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 North Shore Converted MTS community on April 17, 2007. A Notice of Complete Application and draft permits were issued for the project on May 16, 2007. The Notice established a June 18, 2007 deadline for public comments. Final State permits were issued for the project 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 ACOE permit was issued on July 3, 2008.

Construction: Pursuant to a competitive bid procurement, DSNY received construction bids for the project on March 12, 2009 and is now reviewing the bids for award. Construction will take approximately three years to complete and is anticipated to be completed in 2012.

## 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.

At the request of Bronx elected officials, a Bronx Long-Term Export Facility Community Advisory Group (CAG) will be established in connection with the Bronx long-term export contract. The CAG will advise the Mayor and the City Council on the operation of the Harlem River Yard Transfer Station. The appointed membership has not yet been finalized, but will appear on the DSNY website in the future.

#### 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; 30 months after full service commenced, any commercial waste accepted at the facility will be required to be transported from the facility by rail.

At the request of Brooklyn elected officials, a Brooklyn Long-Term Export Facility Community Advisory Group (CAG) was established in 2008 connection with the Brooklyn long-term export Service Contract. The CAG, which has met every three months or so since its inception, 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 2010, DSNY will finalize and execute with Waste Management of New York, L.L.C. (“Company”), a long-term rail export Service Contract for the use of Review Avenue Transfer Station (Review Avenue), located at 38 – 50 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 waste except that containerized waste from Review Avenue would be drayed via truck approximately 11/2 miles to the Maspeth Railyard. It is proposed that service would not begin under the Service Contract until 2011.

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 Review Facility, which would require that it seek a permit modification to increase capacity through the construction of a new processing facility at Review Avenue. Up to 451 tons per day of commercial waste would be permitted to be transferred at the facility in the evening hours upon DSNY’s authorization.

## INTERMUNICIPAL 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-municipal 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 early FY 2010. 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. 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 Lee County, 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. The 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).

DSNY is currently negotiating the award of 20-Year Service Contracts (with two five-year renewals) with the four vendors selected for discussions through a Request for Proposals procurement that solicited vendors to accept loaded containers at the four proposed Converted MTSs and transfer those containers by barge for disposal or to an intermodal facility onto rail cars or larger barges for disposal at an out-of-City disposal facility. Awards are anticipated to be made at the end of the 2009. Service would start under a Service Contract as each subject MTS begins operation.

In addition to the specific information provided on the implementation of each of the four Converted MTSs that has been provided and, as necessary, updated above, the Report also describes DSNY's efforts to establish the Community Advisory Groups for the MTSs required in SWMP Section 3.4. After a kickoff meeting held in September 2007, each of the four CAGs elected a Chair. Several of the CAGs have held subsequent meetings. The Mission Statement developed for the CAGs complies with the requirements of SWMP subsection 3.4.2.1; it outlines the framework and role of the CAGs, provides details on the appointment process for CAG members, meeting schedule requirements, reporting duties, and overall goals. The CAG Mission Statement and list of CAG appointees appears on the DSNY website at [http://www.nyc.gov/html/dsny/html/swmp\\_implementation/swmp\\_transferstations.shtml](http://www.nyc.gov/html/dsny/html/swmp_implementation/swmp_transferstations.shtml).

With respect to permitting tonnage restrictions set forth in SWMP Section 3.7, see the above discussions of the progress made to date on the implementation of the four Converted MTSs.

#### 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 potential demonstration project in New York City, the results of which demonstration 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 website 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 identified eight technologies that represented the technical categories of anaerobic digestion, thermal processing and hydrolysis. Ultimately, the information provided from companies promoting these technologies allowed for the conduct of 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 and residue requiring disposal and better beneficial use of waste rates.

If the City accepted the findings of the Phase 2 study, the next steps identified are to develop an Implementation Plan task schedule and timetable, visit reference facilities, define the demonstration project including technology, size and site needs (including for preprocessing feedstock waste) and identify and investigate sites, ownership arrangements, regulatory requirements and product markets.

With the assistance of the members of the Composting/New Technology Facility Siting Task Force, NYCEDC is in the process of developing a scope to engage a consultant to perform a

siting study that would, among other things, assess the availability of sites for a demonstration project of an anaerobic digestion or thermal processing technology, and possibly a hydrolysis project if that process advances to commercial application in the future. The siting study, is being undertaken in compliance with SWMP Section 2.4 and in connection with the work of the Composting/New Technology Facility Siting Task Force.

# ALL COMMERCIAL WASTE MILESTONES

Table 4.3-1  
SWMP Milestones – Commercial Waste

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
<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 Sections 4.3 and 3.6	Completed
Report on West 59 <sup>th</sup> Street RFP process progress and required approvals	2008	Sections 4.3 and 3.6	Pending
Recommend 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	2009	See Sections 4.3 and 3.6	Pending
<b>USE OF CONVERTED MTS TO CONTAINERIZE COMMERCIAL WASTE</b>			
Assess alternative implementation methods	2009	See Section 4.3	Pending MTS Construction
Implement selected method	2010	See Section 4.3	Not Due
Report on use of MTSs for transport and disposal of commercial waste	2010	See Section 4.3	Not Due
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 2010	See Section 4.3	Not Due
<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 Section 3.6	Completed

Table 4.3-1  
SWMP Milestones – Commercial Waste

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
<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 Section 4.4	Completed
Reach agreement on transfer station capacity reductions by April 2007, if not work with Council to draft legislation to accomplish reductions	2007	See Section 4.4	Under City Council Review
MTS host district specific and Bronx capacity reductions to occur	2010	See Section 4.4	Not Due; Anticipated that first MTS will be completed in 2012
<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	TBD	See Section 4.4	Study for Brooklyn communities completed in 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 Section 5.4	Completed in 2008
Consultant to complete study	2009	See Section 5.4	Completed in 2009



## COMMERCIAL WASTE IMPLEMENTATION

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

DSNY has moved forward to assess 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. On January 17, 2007, DSNY issued a Request for Procurement (RFP) to determine the best way to use the site to achieve the goals of the SWMP. 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.

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. The RFP yielded a number of responses, and after an extensive review, Sims Metal Management (Sims), was judged to have submitted the proposal with the best combination of price and technical merit and was selected for negotiations. Sims' selection was announced on October 14, 2007. Negotiations with Sims are not expected to be concluded until the end of 2010.

DSNY recently received a State DEC renewal permit for the West 59<sup>th</sup> Street MTS to allow for the continued receipt and transport of recyclable paper collected by DSNY and private haulers. Pursuant to the permit, 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 will be designed and implemented in 2012.

In order to award a contract with Sims for the use of the MTS for the transfer of Construction and Demolition (C&D) waste at the site, DSNY needs to conduct an environmental review. We are working with our consultants to gather the necessary information and analyze the potential impacts of a C & D transfer operation. Completion of the environmental review is expected in 2010. Thereafter, DSNY would finalize negotiations with Sims for an award; it is anticipated that service under an agreement with Sims would begin in 2012.

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).

## 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 and permitted 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 SWMP modifications.

## 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/W59thMTSPProgress.pdf](http://www.nyc.gov/html/dsny/downloads/pdf/swmp_implement/comm/W59thMTSPProgress.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 facility 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.

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 responsibilities of the State and the City on the Gansevoort implementation project. The MOU, now in draft, is expected to be executed in 2009. DSNY will issue a procurement to solicit qualified firms to design the MTS later this year. The environmental review of the MTS project will be undertaken once a design has been developed; it is anticipated to be complete by 2013. Permitting will commence thereafter; construction is expected to begin in 2016 and take three years to complete.

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 MTSSs, 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.

#### 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 has been under review by the New York City Council.

## TRUCK TRAFFIC ANALYSIS

Pursuant to SWMP Subsection 4.4.5 that required the conducted 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 for the engineering analyses and food waste characterization. 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 provided by the consultant team 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 that are 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 2010 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

Programs	FY 2010	FY 2011	Grand Total
Metal, Glass & Plastic Processing	\$ 15,445,531	\$ 17,035,567	\$ 32,481,098
Composting (Composting Task Force FY 2010 only)	1,900,000	1,800,000	3,700,000
Public Education & Outreach (OREO FY 2010 only, Printing, Postage, Contracts & Professional Svcs)	2,632,700	7,515,700	10,148,400
Household Hazardous Waste Program		1,000,000	1,000,000
Export Contractual Cost	329,524,385	368,165,985	697,690,370
Fresh Kills Closure Cost	42,191,801	59,266,197	101,457,998
Long Term Export (Legal & Engineering)	1,762,380	2,204,321	3,966,701
<b>Total</b>	<b>\$393,456,797</b>	<b>\$456,987,770</b>	<b>\$850,444,567</b>

### FY'10 Adopted Capital Budget - SWMP Related Projects \$ in 000's

Item Description	FY'10	FY'11
Staten Island Transfer Station	\$172	
Composting Remediation	\$2,651	
Long-Term Export	\$228,482	\$233,874
Long-Term Export Design	\$6,249	\$9,208
Recycling	\$200	\$200
<b>Totals</b>	<b>\$246,962</b>	<b>\$234,074</b>

## **Staffing Levels**

The FY 07, 08 and FY 09 adopted budgets funded 37 staff positions for the recycling program; the FY 10 - 13 budget plan funds 32 positions. The FY 08 and FY 09 budgets funded 69 staff positions for export programs; staffing is unchanged in the FY 10 – 13 budget plan. DSNY and other mayoral agencies have been subject to a hiring freeze since 2007; staffing remains adequate to implement the SWMP projects.

## **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 2010 Adopted Budget, the Mayor's Management Report for FY 2008 and the Preliminary Mayor's Management Report for FY 2009, as well as the following DSNY documents: the FY 2008/2009 January Plan Civilian Headcount by Unit, the FY'10 –FY'19 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 current list of destinations for solid waste generated in the City is appended hereto as Attachment 1.

**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 2.

**Annual Recycling Report for Calendar Year 2008**

The completed Annual Recycling Report for calendar year 2008 is appended hereto as Attachment 3.

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

**Recycling:**

Local Law 40 of 2006 amended Section 16-308 of the City's Administrative Code to require that: 1) residents that receive yard waste collection to separate, tie, bundle or place yard waste into paper bags or rid containers; and 2) business that generate yard waste shall collect and dispose of such yard waste at a permitted composting facility unless there is insufficient capacity at such facilities in the City or within ten miles of the borough in which the yard waste was generated. See Attachment 4.

Local Law 1 of 2008 amended Title 16 of the City's Administrative Code by adding a new chapter 4-B to require that stores develop a program for encouraging the reuse and recycling of plastic carryout bags and film plastic that includes the use of bags that contain a message about



recycling and reuse, the offer of reusable bags for sale, the provision of a bin for the collection of bags and the maintenance of records on recycling bags. See Attachment 5.

Local Law 13 of 2008 amended Title 16 of the City's Administrative Code by adding a new chapter 4-A to require that manufacturers of certain kinds of electronic items sold in the City, such as televisions, computers and printers, provide for the collection and reuse or recycling of such electronic waste items, either via mail back programs or local drop-off programs. See Attachment 6.

Local Law 13 of 2009 amended Chapter 3 of Title 16 of the City's Administrative Code by adding a new chapter 8 to require that every producer/event manager ensure that solid waste and recyclable materials at a street fair are properly disposed of or recycled. See Attachment 7.

**Solid Waste:**

Local Law 42 of 2007 amended subdivision e and f of Section 16-120 of the City's Administrative Code to increase fines for dumping household or commercial waste into public litter baskets. See Attachment 8.

Local Law 50 of 2007 amended subdivision 7, 8 and 9 of Section 16-118 of the City's Administrative Code to require that no person shall prevent or interfere with a DSNY employee's street sweeping or cleaning and make it unlawful for a non-DSNY employee/agent to disturb, remove or transport by motor vehicle recyclables set out for collection or removal by DSNY unless requested by the owner evidenced by written notarized agreement filed and entered with the DSNY Commissioner. See Attachment 9.

Local Law 18 of 2009 amended subdivisions c and f of Section 16-131 of the City's Administrative Code to increase fees for permits issued to operators of dumps, non-putrescible and putrescible solid waste transfer stations and establish registration fees for intermodal solid waste container facilities. See Attachment 10.