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**COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN
COMPLIANCE REPORT**

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

July 2009

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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

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Attachment 5: Local Law 1 of 2008

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Attachment 8: Local Law 42 of 2007

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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 59th 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**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES			
MATERIALS PROCESSING FACILITY, 30TH STREET PIER AT SBMT			
City and SHN execute 20-year agreement	2007	Sections 2.3.1 and 2.4.3	Completed
NEW INITIATIVES – RECYCLING			
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"> ▪ Issue Citywide Waste Characterization Study ▪ Final Report 	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
NEW INITIATIVES – WASTE REDUCTION			

Table 1
Completed Recycling SWMP Milestones

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
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

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

¹ 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

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
QUEENS LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See Section 3.2	Negotiations Completed; Award anticipated in early FY 2010.
STATEN ISLAND TRANSFER STATION			
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
CONVERTED MTS REPORTING/PERMITTING			
Report to Council on RFP process/permit approvals for MTSs	2008	See Section 3.7	Completed
ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING			
Issue Phase 2 Alternative Technology Evaluation	2007	See Section 5.2	Completed

**Table 3
Completed Commercial Waste SWMP Milestones**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE			
Issue an RFP to solicit private vendors	2007	See Sections 4.3 and 3.6	Completed
FUTURE MANHATTAN CAPACITY			
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
TRANSFER STATION CAPACITY REDUCTION			
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
TRUCK TRAFFIC ANALYSIS			
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
NYCDEP FOOD WASTE DISPOSAL STUDY			
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**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES			
MATERIALS PROCESSING FACILITY, 30TH STREET PIER AT SBMT			
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.
MANHATTAN ACCEPTANCE FACILITY			
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.
NEW INITIATIVES – RECYCLING			
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

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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"> ▪ <u>Issue Citywide Waste Characterization Study</u> ▪ Final Report 	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	2010	Section 2.4.7.5	Delayed due to budget cuts.

Table 4
SWMP Milestones – Recycling

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
improve diversion			
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
NEW INITIATIVES – WASTE REDUCTION			
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, 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	2008	Section 2.4.8.4	Completed

**Table 4
SWMP Milestones – Recycling**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
Force			
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

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES			
DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN			
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
DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, BROOKLYN			
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
DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN			
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

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS			
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
BRONX LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See Section 3.2	Completed
Complete design permitting and construction, if required, ² and begin facility operation	2007	See Section 3.2	Completed
BROOKLYN LONG TERM EXPORT PROCUREMENT			
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
QUEENS LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See Section 3.2	Negotiations Completed; Award anticipated in early FY 2010
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

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

Table 5
SWMP Milestones – Long Term Export

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Status / Implementation
INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY			
Complete contract negotiations, award contract and commence service	2007	See Section 3.2	Ongoing; Agreement execution anticipated in early CY 2010
STATEN ISLAND TRANSFER STATION			
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
CONVERTED MTS REPORTING/PERMITTING			
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
ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING			
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 41ST 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. 91st 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. 91st 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. 91st 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. 91st Street 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. 91st 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. 135th 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.

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.

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.

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
ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE			
Issue an RFP to solicit private vendors	2007	See Sections 4.3 and 3.6	Completed
Report on West 59 th 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 th Street MTS	2009	See Sections 4.3 and 3.6	Pending
USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE			
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
FUTURE MANHATTAN CAPACITY			
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
TRANSFER STATION CAPACITY REDUCTION			
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
TRUCK TRAFFIC ANALYSIS			
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
NYCDEP FOOD WASTE DISPOSAL STUDY			
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 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE

DSNY has moved forward to assess the feasibility of developing the West 59th 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 59th 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 59th 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 59th 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 59th Street MTS in compliance with SWMP Section 4.3; a report on future Manhattan capacity for commercial waste and West 59th 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. 91st 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/W59thMTSPgress.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 59th 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. 59th 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. 59th 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.

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.

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
Total	\$393,456,797	\$456,987,770	\$850,444,567

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
Totals	\$246,962	\$234,074

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.

Attachment 1

SUMMARY OF EXPORTED Municipal Solid Waste TO DISPOSAL SITES

(Sorted by STATE)

07/01/08

TO

02/28/09

Working Days:

198

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	AVERAGE PER DAY
Bridgeport Resco	CT	0.00	0.0%	0.00
Big Run - ESI - Environ Solutions	KY	37,242.95	1.7%	188.10
Mountain View	MD	0.00	0.0%	0.00
Bridgewater Resource Center	NJ	0.00	0.0%	0.00
Kearny/Apex	NJ	0.00	0.0%	0.00
LI, amer Ref, HEMPSTEAD	NJ	39,040.76	1.8%	197.18
NJ, COVANTA, BK Districts	NJ	0.00	0.0%	0.00
NJ, COVANTA, ESSEX, Raymond Blvd	NJ	235,589.28	10.8%	1,189.84
QN, RAYMOND, ESSEX	NJ	32,373.61	1.5%	163.50
High Acres Landfill	NY	831.13	0.0%	3.19
New York Rail Logistics	NY	4,352.12	0.2%	21.96
Niagara Falls	NY	0.00	0.0%	0.00
Seneca Meadows	NY	74,289.11	3.4%	375.25
Seneca Meadows (ALBANY)	NY	0.00	0.0%	0.00
Westchester Resco, Peekskill	NY	80,489.89	3.7%	406.51
American Waste Disposal	OH	226.08	0.0%	1.14
Carbon/Limestone, Poland	OH	0.00	0.0%	0.00
Harrison County (Pending)	OH	0.00	0.0%	0.00
Ontario Angelica	ON,CN	0.00	0.0%	0.00
Alliance Sanitary (Empire)	PA	0.00	0.0%	0.00
American Refuel (Chester/Del/DCRRF)	PA	100,553.39	4.6%	507.85
Bethlehem Landfill	PA	102,401.67	4.7%	517.18
Blue Ridge Landfill	PA	124,875.91	5.7%	630.69
Commonwealth Envir System	PA	12,242.39	0.6%	61.83
Conestoga Landfill (MorganTown)	PA	39,761.44	1.8%	200.82
Cumberland County Landfill	PA	20,580.07	0.9%	103.94
Grand Central Sanitary	PA	0.00	0.0%	0.00
Greenridge Reclamation	PA	0.00	0.0%	0.00
Grows North	PA	128,135.93	5.9%	647.15
IESI Bethlehem	PA	0.00	0.0%	0.00
IESI Blue Ridge	PA	0.00	0.0%	0.00
Imperial Landfill	PA	0.00	0.0%	0.00
Keystone Landfill	PA	43,358.69	2.0%	218.98
Lakeview Landfill	PA	0.00	0.0%	0.00
Laurel Highland	PA	90,193.40	4.1%	455.52
Modern Landfill	PA	0.00	0.0%	0.00
Moatoler Landfill	PA	28,969.49	1.3%	146.31
Pine Grove	PA	0.00	0.0%	0.00
RCC/Shade Landfill (Resource Con)	PA	102,222.16	4.7%	518.27
South Hills Landfill	PA	0.00	0.0%	0.00
Southern Alleghenie	PA	0.00	0.0%	0.00
Superior Greentree (or Greentree)	PA	126,697.59	5.8%	639.89
Valley Landfill	PA	0.00	0.0%	0.00
Wheelerador Falls	PA	0.00	0.0%	0.00
Lee County	SC	144,907.45	6.7%	731.86
Amelia/Maplewood	VA	0.00	0.0%	0.00
Atlantic Waste Disposal (Waverly)	VA	594,528.67	27.3%	3,002.67
Brunswick Cnty Landfill, Lawrenceville	VA	4,428.75	0.2%	22.36
Chambers/Charles City	VA	0.00	0.0%	0.00
King & Queen Landfill	VA	6,635.35	0.3%	33.51
King George County	VA	0.00	0.0%	0.00
Middle Peninsula	VA	0.00	0.0%	0.00
Grand Total		2,174,735.29	100.0%	10,983.51

* Resource Recovery Facility

Note: This report is final when approved.

Prepared by *Cesar J. Rangel*
04/30/09

Approved by *Cliff E. Chapman*
04/30/09

Attachment 2

Processing Contractor Contact Information

BWPRR:07/08/2009

Contractor	Facility Address	Material
A&R Lobosco, Inc	31-33 Farrington St Flushing, NY 11354	Paper
CellMark (formerly Pacific Forest Resources)	200 Tamal Plaza, Suite 200 Corte Madera CA 94925	Paper
Metropolitan Paper (Potential's subcontractor)	854 Shepherd Ave Brooklyn, NY 11208	Paper
Paper Fibres	960 Bronx River Ave Bronx, NY 10473	Paper
Potential Industries	922 East "E" St Wilmington, CA 90744	Paper
Rapid Processing	860 Humboldt St Brooklyn, NY 11222	Paper
Sims Municipal Recycling of New York LLC (Formerly known as Sims Hugo Neu East, and Hugo Neu Schnitzer East) (Associated with Simsmetal East LLC)	Sims Municipal Recycling of New York LLC One Linden Avenue East Jersey City, NJ 07305-4722 NYC Hq 212-606-0722 Hq Fax 212-500-7423 NOTE: SIMS DOMAIN NAMES ARE IN TRANSITION FROM @us.sims-group.com TO @simsmm.com	MGP & Bulk Metal
	Claremont Terminal 1 Linden Avenue East Jersey City, NJ 07305	MGP & Bulk Metal
	30-27 Greenpoint Ave LIC, NY 11101	MGP & Bulk Metal
	Bronx Metals Recycling 850 Edgewater Rd Bronx, NY 10474	MGP & Bulk Metal
Triboro Fibers (Owned by CellMark) Billing: CellMark Recycling 80 Washington St PO Box 641 Norwalk, CT 06854	891-899 E 135 St Bronx, NY 10454	Paper
United Industrial Service d/b/a United Oil Recovery, Inc	47 Gracey Avenue Meriden, CT 06451	Household Special Waste
Visy Paper of NY	4435 Victory Blvd Staten Island, NY 10314	Paper
WeCare Organics, LLC	9289 Bonta Bridge Rd Jordan, NY 13080	Composting & Yard Waste

Attachment 3



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
ANNUAL REPORT - PLANNING UNIT RECYCLING REPORT**

1. Report Year:	2008	2. Planning Unit	New York City Department of Sanitation			
3. Address, City, State, Zip:	Bureau of Waste Prevention, Reuse and Recycling, 44 Beaver Street, 6 th floor, New York, NY 10004			4. Phone	917-237-5656	
5. Contact Person	Robert Lange, Director		6. E-mail	rlange@dscy.nyc.gov		
7. Sources of Disposal and Recycling Data (type YES where applicable)	Scale weights	Yes	Hauler surveys	Yes	Estimates	Yes
	Truck counts		Facility surveys	Yes	Other	

WASTE DISPOSED

If you include more than 10,000 tons of solid waste IMPORTED from another P. U., please specify on a separate sheet. Do not report tons of ash that is disposed of or recovered from incineration, as such would constitute double counting

	Landfilled		Waste-to-Energy		Out of State
	Within PU tons	Outside PU (exported tons)	Within PU tons	Outside PU (exported tons)	Outside PU (exported tons)
Municipal Solid Waste		4,444,899.55		474,516.75	
C & D (disposed)		1,762,610.57			
Non-Haz. Industrial Waste					
Sewage Sludge (wet/dry?)					

Names of DISPOSAL FACILITIES that received your waste tons listed above (add additional sheets, if necessary):

DSNY does not have information on disposal facilities receiving NYC commercial waste, either inside or outside New York State. Full details on disposal facilities receiving DSNY-managed waste are already on file with the DEC. Tonnages above reflect disposal outside the PU without regard to location in or out of state.

RECYCLABLES RECOVERED

Do not report recyclables that result from the Returnable Container Act or are part of a Beneficial Use Determination.

Category	Material	Tons	Material	Tons	Material	Tons
PAPER	Newspaper	160,994.89	Magazines		Corrugated	52,838.55
	Office Paper		Junk Mail		Paperboard	
	Mixed Paper	541,507.86	Other – specify type:			
GLASS	Glass - Clear	18,885.12	Glass - Brown	4,582.78	Glass - Mixed	41,836.62
	Glass - Green	9,571.98	Other – specify type:	Non-container		422.97
METAL	Containers	19,888.36	Aluminum	3,101.08		
	Enameled Metal Appliances (white goods)			17,069.96		
	Other – specify	Ferrous, nonferrous, autos		661,124.21		
	Other – specify					
PLASTIC	PET #1	14,862.52	Mixed Plastic			
	HDPE #2	14,965.16	Other Plastics - specify			
CO-MINGLED	Glass, metal, and Plastic containers collected co-mingled			109,084.05		
	Deposit containers redeemed under NYS Bottle Bill (tons)					

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SOLID & HAZARDOUS MATERIALS
ANNUAL REPORT - PLANNING UNIT RECYCLING REPORT (continued)

Category	Material	Tonnage	Material	Tonnage
YARD WASTE	Leaves	7,098.56	Mixed Yard Waste	10,599
	Grass		Brush	
ORGANICS	food	4,345	Other –	
RUBBER	Tires (in tons 100 tireston	1,216.80	Other Rubber	
WOOD	Wood Pallets		Lumber	
C & D (recycled - not disposed)	Asphalt	318,540.01	Petroleum Contaminated	
	Concrete/Brick/Rock/Fines	1,602,684.86	Other C & D/Inert (incl. wood)	4,336,661.29
SEW. SLUDGE	Sludge that was composted	676,984	<==Is this figure WET tons or DRY tons?	wet
Other Co-mingled Mix: please describe mix:				

ADDITIONAL RECYCLABLES NOT LISTED ABOVE (see Appendix A for some examples)

Recycled Material	End Use or Destination Facility	Tonnage
Furniture reuse	Materials for the Arts	1,266.54
e-waste	Various vendors – e-waste recycling events	387.64
textiles	Goodwill industries – textile recycling events	177.05
Special wastes	Treatment and recycling – varioud vendors	249.43

Names of RECYCLING FACILITIES from where you derived your recycled tons (add additional sheets, if necessary):

DSNY does not have information on recycling facilities receiving NYC commercial recycling, either inside or outside New York State. Full details on recycling facilities receiving DSNY-managed waste are already on file with the DEC.

Estimate the percent of total recycled tons reported that were	a) managed by Planning Unit	24.45%
	b) managed by private sector drop-off:	75.55%
Estimate the percent of total recycled tons reported that were	a) picked up curbside:	99.9%
	b) collected via drop-off:	0.1%

If applicable, please add any information about Waste Prevention, Recycling Metrics, Best Practices or other aspects of your Waste Reduction and Recycling or disposal programs not reflected in this report

Please visit www.nyc.gov/nycwasteless for the latest news on Department of Sanitation waste prevention, reuse, and recycling programs and initiatives.

Appendix A - Examples of Other Recyclables

Recycled Material Type	End Use or Destination Facility	Tonnage
#4 Plastic	ABC Plastic Lumber Inc.	10.74
Latex Paint	Sherman Wilson - made into new latex paint	7.5
Textiles	Good Will - donated for reuse	20
Electronics	Monitors 'R' Us - Dismantled for scrap	43
Paper Mill Sludge	Used in paper mix for animal bedding	1,000
Foundry Waste	U. Becher Asphalt - used in asphalt mix	300

Appendix B - Description of Selected Categories

Material	Component Categories	Examples
Paper	Newsprint	Newspaper that may include certain amounts of other paper materials depending on mill specs.
	Corrugated Cardboard	Multi-layer kraft corrugated shipping boxes and inserts.
	Paperboard/Chipboard/Boxboard	Cereal boxes, shoe boxes, gift boxes, lightweight cardboard.
	Office Paper	Copy paper, computer printout, ledger and letterhead paper.
	Mixed	Mixed recyclable paper, news, junk mail, magazines, etc.
	Other Paper	Tissue paper, towels, or as specified.
Plastic	PET (#1)	Soda bottles, liquor bottles.
	HDPE (#2)	Milk jugs, shampoo bottles.
Glass	Other Glass	Ceramic glass, light bulbs, plate glass
Metal	Containers	Food cans, Pet food cans, soda cans, hair spray, aerosols
	Aluminum	Soda cans (non-deposit), juice cans, foil and foil pans.
	White Goods/Enameled metal	Refrigerators, washing machines, stoves, other appliances.
	Other Metal	Coat hangers, scrap metal.
	Other Metal	Siding, cookware, machine parts, utensils, electrical wiring
Organics	Food Waste	Kitchen scraps, dog food, food processing wastes.
	Other Organics	Brewery waste, fish processing waste.
Wood	Lumber	Plywood sections, particle board.
	Other Wood	Crates, sawdust, animal bedding.
C & D (recycled)	Asphalt	Roofing shingles, siding, road surfacing.
	Concrete/Brick/Rock	Gravel, house bricks, stones.
	Petroleum Contaminated Soil (PCS)	PCS made into a product - not PCS that is landfilled

Material	Component Categories	Examples
	Other C&D	Sheetrock, plaster, insulation.
Sewage Sludge	Sewage sludge composted	Sludge from POTWs that is composted, not landfilled. Note that the amount will be converted to dry tons for calculations

Appendix C - Sample Volume to Weight Conversion Factors

If you have more specific or accurate conversion factors for your materials, you can use your own conversion factors and advise DEC of your factors and calculations.

MATERIAL	EQUIVALENT		MATERIAL	EQUIVALENT	
GLASS-whole bottles	1 cubic	0.35 tons	GLASS-crushed mechanically	1 cubic yard	0.88 tons
GLASS-semicrushed	1 cubic	0.70 tons	GLASS-uncrushed-manually	55 gallon drum	0.16 tons
PAPER-high grade loose	1 cubic	0.18 tons	NEWSPRINT-loose	1 cubic yard	0.29 tons
PAPER-high grade baled	1 cubic	0.36 tons	NEWSPRINT-compacted	1 cubic yard	0.43 tons
PAPER-mixed loose	1 cubic	0.15 tons	CORRUGATED-loose	1 cubic yard	0.15 tons
			CORRUGATED-baled	1 cubic yard	0.55 tons
PLASTIC-PET-whole	1 cubic	0.015 tons	PLASTIC-HDPE-whole	1 cubic yard	0.012 tons
PLASTIC-PET-flattened	1 cubic	0.04 tons	PLASTIC-HDPE-flattened 1	1 cubic yard	0.03 tons
PLASTIC-PET-baled	1 cubic	0.38 tons	PLASTIC-HDPE-baled	1 cubic yard	0.38 tons
PLASTIC-styrofoam	1 cubic	0.02 tons	PLASTIC-mixed, grocery bags,	45 gallon bag	0.01 tons
ALUMINUM-cans-whole	1 cubic	0.03 tons	FERROUS METAL-cans-whole	1 cubic yard	0.08 tons
ALUMINUM-cans-flattened	1 cubic	0.125 tons	FERROUS METAL-cans-	1 cubic yard	0.43 tons
WHITE GOODS-uncompacted	1 cubic	0.10 tons	WHITE GOODS-compacted	1 cubic yard	0.5 tons
YARD WASTE (uncompacted)	1 cubic	0.10 tons	FOOD WASTE	55 gal drum	0.20 tons
YARD WASTE (compacted)	1 cubic	0.20 tons	MSW (Compacted)	1 cubic yard	0.50 tons

Appendix D - NYSDEC REGIONAL AND CENTRAL OFFICE ADDRESSES

SEND A COPY OF THIS REPORT TO YOUR REGIONAL OFFICE AND A COPY TO THE DEC CENTRAL OFFICE

DEC Region	Address and Phone	
1	Regional Solid & Haz Materials Engineer Loop Road Bldg 40 - SUNY, Stony Brook, NY 11790-2356	(631) 444-0375
2	Regional Solid & Haz Materials Engineer 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5407	(718) 482-4894
3	Regional Solid & Haz Materials Engineer 21 South Putt Corners Road, New Paltz, NY 12561-1696	(845) 256-3136
4	Regional Solid & Haz Materials Engineer 1150 North Westcott Road, Schenectady, NY 12306-2014	(518) 357-2346
5	Regional Solid & Haz Materials Engineer 1115 Route 86, P.O. Box 296, Ray Brook, NY 12977-0296	(518) 897-1241

6	Regional Solid & Haz Materials Engineer 317 Washington Street, Watertown, NY 13601-3787	(315) 785-2522
7	Regional Solid & Haz Materials Engineer 615 Erie Blvd. West, Syracuse, NY 13204-2400	(315) 426-7419
8	Regional Solid & Haz Materials Engineer 6274 E. Avon-Lima Road, Avon, NY 14414-9519	(585) 226-5408
9	Regional Solid & Haz Materials Engineer 270 Michigan Avenue, Buffalo, NY 14203-2999	(716) 851-7220
DEC Central Office in Albany	Bureau of Solid Waste, Reduction & Recycling 625 Broadway, 9 th Floor, Albany, NY 12233-7253 Attn: Recycling Reporting Section	(518) 402-8706

Attachment 4

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2006**

No. 40

Introduced by Council Members McMahon, Brewer, Fidler, Gerson, James, Liu, Mendez, Stewart, Mark-Viverito, Foster Gennaro, Seabrook, Lappin, Jackson, Sears, Recchia, Comrie and Weprin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to composting yard waste.

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York is amended by adding new subdivisions g and h to read as follows:

g. Generators of yard waste, except those identified in subdivision h of this section, shall separate, tie, bundle, or place into paper bags, or rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision b of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

h. No person engaged in a business that generates yard waste, shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any person engaged in a business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in

which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

§2. Subdivision a of section 16-324 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

a. Any person who violates this chapter, *except subdivision h of section 16-308 of this chapter*, or any rule or regulation promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation and one hundred dollars for the third and each subsequent violation, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. A person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation. For a persistent violation only, except where such violation occurs at a building of less than nine dwelling units, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the regulations promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any further notice of violations to a persistent violator after the fourth violation within a period of six months, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation. *Any person who violates subdivision h of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation within a period of twelve months from the first violation, and two thousand five hundred dollars for the third or subsequent violation within a period of twelve months from the first violation.*

§3. This local law shall take effect immediately, except that subdivision g of section 16-308 of the administrative code of the city of New York, as added by section one of this local law, shall take effect on April 1, 2007, and subdivision h of section 16-308 of the administrative code

of the city of New York, as added by section one of this local law, shall take effect on October 1, 2008.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 11, 2006 and approved by the Mayor on October 17, 2006.

Victor L. Robles, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 40 of 2006, Council Int. No. 431-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 11, 2006: 47 For, 0 Against, 0 Not Voting

Was signed by the Mayor on October 17, 2006.

Was returned to the City Clerk on October 17, 2006.

Jeffrey D. Friedlander, Acting Corporation Council.

Attachment 5

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2008**

No. 1

Introduced by Council Members Vallone, Jr., The Speaker (Council Member Quinn), Gennaro, McMahon, Yassky, Liu, Mark-Viverito, Gioia, de Blasio, The Public Advocate (Ms. Gotbaum) and Council Members Avella, Brewer, Felder, Fidler, Gentile, Gonzalez, James, Koppell, Lappin, Nelson, Recchia Jr., Sanders Jr., Weprin, Jackson, Arroyo, Garodnick and Sears.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring a recycling program for plastic carryout bags and film plastic.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-B to read as follows:

CHAPTER 4-B

§ 16-450 Title.

§ 16-451 Declaration of policy.

§ 16-452 Definitions.

§ 16-453 Recycling program requirements.

§ 16-454 Manufacturer responsibilities.

§ 16-455 Penalties.

§ 16-450 Title. This chapter shall be known as and may be cited as the "New York City Plastic Carryout Bag and Film Plastic Recycling Law".

§ 16-451 Declaration of policy. It is hereby declared to be the public policy of the city of New York to reduce environmental pollution, to reduce the toxicity of waste materials in the solid waste stream

directed to resource recovery and sanitary landfill facilities, and to maximize the removal of plastic carryout bags and film plastic from the waste stream in order to recycle them. Plastic carryout bags and film plastic do not biodegrade, which means that such bags and film plastic ultimately break down into smaller pieces that enter the ecosystem. These pieces of plastic cause illness, injury and death to animal and marine life by entangling them or contaminating their food supplies. The production of plastic bags and film plastic worldwide uses over 12 million barrels of oil per year, which causes significant environmental impacts.

§ 16-452 Definitions. When used in this chapter: a. "Chain of stores" means five or more stores located within the city of New York that are engaged in the same general field of business and (1) conduct business under the same business name or (2) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

b. "Consumer" means any person who purchases a product from a store that is placed in a plastic carryout bag at the time of sale.

c. "Film plastic" means uncontaminated non-rigid film plastic packaging products composed of plastic resins that include, but are not limited to, newspaper bags, dry cleaning bags and shrink-wrap.

d. "Food service establishment" means any establishment (1) where the primary business is providing food for individual portion service directly to the consumer, whether consumption of such food occurs on or off the premises or such service is provided in a premises or from a pushcart, stand or vehicle, and (2) that is subject to the permit requirement contained in section 81.05 of the New York city health code.

e. "Manufacturer" means every person, firm or corporation that: (1) produces plastic carryout bags that are sold or distributed within the city of New York, or (2) imports plastic carryout bags into the United States that are sold or distributed within the city of New York.

f. "Operator" means a person, firm or corporation that owns or is in control of, or has responsibility for, the daily operation of a store.

g. "Plastic carryout bag" means a plastic bag provided by a store to a consumer at the point of sale that is not a reusable bag.

h. "Reusable bag" means (1) a bag made of cloth or other machine washable fabric that has handles, or (2) a durable plastic bag, with handles, that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

i. "Store" means a retail or wholesale establishment, other than a food service establishment, that sells products and provides plastic carryout bags to consumers in which to place these products and (1) has over five thousand square feet of retail or wholesale space or (2) is one of a chain of stores.

§ 16-453 Recycling program requirements: a. Every operator shall establish an in-store recycling program that shall include, but need not be limited to, the following:

1. every plastic carryout bag provided by a store shall have printed or displayed on the outside face of the bag (i) the words "PLEASE REUSE OR RECYCLE AT A PARTICIPATING STORE" using letters at least one-half inch in height or (ii) a similar message encouraging the reuse or recycling of plastic carryout bags that is no less than one inch in height and uses letters at least one quarter inch in height; provided, however, that such store shall be allowed, for six months from the effective date of the local law that added this subdivision, to use its existing stock of plastic carryout bags and may apply to the commissioner for a waiver, based on economic hardship, to extend such six-month period;

2. a bin for the collection of plastic carryout bags and other film plastic shall be placed in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling;

3. all plastic carryout bags and other film plastic returned to a store are to be collected, transported and recycled in a manner consistent with the provisions of this chapter or any rule promulgated pursuant to this chapter;

4. plastic carryout bags and other film plastic collected by a store that are free of foreign material shall not be disposed of in any solid waste or hazardous waste facility; and

5. the operator shall make available to consumers within a store at or near the place where plastic carryout bags are dispensed, reusable bags, which may be purchased and used in lieu of a plastic carryout bag or paper bag.

b. Each operator or its designee shall maintain records indicating the weight of the plastic carryout bags and film plastic that are collected by such operator's store and transported for recycling.

c. Each operator or its designee shall submit an annual report to the department covering the preceding calendar year, beginning with a report covering calendar year two thousand nine, which shall include for all stores that it operates within the city of New York the amount of carryout plastic bags and other film plastic by weight that is collected and transported for recycling, the costs to the operator of such efforts, and any other information the commissioner shall require by rule. Such annual report shall be submitted to the department no later than February twenty-eighth following the calendar year to which the annual report relates.

d. The commissioner shall, in consultation with operators, manufacturers and recyclers, develop a system to monitor and determine the weight of all plastic carryout bags and other film plastic collected under this chapter and shall analyze the information and report to the mayor and the council every two years beginning on December thirty-first, two thousand ten, regarding the implementation and enforcement of this chapter.

§ 16-454 *Manufacturer responsibilities.* a. A manufacturer whose plastic carryout bags are sold or distributed to a store subject to the provisions of this chapter shall make arrangements with the operator, upon the operator's request, for the collection, transport and recycling of all plastic carryout bags and other film plastic collected consistent with the provisions of this chapter. Such arrangements may include contracts or other agreements with third parties.

b. A manufacturer that arranges with an operator for the collection, transport and recycling of plastic carryout bags and other film plastic shall report annually to such operator the total amount by weight of plastic carryout bags and other film plastic that has been collected from such operator. Such annual report shall cover the preceding calendar year, beginning with a report covering calendar year two thousand nine, and be submitted to such operator no later than January thirty-first following the calendar year to which the annual report relates.

c. A manufacturer whose plastic carryout bags are sold or distributed to a store subject to the provisions of this chapter shall make arrangements with the operator, upon the operator's request, to provide such operator, educational materials that encourage the reduction, reuse and recycling of plastic carryout bags.

§ 16-455 Penalties. a. Any operator who violates subdivision a of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of three hundred dollars per day for each day that a recycling program meeting the requirements of such subdivision is not in effect. It shall be an affirmative defense to a violation of paragraph one or five of subdivision a of section 16-453 of this chapter that the operator used its best efforts to comply with such paragraph but was unable to because of circumstances beyond such operator's control.

b. Any operator who violates subdivision b of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of: (1) one hundred dollars for the first violation; (2) seven hundred dollars for the second violation within a twelve-month period of the first violation; and (3) one thousand dollars for the third violation within such twelve-month period.

c. Any operator who violates subdivision c of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) seven hundred dollars for the second violation within such twelve-month period; and (3) one thousand dollars for the third violation within such twelve-month period.

d. Any manufacturer who violates subdivision a of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of five hundred dollars per day for each day that such violation continues.

e. Any manufacturer who violates subdivision b of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) one thousand dollars for the second violation within such twelve-month period; and (3) fifteen hundred dollars for the third violation within such twelve-month period.

f. Any manufacturer who violates subdivision c of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of: (1) one hundred dollars for the first violation; (2) one thousand dollars for the second violation within a

twelve-month period of the first violation; and (3) fifteen hundred dollars for the third violation within such twelve-month period.

g. The failure of an operator or manufacturer to provide the report or maintain the records, or of a manufacturer to provide educational materials requested by an operator, required by sections 16-453 and 16-454 of this chapter shall constitute a continuing violation that subjects such operator or manufacturer to up to three notices of violation within the twelve-month periods provided in subdivisions b, c, e and f of this section.

h. The department shall have the authority to enforce all provisions of this chapter. The department of consumer affairs also shall have the authority to enforce paragraphs one, two and five of subdivision a of section 16-453 of this chapter.

§ 2. This local law shall take effect six months after enactment, except that the commissioner of sanitation shall take such actions, including the promulgation of rules, as are necessary for the implementation of this local law prior to such effective date.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 9, 2008 and approved by the Mayor on January 23, 2008.

Michael McSweeney, First Deputy City Clerk
Acting City Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 001 of 2008, Council Int. No. 640-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on January 9, 2008:
44 For, 2 Against, 0 Not Voting:

Was signed by the Mayor on January 23, 2008

Was returned to the City Clerk on January 23, 2008.

Jeffrey D. Friedlander, Acting Corporation Counsel.

Attachment 6

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2008**

No. 13

Introduced by Council Members de Blasio, McMahon, the Speaker (Council Member Quinn) and Council Members Comrie, Dickens, Fidler, Gentile, Katz, Koppell, Recchia Jr., Sanders Jr., Weprin, Gerson, Jackson, James, Stewart, Vallone Jr., Martinez, Yassky, Liu, Nelson, Foster, Monserrate, Rivera, Garodnick, Mealy and Sears.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the collection for recycling, reuse and safe handling of electronic equipment in the city of New York.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that electronic waste represents one of the fastest growing and most hazardous components of the City of New York's waste stream. It is estimated that, based upon national data, less than 10% of the city's electronic waste is currently being recycled. According to the United States Environmental Protection Agency ("EPA"), more than 2.6 million tons of computers, television sets and other electronic waste were discarded in the United States during 2005. The EPA also estimates that there are hundreds of millions of pieces of electronic waste being stockpiled in homes and businesses.

Electronic waste contains many toxic substances that include known or probable human carcinogens that have been identified by the EPA, European Union and municipal and state Departments of Health throughout the country. An average television set with a traditional cathode ray tube contains as much as five to seven pounds of lead, and an average computer terminal contains four pounds of lead as well as smaller amounts of mercury and cadmium. The improper disposal of this waste therefore poses a threat to human health and the environment. Indeed, according to the EPA, as much as 70% of heavy

metals contained in landfills, including lead, mercury and cadmium, originates from electronic waste. The incineration of electronic waste can lead to increased mercury, lead and other toxic airborne emissions.

There are direct environmental and public health consequences for New York City residents and workers from the improper handling and disposal of electronic waste. For example, the regional incineration of electronic waste poses a direct threat to the city's air quality and the health of its residents.

The Council finds that there is currently no comprehensive system for managing the growing problem of electronic waste in the City of New York. The Council further finds that the establishment of a system to provide for the collection, handling and recycling or reuse of electronic equipment in this city is consistent with its duty to protect the health, safety and welfare of its citizens; enhance and maintain the quality of the environment; and help prevent air, water and land pollution. The Council further finds that such a system is consistent with New York State's overall solid waste management policy, including its intent to pursue and implement an integrated approach to solid waste management and to aggressively promote waste reduction, reuse and recycling as the preferred methods of waste management.

The purpose of this chapter is to establish an electronics recycling system that ensures the safe and environmentally sound handling, recycling, or reuse of electronic equipment. In addition, it is the purpose of this chapter to establish an electronics recycling and reuse collection system that is convenient and minimizes costs to consumers of electronic equipment and to the City. The Council further finds that by encouraging convenient and environmentally sound collection of electronic waste, this chapter would reduce the environmental and health costs associated with electronic equipment that is discarded along with ordinary waste.

The Council finds that the manufacturers of electronic equipment should reduce and, to the maximum extent feasible, ultimately phase out the use of hazardous materials in electronic products. The Council further finds that primary responsibility for the collection, handling and recycling or reuse of electronic equipment belongs to manufacturers. Currently, manufacturers of electronic equipment are required to bear none of the financial burden or responsibility for safely managing discarded electronic equipment at the end of its useful life, burdening local governments and end users with these costs and responsibilities. Manufacturers of electronic equipment, in working to achieve the goals and objectives of this chapter, should have the flexibility to act in partnership with each other, the city and businesses that

provide collection and handling services to develop, implement and promote a safe and effective electronics recycling system.

§2. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-A to read as follows:

CHAPTER 4-A

ELECTRONIC EQUIPMENT COLLECTION, RECYCLING AND REUSE

§16-420 This local law shall be known and may be cited as the "Electronic Equipment Collection, Recycling and Reuse Act".

§16-421 Definitions.

As used in this chapter:

a. "Brand name" means a manufacturer's name, brand designation, make or model name or number, or other nomenclature by which covered electronic equipment is offered for sale by a manufacturer.

b. "Cathode ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

c. "Computer" means an electronic, magnetic, optical, electrochemical or other high-speed data processing device performing a logical, arithmetic or storage function, and may include both a computer central processing unit and a monitor; but such term shall not include an automated typewriter or typesetter, a portable hand-held calculator, a portable digital assistant, or other similar device.

d. "Covered electronic equipment" means any computer central processing unit; cathode ray tube; cathode ray tube device; keyboard; electronic mouse or similar pointing device; television; printer; computer monitor, including but not limited to a liquid crystal display and plasma screens, or similar video display device that includes a screen that is greater than four inches measured diagonally and one or more circuit boards; a laptop or other portable computer; or a portable digital music player that has memory capability and is battery-powered. "Covered electronic equipment" does not include any automobile; mobile phone; household appliances such as clothes washers, clothes dryers, refrigerators, freezers, microwave ovens, ovens, ranges or dishwashers; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development or commercial

setting; security, anti-terrorism or medical equipment that utilizes a cathode ray tube, a cathode ray tube device or a flat panel display or similar video display device that is not separate from the larger piece of equipment; or any other device, as that term is defined in section three hundred twenty-one of title twenty-one of the United States code.

e. "Electronic recycler" means a person who 1. refurbishes or otherwise processes covered electronic equipment for reuse or resale; or 2. removes, segregates or otherwise extracts components or commodities from covered electronic equipment, either by manual or mechanical separation or by changing such equipment's physical or chemical composition, for the purpose of reusing or recycling such components or commodities.

f. "Label" means information, as required by this chapter, on the surface of covered electronic equipment, which must be permanently attached to, printed or engraved on or incorporated in any other permanent manner on such equipment, and obvious and visible to users of such equipment.

g. "Manufacturer" means a person who: 1. assembles or substantially assembles, or has assembled or substantially assembled, covered electronic equipment for sale in the city; 2. manufactures or has manufactured covered electronic equipment under its own brand name or under any other brand name for sale in the city; 3. sells or has sold, under its own brand name, covered electronic equipment produced by another person for sale in the city; 4. owns a brand name that it licenses or has licensed to another person for use on covered electronic equipment sold in the city; 5. imports or has imported covered electronic equipment for sale in the city; or 6. manufactures or has manufactured covered electronic equipment for sale in the city without affixing a brand name.

h. "Monitor" means a separate visual display component of a computer, whether sold separately or with a central processing unit and includes the cathode ray tube, liquid crystal display, or other image projection technology, and its case, interior wires and circuitry, all exterior and interior cables, and power cord.

i. "Orphan waste" means covered electronic equipment, the manufacturer of which cannot be identified or is no longer in business and for which no successor-in-interest has been identified.

j. "Person" means any individual, business entity, partnership, company, corporation, not-for-profit corporation, association, governmental entity, public benefit corporation, public authority, or firm.

k. "Recycle" means to use the materials contained in covered electronic equipment or components thereof as raw materials for new products or components, but not for energy recovery or energy generation by means of combustion, gasification, pyrolysis or other means.

l. "Reuse" means any operation by which covered electronic equipment or components thereof are used for the same purpose for which they were conceived.

m. "Sell" or "sale" means any transfer for consideration, by lease or sales contract of title to or the right to use covered electronic equipment from a manufacturer or retailer to any person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, or the internet; "sell" or "sale" includes transfer of new, used or refurbished covered electronic equipment, but does not include transfers between end users of such equipment.

n. "Television" means a display system containing a cathode ray tube or any other type of display primarily intended to receive broadcast video programming, having a viewable area greater than four inches when measured diagonally.

§16-422 Responsibility of Manufacturer Collection. a. Beginning July first, two thousand nine or one hundred eighty days after a manufacturer's electronic waste management plan is approved by the department, whichever date is later, such manufacturer must accept for collection, handling and recycling or reuse covered electronic equipment that is offered for return by any person in the city, and has been assembled, manufactured, or imported by such manufacturer, or has been sold under such manufacturer's brand name.

b. Beginning July first, two thousand nine or one hundred eighty days after a manufacturer's electronic waste management plan is approved by the department, whichever date is later, such manufacturer must accept for collection, handling and recycling or reuse on a one-to-one basis with the purchase of the same type of covered electronic equipment other than orphan waste that is offered for return by any person in the city, and has been assembled, manufactured or imported by persons other than such manufacturer, or has been sold under the brand name of a person other than such manufacturer.

c. Beginning July first, two thousand nine or one hundred eighty days after a manufacturer's electronic waste management plan is approved by the department, whichever date is later, and ending on June thirtieth, two thousand eleven, such manufacturer must accept for collection, handling, and recycling

or reuse orphan waste that is offered for return by any person in the city on a one-to-one basis with the purchase of the same type of product by such person.

d. Beginning July first, two thousand eleven, each manufacturer must accept for collection, handling, and recycling or reuse orphan waste of the same type sold by such manufacturer in the city that is offered for return by any person in the city.

§16-423 Manufacturer Electronic Waste Management Plan. a. No later than September first, two thousand eight, a manufacturer shall submit to the department an electronic waste management plan for the collection, handling, and recycling or reuse of covered electronic equipment and orphan waste. Any person who becomes a manufacturer on or after September first, two thousand eight shall submit to the department an electronic waste management plan for the collection, handling, and recycling or reuse of covered electronic equipment and orphan waste prior to selling any covered electronic equipment in the city.

b. A manufacturer's submission of an electronic waste management plan pursuant to subdivision a of this section shall be accompanied by a fee of one thousand five hundred dollars. A manufacturer's submission of an annual report pursuant to subdivision a of section 16-428 of this chapter shall be accompanied by a fee of one thousand two hundred fifty dollars. Any manufacturer who submits such plan or report without the requisite fee shall be deemed not to have submitted such plan or report and shall be subject to the penalties set forth in paragraph one of subdivision d of section 16-427 of this chapter for failure to submit such plan or report.

c. The manufacturer shall not impose a fee or other charge on any person for the collection, handling, and recycling or reuse of covered electronic equipment or orphan waste, except that a fee or other charge may be imposed by contractual agreement between a manufacturer and a business entity, partnership, company, corporation or firm having more than fifty full time employees other than a not-for-profit corporation as defined in subparagraph five or seven of subdivision a of section one hundred two of the New York not-for-profit corporation law, association, governmental entity, public benefit corporation or public authority.

d. An electronic waste management plan shall include, at a minimum:

1. details for the collection, handling, and recycling or reuse of covered electronic equipment and orphan waste as required by this chapter, including but not limited to the methods by which a person can return to the manufacturer such covered electronic equipment and orphan waste. Such methods shall be convenient for residents of the city;

2. how the manufacturer will inform residents and businesses of the city about the manufacturer's plan for the collection, handling, and recycling or reuse of covered electronic equipment and orphan waste, which shall include an internet website and a toll-free telephone number;

3. information on the manufacturer's plan for the disposition of covered electronic equipment and orphan waste, including any plan for the recycling or reuse of such covered electronic equipment and orphan waste. If the manufacturer provides a plan for the recycling or reuse of covered electronic equipment and orphan waste, the manufacturer shall include details about anticipated end markets and electronic recyclers expected to be utilized by the manufacturer, including but not limited to details on the methods of collection, handling and recycling or reuse of covered electronic equipment used by such electronic recyclers, details on any disassembly or physical recovery operation to be used by such electronic recyclers, the locations of any such operations, and details on the manufacturer's compliance with applicable laws and regulations relating to the disposition, recycling or reuse of covered electronic equipment;

4. a description of how the manufacturer will plan to collect covered electronic equipment to the maximum extent feasible;

5. annual city sales data of the manufacturer's covered electronic equipment for the previous three calendar years;

6. the method to be used to destroy all data in any covered electronic equipment and orphan waste collected, either through physical destruction of the data storage components thereof or through data wiping meeting or exceeding United States Department of Defense standard 5220.22 M;

7. a list of the manufacturer's brand names, including: (i) any brand name under which the manufacturer assembles or substantially assembles, or has assembled or substantially assembled covered electronic equipment; (ii) any brand name under which the manufacturer manufactures and sells, or has

manufactured and sold, covered electronic equipment; (iii) any brand name under which the manufacturer sells or has sold covered electronic equipment produced by another person under such manufacturer's own brand; (iv) any brand name that the manufacturer owns and licenses or has licensed to another person for use on covered electronic equipment; (v) any brand name under which the manufacturer imports or has imported covered electronic equipment for sale in the city; and (vi) any brand name of covered electronic equipment of which the manufacturer has become the successor-in-interest;

8. a certification that the manufacturer's collection, handling, and recycling or reuse of covered electronic equipment complies with all local, state, federal and international laws and regulations; and

9. any other information as may be required by department rules.

e. The department shall approve or disapprove a proposed electronic waste management plan submitted by a manufacturer within one hundred eighty days of its submission. The department may approve a submitted electronic waste management plan that does not conform with every one of the requirements of this chapter upon application and a showing of good cause by such manufacturer. If the department approves an electronic waste management plan, it shall expeditiously notify the manufacturer of the approval in writing. If the department disapproves an electronic waste management plan, it shall expeditiously notify the manufacturer in writing of the disapproval and specify the reasons for such disapproval. The manufacturer shall have thirty days to resubmit a revised electronic waste management plan after the department notifies the manufacturer of its disapproval. The department shall approve or disapprove a resubmitted electronic waste management plan within ninety days of resubmission.

f. Beginning on July first, two thousand nine, or one hundred eighty days after an electronic waste management plan is approved by the department, whichever date is later, a manufacturer of covered electronic equipment shall implement its approved plan for the collection, handling and recycling or reuse of covered electronic equipment and orphan waste.

g. An electronic waste management plan may provide for the sharing of resources by one or more manufacturers, provided that such plan meets the requirements of this section. Any electronic waste management plan providing for the sharing of resources must include a list of manufacturers participating in such plan.

h. 1. Proposed modifications to a previously approved manufacturer's electronic waste management plan shall be submitted to the department which shall approve or disapprove such modification within sixty days and expeditiously notify the manufacturer of its determination in writing. If the department disapproves such modification, it shall specify the reasons for such disapproval in writing and the manufacturer shall have thirty days to submit a revised modification to the department.

2. At any time, the department may require submission of a proposed modification where it determines that the manufacturer is not collecting covered electronic equipment to the maximum extent feasible as required by this chapter. The department shall approve or disapprove such modification in accordance with paragraph one of this subdivision.

i. All decisions of the department pursuant to this section shall be made public.

§16-424 Performance Standards. A manufacturer shall demonstrate whether, pursuant to its electronic waste management plan, it is collecting for recycling or reuse covered electronic equipment to the maximum extent feasible.

§16-425 Labeling. a. Beginning July first, two thousand nine or one hundred eighty days after a manufacturer's electronic waste management plan is approved by the department, whichever date is later, such manufacturer may not sell or otherwise distribute for sale in the city covered electronic equipment unless such equipment has a label that identifies such manufacturer.

b. Beginning July first, two thousand nine or one hundred eighty days after a manufacturer's electronic waste management plan is approved by the department, whichever date is later, such manufacturer shall provide at the point of sale information on how a person can return covered electronic equipment pursuant to such manufacturer's electronic waste management plan. Such information shall include a toll-free telephone number or internet website address describing how covered electronic equipment can be returned pursuant to the manufacturer's electronic waste management plan.

c. Beginning July first, two thousand nine, the department shall post on its web site all information provided to it from manufacturers describing how covered electronic equipment can be returned pursuant to a specific manufacturer's electronic waste management plan.

§ 16-426 Disposal ban. a. Beginning July first, two thousand ten, no person shall dispose of covered electronic equipment as solid waste in the city.

b. Beginning July first, two thousand nine, no manufacturer shall dispose of covered electronic equipment as solid waste in the city.

§16-427 Enforcement. a. The department and the department of consumer affairs shall have the authority to enforce the provisions of this chapter. Any notice of violation charging a violation of any provision of this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.

b. Any person who violates the provisions of subdivision a of section 16-426 of this chapter shall be liable for a civil penalty of one hundred dollars for each violation.

c. Any manufacturer who violates the provisions of subdivision b of section of 16-426 of this chapter shall be liable for a civil penalty of one thousand dollars for each violation.

d. 1. Beginning September first, two thousand eight, a manufacturer who fails to submit an electronic waste management plan or an annual report as required by this chapter shall be liable for a civil penalty of one thousand dollars per day for each day that an electronic waste management plan or an annual report is not submitted.

2. Beginning September first, two thousand eight, a manufacturer who submits an electronic waste management plan that has been disapproved by the department more than two times shall be liable for a civil penalty of one thousand dollars per day for each day that an electronic waste management plan is not submitted and approved by the department following the date of such second disapproval.

3. Beginning July first, two thousand nine, a manufacturer who knowingly submits an annual report as required by this chapter that contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make a statement therein not false or misleading shall be liable for a civil penalty of ten thousand dollars.

4. Beginning July first, two thousand nine, or one hundred eighty days after a manufacturer's electronic waste management plan is approved by the department, whichever date is later, a manufacturer who fails to accept covered electronic equipment or orphan waste offered for return by any person in the

city pursuant to such manufacturer's electronic waste management plan shall be liable for a civil penalty of two thousand dollars for each piece of covered electronic equipment or orphan waste not accepted.

§16-428 Reporting Requirements. a. On or before July first, two thousand nine, and annually on or before July first thereafter, a manufacturer that offers any covered electronic equipment for sale in the city shall submit an annual report to the department that includes the following information for the prior calendar year: 1. any approved modification to the manufacturer's electronic waste management plan; 2. sales data for the manufacturer's covered electronic equipment sold in the city; 3. the quantity of covered electronic equipment collected for recycling or reuse in this city, expressed both in terms of the total weight of such covered electronic equipment and as a percentage of the average annual sales of the manufacturer's covered electronic equipment in the city, reported by weight, during the previous three calendar years, and categorized by the type of covered electronic equipment collected pursuant to such manufacturer's electronic waste management plan, and further categorized, to the extent possible, by the quantity of such covered electronic equipment collected from individuals and government entities; 4. the weight of orphan waste collected, categorized by the type of covered electronic equipment collected, pursuant to such manufacturer's electronic waste management plan; 5. information on the manufacturer's compliance with the goal of collecting covered electronic equipment to the maximum extent feasible; 6. information on the end markets and electronic recyclers utilized by the manufacturer, including details on the methods of collection, handling and recycling or reuse of covered electronic equipment used by electronic recyclers, details on any disassembly or physical recovery operation to be used, the locations of any such operations, and details on the manufacturer's compliance with applicable laws and regulations relating to the disposition, recycling and reuse of covered electronic equipment and orphan waste; 7. examples of how the manufacturer has informed residents and businesses of the city about the manufacturer's plan for the collection, handling and recycling or reuse of covered electronic equipment and orphan waste; 8. the number of visits to the internet website and calls to the toll-free telephone numbers established by the manufacturer's electronic waste management plan; and 9. any other information required by department rules.

b. The department shall submit a report on implementation of this chapter to the mayor and the city council by January fifteenth, two thousand eleven, and yearly thereafter. The report must include, at a

minimum: 1. data on the amount of electronic waste collected, categorized by manufacturer; 2. an evaluation of the recycling and reuse rates in the city for covered electronic equipment and orphan waste; 3. a discussion of compliance and enforcement related to the requirements of this chapter; and 4. any recommendations for any changes to the system of collection, handling and recycling or reuse of covered electronic equipment and orphan waste in the city.

§16-429 Confidential Information and Trade Secrets. Information relating to covered electronic equipment submitted to the department pursuant to this chapter may be designated by the department as confidential upon a showing of good cause by the person submitting it. Except as otherwise provided by or pursuant to law or court order, such information may be used only by the department, its agents and employees, other city agencies, and as authorized by the mayor, employees of the United States Environmental Protection Agency or the attorney general of the state of New York.

§16-430 Application by the department of collected covered electronic equipment toward recycling goals. The department shall be allowed to apply the amount of covered electronic equipment and orphan waste collected by manufacturers pursuant to this chapter towards achieving its recycling goals.

§16-431 Severability. The provisions of this chapter shall be severable, and if any provision of this chapter is declared to be void or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected, and shall remain in full force and effect.

§16-432 Rulemaking authority. The department shall be authorized to promulgate rules as necessary to implement the provisions of this chapter.

§3. This local law shall take effect immediately.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 26, 2008 and approved by the Mayor on April 1, 2008.

Hector L. Diaz, City Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 013 of 2008, Council Int. No. 728) contains the correct text and:

Received the following vote at the meeting of the New York City Council on March 26, 2008:
47 For, 4 Against, 0 Not Voting
Was signed by the Mayor on April 1, 2008
Was returned to the City Clerk on April 1, 2008.

Jeffery D. Friedlander, Acting Corporation Counsel.

Attachment 7

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 13

Introduced by Council Members Mealy, Sears, Fidler, Jackson, Mark-Viverito, Nelson, Sanders Jr., Seabrook, Gerson, Weprin, Liu, and White Jr.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to street cleaning and the collection and removal of solid waste and recyclable materials at street events.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8

SOLID WASTE AND RECYCLABLE MATERIALS AT STREET EVENTS.

§ 16-326 Definitions. For purposes of this subchapter, the following terms shall have the following meanings:

a. "Producer/Event Manager" means any person or entity hired by a sponsor to organize or manage a street event.

b. "Recyclable Materials" means metal cans, glass bottles and jars, plastic bottles and jugs, lightly-soiled aluminum foil and aluminum foil products, and any other material designated by the department for recycling at street events.

c. "Sponsor" means any person or entity that is required to apply for and obtain a street activity permit and that either organizes or manages a street event or hires a producer/event manager to organize or manage a street event.

d. "Street Event" means any street fair or festival on a public street where such activity may interfere with or obstruct the normal use by vehicular traffic of such street, but does not include street

activities that occupy no more than one block for no more than one day where no licensed vendor participates.

§ 16-327 Sponsor and producer/event manager responsibilities at street events. a. Every producer/event manager shall ensure that solid waste and recyclable materials generated at a street event are properly disposed of or recycled.

b. 1. Every producer/event manager shall provide a sufficient number of public solid waste receptacles and public recycling receptacles for street events as determined by the department, provided that the producer/event manager shall place at least two receptacles within or near each intersection within the street event area, one for solid waste and one for recyclable materials.

2. Every producer/event manager shall regularly monitor all solid waste and recycling receptacles throughout the street event area in order to prevent spillage of solid waste and recyclable materials into the street and shall remove any solid waste that has been deposited into receptacles designated for recyclable materials and remove any recyclable materials that have been deposited into receptacles designated for solid waste.

3. Every producer/event manager shall bag and bundle separately and tie securely all accumulated solid waste and recyclable materials at the end of each day of the street event.

4. Every producer/event manager shall ensure that all bagged and bundled solid waste and recyclable materials are placed at a predetermined location designated by the department for collection.

c. Every sponsor and producer/event manager shall comply with all applicable rules governing street events, including, but not limited to, rules set forth in chapter fourteen of title sixteen of the rules of the city of New York, to the extent such rules are not inconsistent with the provisions of this subchapter.

d. The provisions of subdivisions a and b of this section shall apply to the sponsor when there is no producer/event manager.

§ 16-328 Penalties. In addition to any other applicable penalties, any producer/event manager, or any sponsor when there is no producer/event manager, who violates subdivision a or b of section 16-327 of this subchapter shall be liable for a civil penalty of one hundred dollars for each such violation, except that a sponsor or producer/event manager shall not be liable for more than five hundred dollars per day or

more than two thousand dollars per street event. Such civil penalties shall be recoverable in a proceeding returnable before the environmental control board.

§2. This local law shall take effect immediately.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2009 and approved by the Mayor on February 26, 2009.

Michael McSweeney, City Clerk
Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provision of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 013 of 2009, Council Int. No. 908-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on February 11, 2009:

47 For, 0 Against, 0 Not Voting

Was signed by the Mayor on February 26, 2009
Was returned to the City Clerk on February 26, 2009.

Jeffrey D. Friedlander, Acting Corporation Counsel.

Attachment 8

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2006**

No. 40

Introduced by Council Members McMahon, Brewer, Fidler, Gerson, James, Liu, Mendez, Stewart, Mark-Viverito, Foster Gennaro, Seabrook, Lappin, Jackson, Sears, Recchia, Comrie and Weprin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to composting yard waste.

Be it enacted by the Council as follows:

Section 1. Section 16-308 of the administrative code of the city of New York is amended by adding new subdivisions g and h to read as follows:

g. Generators of yard waste, except those identified in subdivision h of this section, shall separate, tie, bundle, or place into paper bags, or rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision b of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

h. No person engaged in a business that generates yard waste, shall leave such yard waste for collection by the department, or disperse such yard waste in or about the curb or street. Any person engaged in a business that generates yard waste shall be required to collect and dispose of such yard waste at a permitted composting facility; provided, however, that if the department, by written order of the commissioner, determines that there is insufficient capacity at permitted composting facilities within the city of New York or within ten miles of the borough in

which any such person generates yard waste, then such yard waste may be disposed of at any appropriately permitted solid waste management facility.

§2. Subdivision a of section 16-324 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

a. Any person who violates this chapter, *except subdivision h of section 16-308 of this chapter*, or any rule or regulation promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation and one hundred dollars for the third and each subsequent violation, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. A person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation. For a persistent violation only, except where such violation occurs at a building of less than nine dwelling units, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the regulations promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any further notice of violations to a persistent violator after the fourth violation within a period of six months, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation. *Any person who violates subdivision h of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation within a period of twelve months from the first violation, and two thousand five hundred dollars for the third or subsequent violation within a period of twelve months from the first violation.*

§3. This local law shall take effect immediately, except that subdivision g of section 16-308 of the administrative code of the city of New York, as added by section one of this local law, shall take effect on April 1, 2007, and subdivision h of section 16-308 of the administrative code

of the city of New York, as added by section one of this local law, shall take effect on October 1, 2008.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 11, 2006 and approved by the Mayor on October 17, 2006.

Victor L. Robles, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 40 of 2006, Council Int. No. 431-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 11, 2006: 47 For, 0 Against, 0 Not Voting

Was signed by the Mayor on October 17, 2006.

Was returned to the City Clerk on October 17, 2006.

Jeffrey D. Friedlander, Acting Corporation Council.

Attachment 9

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2007**

No. 50

Introduced by Council Member McMahon, Fidler, Gennaro, Gentile, Liu, Mealy, Recchia Jr., Weprin, Nelson, Jackson, Lappin, and Felder (Passed under a Message of Necessity)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to interfering with employees of the department of sanitation and the unauthorized collection or removal of solid waste and recyclable materials.

Be it enacted by the Council as follows:

Section 1. Subdivisions 7, 8 and 9 of section 16-118 of the administrative code of the city of New York, subdivision 9 as amended by local law number 1 for the year 2003, are amended to read as follows:

7. [(a) No person shall prevent or interfere with any employee of the department of sanitation in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice, or other refuse material.

(b) No person, other than an authorized employee or agent of the department shall disturb or remove any ashes, garbage or light refuse or rubbish placed by householders, or their tenants, or by occupants or their servants, within the stoop or area line, or in front of houses or lots, for removal, unless requested by residents of such houses.]

(a) No person shall prevent or interfere with any employee of the department in the sweeping or cleaning of any street, in the removal of snow or ice, or in the collection or removal of any amount of solid waste or recyclable materials.

(b)(1) Except for an authorized employee or agent of the department, it shall be unlawful for any person to disturb, remove or transport by motor vehicle any amount of recyclable materials that have been placed by owners, tenants or occupants of residential premises, premises occupied by city agencies or institutions, or vacant lots, or by their servants, within the stoop area, adjacent to the curb line or otherwise

within or adjacent to such premises or lots for collection or removal by the department unless requested by the owner of such residential premises or vacant lot or his or her agent, and such request is evidenced by a notarized written agreement that: (i) has been signed by such person and such owner or agent; (ii) has been filed with the commissioner and bears a file stamp indicating that it has been so filed; and (iii) includes the names of the parties to the agreement, the names and titles of all signatories to the agreement, the taxpayer identification number, including individual taxpayer identification number or employer identification number but not social security number of each such party, the agreed price terms, if any, the estimated quantity of recyclable materials to be removed, the agreed removal days and times, if any, the duration of the agreement, and any other information required by the commissioner by rule. The requirement to enter into and file such written agreement pursuant to this subdivision shall not apply to one, two or three-family residential premises.

(2) In addition, on or before February first and August first of every year, every person engaged in the removal of recyclable materials from residential premises or vacant lots pursuant to a written agreement shall submit to the commissioner a report identifying the weight of each type of recyclable material removed by such person during the periods of July first to December thirty-first and January first to June thirtieth, respectively. It shall be unlawful for any person to fail to submit a report in accordance with this subparagraph or to submit a report containing false or deceptive information.

(3) Except for an authorized employee or agent of the department, it shall be unlawful for any person to disturb, remove or transport by motor vehicle any amount of solid waste that has been placed by owners, tenants or occupants of residential premises, premises occupied by city agencies or institutions, or vacant lots, or by their servants, within the stoop area, adjacent to the curb line or otherwise within or adjacent to such premises or lots for collection or removal by the department.

(c) Except for an authorized employee of an entity licensed by or registered with the business integrity commission, it shall be unlawful for any person to disturb, remove or transport by motor vehicle any amount of recyclable materials that have been placed by owners, tenants or occupants of commercial premises within the stoop area, adjacent to the curb line or otherwise within or adjacent to such premises for collection or removal by an entity licensed by or registered with the business integrity commission. It shall be presumed that a person operating a motor vehicle without plates issued by the business integrity commission is not an authorized employee of an entity licensed by or registered with the business integrity commission.

(d) No person, other than a not-for-profit corporation, shall receive recyclable materials for storage, collection or processing from any person other than an authorized employee or agent of the department, an authorized employee of an entity licensed by or registered with the business integrity commission, a not-for-profit corporation or a person who has entered into a written agreement pursuant to subparagraph one of paragraph b of this subdivision. It shall be an affirmative defense that all such recyclable materials were generated or collected outside the city of New York. This paragraph shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law.

(e) Any person who violates subparagraph one of paragraph b of this subdivision while using or operating a motor vehicle or paragraph d of this subdivision shall be punished for each violation by a criminal fine of not less than one thousand dollars nor more than two thousand dollars for each such violation or by imprisonment not to exceed ninety days, or both.

(f)(1)(i) Any person who violates subparagraph one of paragraph b or paragraph c of this subdivision while using or operating a motor vehicle shall be liable for a civil penalty of two thousand dollars for the first offense and five thousand dollars for each subsequent offense within a twelve-month period. In addition, every owner of such motor vehicle shall be liable for a civil penalty of two thousand dollars for the first offense and five thousand dollars if, within a twelve-month period, a motor vehicle owned by such person was used in violation of subparagraph one of paragraph b or paragraph c of this subdivision. The owner of a motor vehicle used in violation of subparagraph one of paragraph b or paragraph c of this subdivision shall not be liable for any civil penalty if such owner establishes that the motor vehicle was used without such owner's permission. For the purpose of imposing a civil penalty pursuant to this clause, every premises or lot from which recyclable materials have been removed unlawfully shall be deemed to be the subject of a separate violation for which a separate civil penalty may be imposed;

(ii) Any person who violates paragraph d of this subdivision shall be liable for a civil penalty of two thousand dollars for the first offense and five thousand dollars for each subsequent offense within a twelve-month period. For the purpose of imposing a civil penalty pursuant to this clause, every motor vehicle from which recyclable materials have been delivered for receipt unlawfully shall be deemed to be the subject of a separate violation for which a separate civil penalty may be imposed; and

(iii) Any person who violates subparagraph two of paragraph b of this subdivision by failing to submit a report or by submitting a report containing false or deceptive information shall be liable for a civil penalty of two thousand dollars for the first offense and five thousand dollars for each subsequent offense within a twelve-month period.

(2) As used in this subdivision:

(i) the term "motor vehicle" shall mean every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power;

(ii) the term "not-for-profit corporation" shall mean a corporation as defined in subparagraph five or seven of subdivision (a) of section one hundred two of the New York not-for-profit corporation law;

(iii) the term "operator" shall mean any person who operates or drives or is in actual physical control of a motor vehicle;

(iv) the term "owner" shall mean a person, other than a lienholder, having the property in or title to a motor vehicle. The term includes a person entitled to the use and possession of a motor vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days;

(v) the term "person" shall mean any natural person or business entity, but shall not include any authorized employee of a government agency;

(vi) the term "recyclable materials" shall mean recyclable materials designated by the commissioner by rule pursuant to chapter three of title sixteen of this code; and

(vii) the term "solid waste" shall mean solid waste as defined in subdivision n of section 16-303 of this code.

(g)(1) Any motor vehicle that has been used or is being used to commit a violation of subparagraph one of paragraph b or paragraph c of this subdivision shall be impounded by the department and shall not be released until either all storage fees and the applicable fines and penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner. Rules of the department related to the impoundment and release of motor vehicles in chapter five of title sixteen of the rules of the city of New York shall be applicable to the impoundment and release of motor vehicles pursuant to this paragraph. The commissioner shall have the power to promulgate amended rules concerning the

impoundment and release of motor vehicles and the payment of storage fees for such motor vehicles, including the amounts and rates thereof. Where it is determined that the motor vehicle was not used to commit a violation of subparagraph one of paragraph b or paragraph c of this subdivision, such fees shall be promptly returned.

(2) In addition to any other penalties provided in this subdivision, the interest of an owner as defined in clause (iv) of subparagraph two of paragraph f of this subdivision in any motor vehicle impounded pursuant to subparagraph one of this paragraph shall be subject to forfeiture upon notice and judicial determination thereof if such owner has been convicted of or found liable for a violation of this subdivision in a criminal or civil proceeding or in a proceeding before the environmental control board three or more times, all of which violations were committed within an eighteen-month period.

(3) Except as otherwise provided in this subparagraph, the city agency having custody of a motor vehicle, after judicial determination of forfeiture, shall no sooner than thirty days after such determination upon a notice of at least five days, sell such forfeited motor vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a motor vehicle, including a part ownership or security interest, shall be entitled to delivery of the motor vehicle if such person:

(i) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof; and

(ii) pays the reasonable expenses of the safekeeping of the motor vehicle between the time of seizure and such redemption; and

(iii) asserts a claim within thirty days after judicial determination of forfeiture. Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery of the vehicle if the city establishes that the violation for which the motor vehicle was seized was expressly or impliedly permitted by such person.

8. [The] Except for any violation of subparagraph one of paragraph b or paragraph c of subdivision seven of this section by a person using or operating a motor vehicle, or any violation of subparagraph two of paragraph b of subdivision seven of this section, or any violation of paragraph d of subdivision seven of this section, the violation of any provision of this section shall constitute an offense

punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed ten days or both.

9. [Any] *Except for any violation of subparagraph one of paragraph b or paragraph c of subdivision seven of this section by a person using or operating a motor vehicle, or any violation of subparagraph two of paragraph b of subdivision seven of this section, or any violation of paragraph d of subdivision seven of this section, any person violating the provisions of this section shall be liable for a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, four, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four or six of this section within any twelve-month period such person shall be liable for a civil penalty of not less than three hundred fifty dollars nor more than four hundred fifty dollars.*

§ 2. This local law shall take effect immediately; provided, however, that the notarized written agreement required by subparagraph one of paragraph b of subdivision 7 of section 16-118 of the administrative code of the city of New York, as added by section one of this local law, need not be filed with the commissioner of sanitation until thirty days after such effective date.

The City of New York, Office of the City Clerk, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 25, 2007 and approved by the Mayor on October 9, 2007.

Michael McSweeney, First Deputy City Clerk
Acting City Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 050 of 2007, Council Int. No. 582-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on September 25, 2007:
51 For, 0 Against, 0 Not Voting
Was signed by the Mayor on October 9, 2007
Was returned to the City Clerk on October 10, 2007.

Jeffrey D. Friedlander, Acting Corporation Counsel.

Attachment 10

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 18

Introduced by Council Members Comrie, James, Nelson, Palma, White Jr., Gerson and Arroyo (by request of the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing fees for permits issued to operators of dumps, non-putrescible solid waste transfer stations and putrescible solid waste transfer stations, and establishing registration fees for intermodal solid waste container facilities.

Be it enacted by the Council as follows:

Section 1. Subdivisions c and f of section 16-131 of the administrative code of the city of New York, as amended by local law number 40 for the year 1990, are amended to read as follows:

c. The commissioner shall issue permits to such persons or public agencies engaged in use of piers or lands or lands under water within the city as dumps, non-putrescible solid waste transfer stations or putrescible solid waste transfer stations. The commissioner shall collect an annual fee of [thirty-five hundred] *seven thousand* dollars for each permit for any such pier or part thereof, or for each piece or parcel of land or land under water used as a dump or as a non-putrescible solid waste transfer station, and an annual fee of [sixty-five hundred] *thirteen thousand* dollars for each permit for any such pier or part thereof, or for each piece or parcel of land or land under water used as a putrescible solid waste transfer station. *The commissioner shall collect an annual registration fee of seven thousand dollars for an intermodal solid waste container facility.* The commissioner may by rule provide for suspension or revocation of any permit *or registration* issued pursuant to this subdivision for cause or violation of the orders or rules of the commissioner.

f. As used in this section[,]:

1. the terms “dump,” “non-putrescible solid waste transfer station,” “putrescible solid waste transfer station,” “fill material” and “fill material operation” shall have the meanings ascribed in section 16-130 of this chapter; *and*

2. *the term “intermodal solid waste container facility” shall mean a facility or premises served by rail or vessel at which intermodal containers are transferred from transport vehicle to transport vehicle for the purpose of consolidating intermodal containers for shipment by rail or vessel to an authorized disposal or treatment facility, where the contents of each container remain in their closed containers during the transfer between transport vehicles, and storage remains incidental to transport at the location where the containers are consolidated.*

§ 2. This local law shall take effect immediately.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 11, 2009 and approved by the Mayor on March 18, 2009.

Michael McSweeney, City Clerk
Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 018 of 2009, Council Int. No. 840) contains the correct text and:

Received the following vote at the meeting of the New York City Council on March 11, 2009:

46 For, 0 Against, 0 Not Voting

Was signed by the Mayor on March 18, 2009
Was returned to the City Clerk on March 18, 2009.

Jeffrey D. Friedlander, Acting Corporation Counsel.