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

**For The Reporting Period of  
JANUARY 1, 2013 THROUGH DECEMBER 31, 2014**

**April 2015**

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## **EXECUTIVE SUMMARY**

This fourth biennial Compliance Report dated April 2015, is submitted to the New York State Department of Environmental Conservation (NYSDEC) in accordance with the provisions of NYCRR Title 6 Part 360-15.12. It provides information on the City of New York's (City) progress in implementing its approved Comprehensive Solid Waste Management Plan for 2006 through 2025 (SWMP), during the reporting period of January 1, 2013 through December 31, 2014 (Reporting Period). The City's first Compliance Report in connection with the SWMP, reported on implementation during 2007 and 2008. The City's second SWMP Compliance Report reported on the status of SWMP implementation during 2009 and 2010 and was revised in February 2012 to reflect proposed changes in the milestone implementation schedule. The City's third SWMP Compliance Report reported on the status of SWMP implementation during 2011 and 2012.

## **SWMP BACKGROUND**

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

The Final Environmental Impact Statement to support the SWMP was issued in April 2005 (FEIS). A SWMP FEIS Technical Memorandum issued in March 2012 and revised in July 2012 considered changes in SWMP milestone implementation. A SWMP Technical Memorandum issued in May 2013 reflected new flood risk information and related proposed design changes to the East 91<sup>st</sup> Street and Southwest Brooklyn Marine Transfer Stations. A SWMP Technical Memorandum issued in November 2013 reflected new permit modifications in connection with a December 2011 EAS issued to support Review Avenue Transfer Station permit modifications

obtained by Waste Management of New York LLC (WM) and the 2013 award of a DSNY 20-year service to WM for the transfer, transport by rail and disposal of DSNY-managed waste from Queens Collection Districts 1 through 6.

Since the SWMP was approved, DSNY, other City agencies and related entities have advanced SWMP goals and substantially completed the majority of projects and initiatives required to be implemented in the SWMP.

## **REPORTING PERIOD ACCOMPLISHMENTS**

### **Fleet and Equipment Green Initiatives**

With respect to the DSNY fleet described in Chapter 5 of the SWMP, DSNY has implemented initiatives since SWMP approval and during the Reporting Period that have turned the largest municipal sanitation fleet in the country into the nation's greenest fleet. In recognition of this achievement, in 2013, DSNY's fleet received the prestigious "*Breathe Easy Leadership*" award from the US Environmental Protection Agency, and in 2014 DSNY was the recipient of the prestigious Green Fleet Magazine "2014 Sustainability All-Star Award." A detailed description of DSNY's green fleet and equipment innovations and environmental improvements is provided in Attachment 5. DSNY has also begun pilots and instituted programs that are making its fleet safer both as part of Mayor de Blasio's Vision Zero program. A detailed description of DSNY's safety initiative is provided in Attachment 6.

### **Landfill Closure/Post Closure Update and End Use Initiatives**

During the Reporting Period, DSNY has advanced closure construction at the Fresh Kills Landfill and has finalized negotiations on a contract that will result in increased revenues from the sale of natural gas generated at Fresh Kills. Through the contract, the landfill will be registered with the US Environmental Protection Agency's Renewable Fuel Standard program as a generator of renewable fuel, the gas will be sold for use in transportation and credits derived from these activities will be sold to fossil fuel producers required to purchase renewable energy. In addition, negotiations are advancing for a solar array installation to be constructed at Fresh

Kills in the next Reporting Period. A detailed description of the Fresh Kills closure and end use activities is provided in Attachment 7.

### **Sustainability and Recycling**

With respect to its SWMP recycling achievements during the Reporting Period, DSNY's Bureau of Recycling and Sustainability expanded the organics curbside collection pilot to serve 100,000 households and more than 700 schools. Going forward, additional neighborhoods in Brooklyn, the Bronx, Queens and Staten Island are being added to the New York City Organics Collection Pilot Program. The program, which focuses on organic waste like food, food-soiled paper and yard debris, will soon expand to add approximately 35,000 new residences. More than 6,500 tons of material has been collected since the program's start. An evaluation of the program will be completed in fall 2015.

Also, DSNY's recently introduced textile and electronics recycling programs saw considerable growth over the Reporting Period. Since January 1, 2015, when State law banned the collection of electronics at the curb, there has been a surge of interest in DSNY's e-recycling program for City multi-unit buildings.

In addition, DSNY studied and then took decisive action to phase out the use of polystyrene foam in the City, and businesses will be prohibited from selling or offering expanded polystyrene foam plates, cups, containers, and loose fill packing material starting on July 1, 2015. The City is evaluating the potential for commercial organics processing in the City since the enactment of a new local law in December 2013 requiring certain large commercial food-generating establishments in the City to arrange for separate collection of their organic waste material for composting, aerobic or anaerobic digestion, or other processing approved by DSNY by rule. Compliance with this requirement will become legally mandated in July 2015 if DSNY Commissioner Garcia determines there is sufficient processing capacity for the expected amount of organics material generated by and collected from commercial establishments.

## **Long-Term Export**

With respect to the SWMP long-term export plan, during the Reporting Period, construction continued on the North Shore Converted Marine Transfer Station (MTS) in Queens and the Hamilton Avenue Converted MTS in Brooklyn. The North Shore MTS began operation in March 2015 and the Hamilton Avenue MTS is now nearing completion, but will not begin operations until a long-term contract has been awarded for the transport and disposal of the containerized waste from its waste shed and the vendor is able to provide service to the MTS. Having obtained all environmental permits for construction, both the East 91<sup>st</sup> Street MTS (Manhattan) and Southwest Brooklyn Marine Transfer Stations began construction in the Reporting Period.

DSNY advanced other components of the SWMP long-term export plan during the Reporting Period. At the end of 2013, a long-term service contract was awarded for the use of the Review Avenue Transfer Station for the containerization, transport, and disposal of DSNY-managed waste from Queens Collection Districts 1 – 6. Service under the contract will begin in July 2015 after an on-site rail siding is brought to the transfer station and rail access is constructed at the landfill that will accept the waste in upstate New York. Finally, also in 2013, a long-term service contract was awarded for the transport and disposal services for North Shore and Hamilton Avenue MTSs

## **Recycling Infrastructure**

During the Reporting Period, DSNY completed truck weighing upgrades and continued subsurface platform replacement work at the West 59<sup>th</sup> Street MTS, a facility that transfers Manhattan paper recyclables. This paper recycling operation is scheduled to move to the new Gansevoort MTS in the future so that the MTS can be made available for Manhattan commercial waste export. The West 59<sup>th</sup> Street MTS will next undergo a refurbishment to ensure its viability for long-term use.

A design contract procurement for the new Gansevoort Marine Transfer Station for Manhattan recyclables (and recycling education center) by the New York City Department of Design and Construction (DDC) in 2013 resulted in the award of a design contract in 2014. While pre-

schematic design activities are underway, a Memorandum of Understanding between the City and State on the funding and coordination of the new Gansevoort MTS is in negotiations.

### **Alternative Solid Waste Management Technology**

With respect to the City's consideration of alternative solid waste management technology solutions for MSW (after curbside recyclables source separation), DSNY withdrew its Request for Proposals for New and Emerging Solid Waste Management Technology in 2014. The determination to cancel the procurement was made after two proposals, one proposing the development of a gasification facility and the other the development of an anaerobic digester (AD) with front end processing, were selected for negotiations. Further discussions revealed that the emissions of the gasification technology could not be validated and that the AD project would result in the landfilling of 40% of the MSW accepted and the prospect that desirable organics feedstock in the MSW would be removed by DSNY through its organics curbside program, now in a pilot phase.

The Milestone Tables and accompanying narratives set forth below provide information on both completed and ongoing projects, as well as on SWMP project implementation schedules.



## **SECTION 1 – PLANNING UNIT DESCRIPTION**

The Planning Unit is the City of New York (City) and consists of the five boroughs (and co-terminus counties) of Manhattan, (New York County) Queens (Queens County), Brooklyn (Kings County), Staten Island (Richmond County) and the Bronx (Bronx County). The components of the Planning Unit are unchanged since SWMP approval. Similarly, the statistical profile of the City, current and projected as it relates to the generation of solid waste is unchanged since the issuance of the approved SWMP; the data was based primarily on population estimates projected by the New York City Department of City Planning (NYCDCP) from 2010 Census Data and a 2005 Report on Social Indicators. More specifically, according to Census-based population information provided on the NYCDCP website at <http://www.nyc.gov/html/dcp/html/census/popcur.shtml>, the City's population, as of July 2014, was 8,491,079, an increase of 2.8 percent since April 2010. The largest change in the City's population occurred in Brooklyn, growing by 4.7%, followed by Queens (4.1%), Manhattan (3.8%), the Bronx (3.2%), and Staten Island (1.0%). This data continues the general predicted upward trend in population projected in the SWMP. The quantity of waste handled by DSNY, has remained fairly constant during the planning period, decreasing slightly from an average of 10,836 tpd in calendar year 2011, to 10,827 tpd in calendar year 2013, and 10,635 in calendar year 2014.

As noted in the last two SWMP Compliance Reports, the City's economic circumstances have continued to change since SWMP approval. During 2011 and 2012, the City was still recovering from the economic recession and fiscal crisis that affected the nation's banking and financial sectors, which resulted in decreased tax revenues for the City. During the Reporting Period, however, the City's tax revenues grew steadily, and are anticipated to increase by an average of 4.2% through 2018. City capital commitments decreased from a peak of \$11.7 billion in 2008, falling to \$7.1 billion in 2012, but have increased once again to \$11.3 billion in 2014. Unemployment rates have continued to drop in the City, falling from 8.9% in January 2013, to an estimated 6.3% in December 2014, according to the US Bureau of Labor Statistics.

## SECTION 2 – ACCOMPLISHMENTS

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

**Table 1:  
Completed Recycling SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES</b>			
<b>MATERIALS PROCESSING FACILITY, 30<sup>TH</sup> STREET PIER AT SBMT</b>			
City and SHN execute 20-year agreement	2007	§ 2.3.1 + 2.4.3	Completed
SHN’s facility to receive MGP	2011	§ 2.3.1 + 2.4.3	Completed CY2013
<b>NEW INITIATIVES – RECYCLING</b>			
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion with percentage goals	2007	§ 2.4.1	Completed
Reach resolution on draft legislation to revise LL19	2008	§ 2.4.1	Completed
Electronics recycling Citywide events and mailings	Ongoing	§ 2.4.5	Completed; preempted by State EPR e-waste law enactment
Develop electronics recycling legislative initiative	2007	§ 2.4.5	Completed
<ul style="list-style-type: none"> <li>▪ Issue Citywide Waste Characterization Study</li> <li>▪ Final Report</li> </ul>	2007	§ 2.4.2	Completed
Submit Council on the Environment (a.k.a. GrowNYC) Outreach and Education Office work plan and budget	2007	§ 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations	2007	§ 2.4.0	Completed
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public	2009-10	§ 2.4,3.1	Completed; additional plastics added to the program in FY 2013

**Table 1:  
Completed Recycling SWMP Milestones**

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
Issue various new public education materials	Ongoing	§ 2.4.7.4	Completed
Conduct public recycling pilot	2007	§ 2.4.9	Completed
<b>NEW INITIATIVES – WASTE REDUCTION</b>			
Develop, launch and promote Stuff Exchange Website	2007-8	§ 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report	2007-8	§ 2.4.2.2	Completed
Market Wa\$teMatch to add focus on hospitality, healthcare and property management industries	2010-12	§ 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction	2007-8	§ 2.4.4.3	Completed
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens	2005	Attachment VI, § 1.7.5	Completed
Seek regulation to require residents to set out leaves in paper bags, educate public and retailers	2007	§ 2.4.8	Completed
Issue electronic newsletter	Ongoing	§ 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot	2008	§ 5.4	Completed
NYCDEP to complete food waste disposal feasibility study	2009	§ 5.4	Completed
Issue new HHW reduction publication	2007	§ 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection	2007-8	§ 2.4.6	Completed
Commence HHW collection contract	2009	§ 2.4.6	Completed
Establish Composting/New Technology Facility Task Force	2008	§ 2.4.8.4	Completed
Support legislation to require composting of landscaping organic waste/subsidize + promote bins	N/A	§ 2.4.8.3	Completed

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES</b>			
<b>DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN</b>			
Complete design and permitting	2007	See § 3.2	Completed
<b>DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET, BROOKLYN</b>			
Complete design and permitting	2007	See § 3.2	Completed FY 2014
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>			
Complete design and permitting.	2007	See § 3.2	Completed FY 2013
<b>DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS</b>			
Complete design and permitting	2007	See § 3.2	Completed
<b>BRONX LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design permitting and construction, if required, <sup>1</sup> and begin facility operation	2007	See § 3.2	Completed
<b>BROOKLYN LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation	2009	See § 3.2	Completed
<b>QUEENS LONG TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed FY 2014

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

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>STATEN ISLAND TRANSFER STATION</b>			
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See § 3.1 + Table 3.2-1	Completed
<b>CONVERTED MTS REPORTING/PERMITTING</b>			
Report to Council on RFP process/permit approvals for MTSs	2008	See § 3.7	Completed
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>			
Issue Phase 2 Alternative Technology Evaluation	2007	See § 5.2	Completed
Evaluate development of a pilot project to establish the basis for commercial application	2012	See § 5.2	Completed
<b>INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY</b>			
Complete contract negotiations, award contract and commence service	2007	See § 3.2	Completed FY 2013

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

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

**SECTION 3 – SWMP STATUS / IMPLEMENTATION**

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

**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES</b>				
<b>MATERIALS PROCESSING FACILITY, 30<sup>TH</sup> STREET PIER AT SBMT</b>				
City and SHN execute 20-year agreement		2007	§ 2.3.1 + 2.4.3	Completed
SHN’s South Brooklyn processing facility to begin receiving paper in addition to MGP	2013	2011	§ 2.3.1 + 2.4.3	Completed CY2013
<b>MANHATTAN ACCEPTANCE FACILITY</b>				
Finalize site selection and complete design and permitting	2014	2008	§ 2.3.2	Gansevoort design effort and approvals/permitting to start in FY 2015 if MOU executed
Complete construction and begin facility operation	2017	2011	§ 2.3.2	Delayed; construction to begin post FY 2015
<b>NEW INITIATIVES – RECYCLING</b>				
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion w/percentage goals		2007	§ 2.4.1	Completed

**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Reach resolution on draft legislation to revise LL19		2008	§ 2.4.1	Completed
Electronics recycling Citywide events and mailings		Ongoing	§ 2.4.5	Completed; preempted by State EPR e-waste law enactment
Develop electronics recycling legislative initiative		2007	§ 2.4.5	Completed
<ul style="list-style-type: none"> <li>▪ <u>Issue Citywide Waste Characterization Study</u></li> <li>▪ Final Report</li> </ul>		2007	§ 2.4.2	Completed
Conduct public education market research		Ongoing	§ 2.4.7.1	Completed
Submit Council on the Environment Outreach and Education Office work plan and budget		2007	§ 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations		2007	§ 2.4.0	Completed
Increase recycling diversion rate		Ongoing	§ 2.4.1	Ongoing; rate impacted by recession and widespread scavenging of recycling curbside – BBBB and non- BBBB items
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Ongoing
Begin recycling re-education of City Agencies and institutions		2007	§ 2.4.0	Ongoing



**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public		2009-10	§ 2.4.3.1	Completed. Rigid plastics added FY 2013
DSNY/BIC to report on completed study on efficacy of current laws and feasibility of increasing commercial recycling and report and discuss cost effective ways to improve diversion		2010	§ 2.4.7.5	On-going; report to be issued in 2015
2010 review of SWMP recycling initiatives		2010-11	§ 2.5.1	Completed
Issue various new public education materials		Ongoing	§ 2.4.7.4	Completed
Conduct public recycling pilot		2007	§ 2.4.9	Completed
<b>NEW INITIATIVES – WASTE REDUCTION</b>				
Develop, launch and promote Stuff Exchange Website		2007-8	§ 2.4.4.1	Completed
Pilot spring yard waste collection on SI and report		2007-8	§ 2.4.2.2	Completed
Market Wa\$teMatch to add focus on hospitality, healthcare and property management industries		2010-12	§ 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction		2007-8	§ 2.4.4.3	Completed

**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Resume yard waste collection (where permitted composting facilities are available)	2013	2005	Attachment VI, § 1.7.2	Originally scheduled by local law to commence in Spring 2013. Postponed by LL 77 in 2013 pending outcome of food waste pilot evaluation in 2015
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens		2005	Attachment VI, § 1.7.5	Completed
Seek regulation revision to require residents to set out leaves in paper bags, educate public and retailers		2007	§ 2.4.8	Completed
Issue electronic newsletter		Ongoing	§ 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot		2008	§ 5.4	Completed
NYCDEP to complete food waste disposal feasibility study		2009	§ 5.4	Completed
Issue new HHW reduction publication		2007	§ 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection		2007-8	§ 2.4.6	Completed
Commence HHW collection contract		2009	§ 2.4.6	Completed
Establish Composting/New Technology Facility Task Force		2008	§ 2.4.8.4	Completed
Resolve feasibility issues regarding development of on-site food composting facility at Hunt's Point Food Center	2014	2007	§ 2.4.8.2	Ongoing: OLTPS & EDC

**Table 4:  
SWMP Milestones – Recycling**

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

### **3.1 RECYCLING NARRATIVES:**

#### **3.1.1 RECYCLABLES PROCESSING/XMAS TREE AND YARD WASTE COMPOSTING:**

DSNY's adopted budget for the Reporting Period allocated sufficient funds to process metal, glass and plastic recyclables, and post-holiday Christmas tree composting. Yard waste collection however, had been temporarily suspended, and was scheduled in Local Law 37 of 2010 to be restored in spring 2013. Subsequently, yard waste collection was further postponed until the residential food waste pilot program is fully evaluated, now scheduled for fall 2015. A description of this pilot program is provided below. The Fresh Kills Compost Facility remains the major outlet for landscaper waste in NYC for composting. No further viable sites for municipal composting have been identified by the compost siting task force.

#### **3.1.2 RECYCLABLES PROCESSING/FOOD WASTE PILOT PROGRAMS:**

Under Local Law 42 of 2010, DSNY and the Mayor's Office of Long-Term Planning and Sustainability (OLTPS) were to develop a report on the methods and cost of food composting by July 1, 2012. This study was superseded by the implementation of a number of food waste collection programs. In fall 2012, DSNY began offering curbside collection of organic waste – including food scraps, food-soiled paper, and yard waste – to select NYC schools, residences, and institutions. This service, called for in Local Law 77 of 2013, is a pilot program to divert organic material from disposal for beneficial use. During the Reporting Period, the organics collected were composted at the DSNY Staten Island facility, Peninsula Compost in Wilmington, DE, New Milford Farms in New Milford, CT, Ag Choice in Andover, NJ, McEnroe Organic

#### **Schools**

Under Local Law 41 of 2010, recycling plans for each Department of Education (DOE) school were to be developed and implemented with compliance reports submitted to DSNY annually beginning in 2013. In addition to the placement of recycling bins in classrooms, lunchrooms and entrances, DSNY is also conducting a number of pilots in NYC public schools. These include a pilot program to remove Styrofoam trays from schools to facilitate better feedstock for composting. Beginning with the 2012-13 school year, DSNY partnered with DOE to provide

separate collection of organic wastes to 90 public schools in Brooklyn, Manhattan, and Staten Island. During the 2013-14 school year, the organics collection program had more than 300 schools participating. In October 2014, the program expanded to include a total of 722 public schools.

### **Residences/Agencies/Institutions**

In 2013, DSNY also began collecting organic waste, including food scraps, soiled paper, and yard waste, which makes up an estimated third of DSNY-managed waste, from single family homes and small residential buildings. The voluntary program reached over 30,000 households in the Bronx, Brooklyn, and Staten Island. In 2014, DSNY further expanded the program to reach 100,000 households. In June 2015, the program will add approximately 35,000 new households including Northern Bay Ridge (starting the week of June 8) and Greenpoint and North Williamsburg (starting the week of June 15). More than 6,500 tons of material has been collected since the program's start.

DSNY is also recruiting large multi-unit residential buildings, agencies and institutions and eligible private schools to participate in organics collection. As of December 2014, the program serviced 21 large residential buildings, three private schools, and 11 city agency locations including Gracie Mansion and City Hall.

#### **3.1.3 RECYCLABLES PROCESSING/ADDITIONAL MATERIALS:**

In accordance with Local Law 35 of 2010, DSNY evaluated the recycling of rigid plastic containers and began to conduct outreach programs once it was determined that these materials would be recycled. In 2013, DSNY added all rigid plastics to its recycling program.

#### **3.1.4 PUBLIC SPACE RECYCLING:**

In accordance with Local Law 38 of 2010, 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. During the Reporting Period, DSNY had in excess of five hundred (500) public space recycling sites situated throughout all five boroughs, including in

many City parks (achieving the Public Space Recycling receptacle goal set forth in Local Law 38 of 2010 almost two years early). The receptacles are bright blue and green containers placed, in most cases, adjacent to one another and alongside a trash receptacle to discourage cross-container contamination. In 2012, DSNY redesigned and bid out for manufacture new Public Space Recycling receptacles. At the end of 2014, there were 2,930 Public Space Recycling receptacles on City streets.

### **3.1.5 CITY AGENCY RECYCLING:**

Under Local Law 36 of 2010, starting July 1, 2011, city agencies were required to submit to DSNY plans to increase waste reduction and recycling in all city-owned and city-managed buildings, and prepare annual updates each year thereafter. As a direct result, there has been greater compliance by city agencies and a dramatic increase in the number of agency plans and annual reports received by DSNY.

### **3.1.6 OUTREACH:**

DSNY's Bureau of Recycling and Sustainability staff has continued to enhance the existing DSNY-provided web based resources for residents and building management. All of the public education materials are available as downloadable resources which can be printed from the convenience of one's home. Bureau staff has continued to provide information, decals and brochures through 311 requests and DSNY's various websites.

To promote recycling diversion, the Bureau's recycling outreach staff has also continued to assist the City's landlords, building managers, co-op boards and condo associations, and building superintendents requesting DSNY education and assistance to improve their buildings' recycling rates. The Bureau's outreach staff is a constant presence in the five boroughs, attending various tenant, coop, and condo association meetings, as well as providing hands on outreach assistance to individual superintendents and building management where needed.

More recently, the City conducted a "Recycle Everything" advertising campaign. The multi-media campaign included a citywide mailing that advised the residents of NYC of the fact that additional plastics can now be recycled. Also, as described below, two new programs were

launched that target textiles and e-waste. Both programs, described in more detail below, are designed to be convenient - apartment dwellers can recycle those materials in their own buildings.

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

The Sims Municipal Recycling's construction of the recyclables processing facility at the South Brooklyn Marine Terminal began in fall 2011 and continued through 2013. The MRF, which accepts DSNY-managed metal, glass and plastic recyclables predominantly by barge began accepting and processing materials at the new facility in December 2013. The Recycling Education Center opened in 2014. A wind turbine located on-site, the first turbine permitted to operate in the City, began operations in 2014. The turbine and the rooftop photovoltaic array provide a portion of the electrical needs of the energy intensive facility.

### **3.1.8 ELECTRONICS AND HOUSEHOLD HAZARDOUS WASTE RECYCLING:**

#### **Electronics**

NYC residents can recycle computers, televisions and related devices through legally-mandated programs funded by electronics manufacturers, at no cost to residents, with no purchase requirements. Examples of these take-back programs include drop-off sites at Goodwill, Salvation Army, Best Buy, Staples and the Lower East Side Ecology Center.

NYC apartment buildings can sign up for e-cycle NYC, a program which is free and convenient for NYC residents. Apartment buildings with more than 10 units are eligible for a variety of service options including the removal of electronics that are self-stored, providing a locking bin to store electronics prior to pick-up, making it easier for residents who cannot readily transport large electronics to drop-off or retail take-back events. The City's e-cycleNYC partner is Electronic Recyclers International (ERI), who is certified with e-stewards and R2/RIOS, ensuring that all materials will be handled in an environmentally responsible manner and not landfilled or exported illegally. ERI also will fully erase data as part of the recycling process. Since the State ban on electronic waste disposal took effect on January 1, 2015, more than 3,900 additional buildings and complexes have signed up to join the e-cycleNYC program.

## e-cycleNYC Program

	<b>Tons Collected</b>	<b>Buildings Enrolled</b>	<b>Households</b>
<b>2013</b>	5	117	23,176
<b>2014</b>	117	406	70,463
<b>Total</b>	<b>122</b>	<b>523</b>	<b>93,639</b>

## Household Hazardous Waste

e-cycleNYC also collects electronics at SAFE Disposal events which are held annually in each borough, and where NYC residents can discard not only their electronics, but other harmful household products as well. DSNY, in accordance with Local Law 39 of 2010 continued to conduct HHW drop-off days in each borough through 2014. In 2015, DSNY plans to double the amount of events to ten events per year (two per borough).

## SAFE Disposal Events

	<b>Electronics</b>	<b>Harmful Products</b>	<b>Pharmaceuticals</b>	<b>Total Attendees</b>
<b>2013</b>	300,233	367,862	1,911	7,164
<b>2014</b>	329,833	389,594	2,624	9,023

In 2014, DSNY expanded the hours of its Household Special Waste Drop-Off Sites to include every Saturday plus the last Friday of every month. In addition, DSNY was forced to close its Manhattan site at 12<sup>th</sup> Avenue and 30<sup>th</sup> Street, but was able to find and open a new location at Pike Slip under the Manhattan Bridge.

Pursuant to Local Law 33 of 2010, DSNY was required to establish a voluntary paint stewardship program by August 16, 2011, under which manufacturers, distributors and retailers could establish a reclamation system for accepting unwanted paint from consumers. DSNY continues to work with City Halls' legislative office to establish a future NYS law for paint stewardship. Meanwhile, DSNY has worked with paint industry representatives and provides information gleaned from its paint collections at DSNY Household Special Waste Drop-Off Sites and at annual HHW borough-based events.



### 3.2 OTHER RECYCLING PROGRAMS / TEXTILES:

Local Law 38 of 2010 required DSNY to establish a citywide textile reuse and recycling program on city-owned or city-managed property throughout the City, prior to January 1, 2011. DSNY established its citywide program, re-fashionNYC, for apartment buildings with 10 or more units in 2010. This program provides donation bins for eligible buildings to reuse and recycle unwanted clothing and linens. The Apartment Building Recycling Initiative helps building managers, supers, and residents to improve recycling operations through on-site assessments and training. This program is a partnership between the City and Housing Works, and is expected to grow slowly in response to participation requests and Housing Works' ability to expand its services.

#### re-fashionNYC Program

	<b>Tons Collected</b>	<b>Buildings Enrolled</b>	<b>Households</b>
<b>2013</b>	548	131	26,092
<b>2014</b>	964	172	29,764
<b>Total</b>	<b>1,512</b>	<b>303</b>	<b>55,856</b>

**ALL LONG-TERM EXPORT MILESTONES: STATUS AND IMPLEMENTATION**

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

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES</b>				
<b>DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Complete Negotiations/Award in FY 2016 (October 2015)
Complete design and permitting	2008	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	2010	See § 3.2	Construction Underway and Expected to be complete in summer 2015
<b>DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET, BROOKLYN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Complete Negotiations/Award in FY 2016 (October 2015)
Complete design and permitting	2012	2007	See § 3.2	Design/ Permitting Completed in FY 2014 (November 2013)
Complete construction and begin facility operation	2017	2010	See § 3.2	Construction begin in December 2014
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Awarded in FY 2014 (July 2013)
Complete design and permitting.	2012	2007	See § 3.2	Design/Permitting Completed in FY 2013 (July 2012)
Complete construction and begin facility operation	2016	2010	See § 3.2	Construction began in FY 2013 (March 2013)

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

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Awarded in FY 2014 (July 2013)
Complete design and permitting	2010	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	2010	See § 3.2	Operations began in FY 2015 (March 2015)
<b>BRONX LONG TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed
Complete design permitting and construction, if required, <sup>2</sup> and begin facility operation	2008	2007	See § 3.2	Completed
<b>BROOKLYN LONG TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation		2009	See § 3.2	Completed
<b>QUEENS LONG TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2013	2007	See § 3.2	Awarded in FY 2014
Complete design, environmental review, permitting and construction and begin facility operation	2013	2009	See § 3.2	Design and environmental review completed in FY 2014 Service scheduled for July 2015

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

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

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY</b>				
Complete contract negotiations, award contract and commence service	2012	2007	See § 3.2	Completed FY 2013
<b>STATEN ISLAND TRANSFER STATION</b>				
Complete facility construction		2007	See § 3.1 + Table 3.2-1	Completed
Begin facility operations and implement long term service agreement for container rail transport and disposal		2007	See § 3.1 + Table 3.2-1	Completed
<b>CONVERTED MTS REPORTING/PERMITTING</b>				
Report to Council on RFP process/permit approvals for MTSs		2008	See § 3.7	Completed
Report to Council if any of the MTS agreements are not finalized by 2010 and recommend (as appropriate) proposed SWMP modification on handling residential solid waste	2012	2010-11	See § 3.7	Completed FY 2012
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>				
Issue Phase 2 Alternative Technology Evaluation		2007	See § 5.2	Completed
Evaluate development of a pilot project to establish the basis for commercial application	2012	2007	See § 5.2	Completed; RFP Issued March 2012 and Cancelled in FY 2014

### **3.3 LONG-TERM EXPORT IMPLEMENTATION**

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

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

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

Permitting: After substantial completion of the final MTS design and having obtained approval for the project under the City's Uniform Land Use Review Procedures, NYSDEC issued final State permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) to operate and construct (including demolition of the existing over-water MTS and construction dredging) the MTS on June 3, 2008 (renewed in June 2013). The project requires an Army Corps of Engineers (ACOE) permit for in-water demolition and dredging activities and, the construction of a barge fendering system; the ACOE nationwide permit was issued for the MTS on May 22, 2008 (renewed in 2010).

Construction: Pursuant to competitive bid procurement, DSNY received construction bids for the MTS on May 28, 2009 and awarded contracts thereafter. Construction began in May 2010 and is expected to be completed in summer 2015. In the aftermath of Super Storm Sandy, flood proofing measures were incorporated into the design of the MTS.

Operations: MTS operations are expected to begin once a transport and disposal vendor can be procured and can provide service (expected in fall 2016).

### **3.3.2 SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, (BENSONHURST) BROOKLYN**

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

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

Permitting: After substantial completion of final designs for the MTS and having obtained approval for the MTS under the City's Uniform Land Use Review Procedures, DSNY submitted

the final permit applications for the State environmental permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) needed for the construction and operation of the facility in January/February 2007. In support of its permit application, DSNY held an Environmental Justice Informational Meeting on the project in the Southwest Brooklyn Converted MTS community on April 16, 2007. A Notice of Complete Application and draft permits were issued for the project on August 29, 2007. The Notice established an October 1, 2007 deadline for public comments. Based on the comments received, NYSDEC referred the permit application to NYSDEC Office of Hearings and Mediation Services and assigned an Administrative Law Judge (ALJ) to oversee the permit proceedings.

The NYSDEC permit process began with a Legislative Hearing in the community on January 15, 2008 that was presided over by the ALJ. Opponents of the project seeking party status were heard at an Issues Conference held at NYSDEC Region 1 offices on January 23, 2008. Briefing opportunities were provided to NYSDEC staff, DSNY and those seeking party status. In July 2009, the ALJ issued Ruling on Issues and Party Status (Rulings) that held that there were no issues to adjudicate, the record was closed and the permit application is remanded to NYSDEC staff for processing. An appeal of the Rulings was filed by Assemblyman William Colton on behalf of NY/NJ Baykeeper, Natural Resources Protective Assn., Wake Up and Smell the Garbage, Urban Divers Estuary Conservation and the No Spray Coalition (Appellants). The appeal was denied and DEC issued the above-described State environmental permits in July 2012. An appeal of the issuance of the permits was filed by Appellants and was perfected. Briefs were filed by the City and Appellants in 2014. Appellants also sought a stay of construction, which was denied.

DSNY was issued a permit to construct the Southwest Brooklyn Converted MTS by the U.S. Army Corps of Engineers in November 2013. The ACOE permit is 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. In the aftermath of Super Storm Sandy, flood proofing measures were incorporated into the design of the MTS.

Construction: A construction contract was awarded in 2014 and construction began in December 2014 and is expected to be completed in approximately three years.

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

Project Overview: The proposed E. 91<sup>st</sup> Street Converted MTS will replace the existing MTS on the site and serving the same waste shed as the former MTS (Manhattan Collection Districts 5, 6, 8 and 11), will accept an average of 720 tons per day of DSNY-managed waste from those communities. In the evening hours, the facility will accept up to 780 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

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

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



and Mediation Services and assigned an Administrative Law Judge (ALJ) to oversee the permit proceedings.

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

DSNY filed timely and complete renewal applications for the State environmental permits for the MTS in April 2014.

DSNY applied for a U.S. Army Corps of Engineers permit to construct the E. 91<sup>st</sup> Street Converted MTS to the Army Corps of Engineers in 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 comment period on the permit application. DSNY provided ACOE with responses to the comments received. DSNY submitted a Mitigation Plan in June 2011 and thereafter USACE issued a Supplemental Public Notice on July 25, 2011, establishing

a 30 day written comment period on the Mitigation Plan. The USACE permit was issued on July 20, 2012.

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

Two lawsuits were brought in 2010 to challenge the issuance of the NYSDEC permits for the facility. The issuance of the DEC permit was subsequently upheld by the Court. Two lawsuits were brought in 2012 to challenge the issuance of the USACE permit. Decisions on these lawsuits resulted in the dismissal of both lawsuits in 2014.

Construction: A competitive bid solicitation issued for the construction of the project in January 2012 resulted in the registration of a construction contract in December 2012. Construction began in March 2013, with the demolition of the existing MTS primarily completed (except for the ramp) in 2013. Construction of the MTS is expected to be completed in 2017. In the aftermath of Super Storm Sandy, flood proofing measures were incorporated into the design of the MTS.

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

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

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

Permitting: After substantial completion of final designs for the MTS and having obtained approval under the City's Uniform Land Use Review Procedures, DSNY obtained NYSDEC environmental permits to construct (including demolition of the existing MTS and construction dredging) and operate the MTS (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters in September 2007 (renewed in 2012).

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 required an ACOE permit for in-water demolition and construction and dredging activities, the construction of a barge fendering system

and barge staging that will affect littoral and non-littoral zones. The final ACOE permit was issued on January 11, 2010.

Construction: Pursuant to a competitive bid solicitation, DSNY received construction bids for the project on March 12, 2009 and awarded contracts thereafter. Construction was substantially completed in early 2015; training activities for the facility began in November 2014. Because of its proximity to LaGuardia Airport, to ensure the safety of air traffic in the vicinity of the MTS, modifications were made to the MTS to deter wildlife, especially birds, from the MTS and an MTS wildlife hazard management plan was implemented that is managed by a USDA wildlife biologist. In the aftermath of Super Storm Sandy, flood proofing measures were incorporated into the design of the MTS.

Operation: The MTS began operations in March 2015.

### **3.3.5 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 waste shed 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.

### **3.3.6 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 waste shed historically handled by the Greenpoint Marine Transfer Station. The Service Contract terms require the Company to accept, manage, transport and dispose of Brooklyn long-term Service Contract waste (“Contract Waste”), delivered by the City to the Company’s Varick Avenue Transfer Station located at 215 Varick Avenue, Brooklyn, New York 11237. The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by the Company for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain holidays. The Company must manage, operate and maintain the Varick Avenue Transfer Station.

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

At the request of Brooklyn elected officials, a Brooklyn Long-Term Export Facility Community Advisory Group (CAG) was established in 2008 in connection with the Brooklyn long-term export Service Contract. The CAG was established to advise the Mayor and the City Council on the operation of the Varick Avenue Transfer Station.

### **3.3.7 QUEENS LONG TERM EXPORT PROCUREMENT**

In November 2013, DSNY awarded to Waste Management of New York, L.L.C. (WM), a long-term rail export Service Contract for the use of Review Avenue Transfer Station (Review Avenue TS or TS), located at 38 - 22 Review Avenue in Maspeth, Queens, to containerize, export by rail and dispose of the approximately 1,200 tons per day generated by Queens Collection Districts 1 - 6 and includes the Queens waste shed formerly served by the Greenpoint MTS. This contract is 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.

In May 2009, WM applied for an NYSDEC Part 360 permit modification to increase capacity and revised its application in December 2011 to reflect new dray and rail yard plans in response to community concerns about its plans to dray containers approximately 1.5 miles (round trip) to the Maspeth Railyard through the Rust Avenue intersection expressed in an Environmental Justice Meeting held by WM in June 2009 in connection with the permit modification. The modification was issued in June 2012.

In September 2013, WM submitted an application to further modify the permit to allow for on-site rail so as to eliminate the proposed dray of containers to and from Review Avenue TS's western entrance and the Blissville Yard, a 100 meter round trip on Railroad Avenue and to enlarge the existing processing building rather than build a new processing building on another portion of the site. The permit application was supported by a SWMP FEIS Technical Memorandum. NYSDEC approved the permit modification for the TS in 2014; service will begin under the Service Contract in June 2015.

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

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

DSNY entered into a 20-year Government to Government 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 waste sheds historically served by the W. 59th Street and W. 135<sup>th</sup> Street MTSs. The operator of the facility is Covanta Essex County. Service began under the Agreement in October 2012. Pursuant to the Agreement, DSNY delivers an average of 1,600 tons per day of DSNY-managed waste in collection vehicles to the mass burn facility, six days per week.

### **3.3.9 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 NYSDEC Part 360 permit expires on March 12, 2012. The SITS accepts only Staten Island DSNY-managed waste, an average of approximately, 750 tons per day. Allied Waste Systems, Inc. (now owned by Republic Services, Inc.), operates the SITS railyard and provides rail transport and disposal of all of Staten Island's DSNY-managed waste pursuant to a 20-year Service Contract. The waste is disposed in the Lee County Landfill, located in Bishopville, South Carolina. The SITS received the Solid Waste Assn. of North America's Golden Transfer Station award in 2008 for excellence in facility design and operation.

### **3.3.10 CONVERTED MTS REPORTING/PERMITTING**

Pursuant to SWMP Section 3.7, DSNY is required to report to the New York City Council on the progress of the Request for Proposals procurement processes and other approvals and contract awards needed to use the four Converted Marine Transfer Stations proposed for construction and operation as facilities that would containerize DSNY-managed waste and some portion of commercial waste for barge transport and barge or rail export to a disposal facility. DSNY submitted a Progress Report to City Council on Implementation of the Marine Transfer Station Conversion Program in April 2008, including on the establishment of Community Advisory Groups.

In 2011, the City met with the leadership of the New York City Council on the revised SWMP implementation schedule following DSNY testimony at City Council hearings in 2009, 2010 and 2011 about delays in the MTS projects. Thereafter, in March 2012, DSNY provided the

February 2012 Revised SWMP Compliance Report for the period of 2009 through 2010 to the New York City Council.

### **3.3.11 MTS TRANSPORT AND DISPOSAL CONTRACT**

During the Reporting Period, DSNY continued to negotiate two 20-year Service Contracts (with two five-year renewals) with vendors selected for discussions through a Request for Proposals procurement and Best And Final Offer processes that solicited vendors to accept operate/maintain the gantry cranes and accept loaded containers at the four proposed Converted MTSs and transfer those containers by barge for disposal to an intermodal facility onto rail cars or larger barges for disposal at an out-of-City disposal facility. A contract award to Covanta 4Recovery LP was made in July 2013 for the North Shore and E. 91<sup>st</sup> Street MTSs. Negotiation of the second award under the procurement for the two Brooklyn MTSs was terminated in November 2014 with the issuance of a new 20-year contract procurement – a Request for Proposals to Transport and Dispose of Containerized Waste from Hamilton Avenue and Southwest Brooklyn Marine Transfer Stations. Given that the Hamilton Avenue MTS is nearly complete, the RFP sought vendor services for Hamilton Avenue MTS within one year of the issuance of a contract notice to proceed so that service can begin at that MTS in 2016. The RFP also sought optional proposals from vendors to recover additional recyclables, including organics, from the MSW accepted. Proposals are now under evaluation and a contract is expected to be awarded in October 2015.

### **3.3.12 ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING**

Pursuant to SWMP Section 5.2, the New York City Economic Development Corporation was required to issue a Phase 2 Study that followed up its a Phase 1 Report on its Evaluation of New and Emerging Solid Waste Management Technologies that appeared in the SWMP. Based on a review of successful projects outside the United States, the Phase I Study concluded that anaerobic digestion and thermal processing technologies merited further consideration for a potential demonstration project in New York City, the results of which could foster an appropriate basis for commercial application once the project and legal risks were sufficiently defined. The Phase I Study also concluded that hydrolysis technology might also be the subject



of a demonstration project and recommended that a focused, detailed review be undertaken in the Phase 2 Study to supplement and verify the information provided for the Phase 1 Study before a final determination was made that any of the three technologies warranted a demonstration project in New York City. Thereafter, NYCEDC issued a Phase 2 Study Report entitled Focused Verification and Validation of Advanced Solid Waste Management Conversion Technologies conducted by Alternative Resources, Inc..

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

The Phase 2 Study contained detailed, independent technical and environmental reviews and evaluation for two anaerobic digestion technologies and four thermal processing technologies. On a technical basis, it was confirmed that anaerobic digestion and thermal processing technologies are in commercial application for mixed MSW and no issues were identified that would prevent the technologies from being piloted in New York City. Recyclable materials and process products recovery rates were verified (along with residue disposal needs) and equipment layouts and site requirements were developed. The environmental findings are that there is the potential for anaerobic digestion and thermal processing technologies to perform better than waste-to-energy facilities in some areas – decreased air emissions, less residue requiring disposal and better beneficial use of waste rates.

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

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

In March 2012, DSNY issued a Request for Proposals for New and Emerging Solid Waste Management Technology (RFP) in compliance with a SWMP requirement. The RFP sought proposals to develop new and emerging solid waste management technology pilot facilities to process DSNY-managed MSW. The RFP sought to replace one or more long-term export contracts with facilities in the City or region that would create energy and avoid the cost and impacts of long-term export transport and disposal of waste at remote landfills that emit greenhouse gases or at other disposal facilities. Proven technologies such as mass burn, traditional waste-to-energy and RDF technologies were not eligible for consideration. The RFP initially offered a portion of a site adjacent to the Fresh Kills Compost Facility for proposals; the site was subsequently withdrawn. Proposers were required to submit proposals for sites in the City or within 80 miles of the City's borders.

After evaluation of the proposals, DSNY cancelled the procurement in 2014, concluding that there were a number of challenges presented by the anaerobic digestion (AD) and plasma gasification proposals selected for contract negotiations, including high costs for proposed facilities with low throughputs, and depending on the technology proposed, a failure to provide validated emissions testing (gasification) and unreasonably high residue rates (AD).

## ALL COMMERCIAL WASTE MILESTONES

**Table 6:  
SWMP Milestones – Commercial Waste**

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Current Status
<b>ASSESS FEASIBILITY OF USING WEST 59<sup>TH</sup> STREET MTS FOR PROCESSING COMMERCIAL WASTE</b>				
Issue an RFP to solicit private vendors		2007	See § 4.3 + 3.6	Completed
Report on West 59 <sup>th</sup> Street RFP process progress and required approvals		2008	§ 4.3 + 3.6	Completed
Report and recommend (as appropriate) SWMP modifications on commercial waste to Council if the City does not have an executed agreement for use of West 59 <sup>th</sup> Street MTS	2012	2009	See § 4.3 + 3.6	Revised SWMP Compliance Report dated 2/2012 submitted to City Council in 3/2012
<b>USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE</b>				
Assess alternative implementation methods	2013	2009	See § 4.3	Pending MTS Operation for 1 year
Implement selected method	2014	2010	See § 4.3	Pending MTS Operation for 1 year
Report on use of MTSs for transport and disposal of commercial waste	2015	2010	See § 4.3	Pending
Report to Council on status of commercial recycling and propose SWMP modifications if for 3 years in a row, any MTS receives less than 50% of commercial capacity analyzed in FEIS	Post 2017	Post 2010	See § 4.3	Pending; NSMTS commenced operation in FY2015 (March 2015)
<b>FUTURE MANHATTAN CAPACITY</b>				
Investigate potential alternative Manhattan solid waste transfer station locations and report to Council annually on efforts to identify alternative locations		2008	See § 3.6	Issued in 2008

**Table 6:  
SWMP Milestones – Commercial Waste**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>TRANSFER STATION CAPACITY REDUCTION</b>				
Commence negotiations with transfer station operators to seek transfer station putrescible and C&D capacity (permitted and used) reductions in select CDs		2006	See § 4.4	Oral agreements reached and under review by Council
Reach agreement on transfer station capacity reductions by April 2007, if not work with Council to draft legislation to accomplish reductions	2014	2007	See § 4.4	Negotiations w/Council in FY2014; DSNY to work w/Council to establish mutually acceptable reductions.
MTS host district specific and Bronx capacity reductions to occur	2014	2010	See § 4.4	Pending
<b>TRUCK TRAFFIC ANALYSIS</b>				
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2009	2008	See § 4.4	Completed; study for Brooklyn communities issued in 2008
<b>NYCDEP FOOD WASTE DISPOSAL STUDY</b>				
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City		2008	See § 5.4	Completed; RFP issued in 2007
Consultant to complete study		2009	See § 5.4	Completed; report issued in 2008

### **3.4 COMMERCIAL WASTE IMPLEMENTATION**

#### **3.4.1 ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE**

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

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

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

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

systems used in the transfer of coal dust, and intensive spraying of the C&D as it is dumped into the barge. The installation, operation and maintenance of these special systems were determined to place logistical restrictions on the paper transfer operations. As a result, DSNY determined that shared use of the MTS was infeasible. The exclusive use of the MTS as an export facility for the barging of Manhattan commercial waste was deferred until the paper operations can be moved to the new Gansevoort MTS recyclables facility, pending the execution of a Memorandum of Understanding between the City and the State for the funding of the new Gansevoort MTS (described in Future Manhattan Capacity below). The February 2012 Revised SWMP Compliance for the period of 2009 – 2010, submitted to the City Council, contained revised milestone dates for a number of SWMP milestones, including the development of a commercial waste export facility at West 59<sup>th</sup> Street MTS.

During the Reporting Period, DSNY began upgraded the truck weighing operation at the West 59<sup>th</sup> Street MTS so that there is now both an inbound and outbound scale. The scales have been appropriately located to prevent street queuing of collection vehicles. As part of this project, a deteriorating subsurface structure is being replaced under West 59<sup>th</sup> Street directly in front of the MTS and signage and interface is being improved between the MTS traffic, pedestrians and Hudson River Park Bikeway users. A refurbishment of the MTS, including in-water work, will be undertaken in 2015 and 2016 to fortify the structural integrity of the facility and ensure that it can support a future use over the next several decades.

### **3.4.2 USE OF CONVERTED MTSS TO CONTAINERIZE COMMERCIAL WASTE**

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

Each of the four proposed Converted MTSs has been designed to accept a portion of commercial waste between the hours of 8 PM and 8 AM, the hours when DSNY collections are very limited

and when commercial carters typically collect. Commercial waste trucks are limited pursuant to the Final Environmental Impact Statement for the SWMP to specific numbers in each hour of the delivery period so as to avoid noise exceedances during the quiet nighttime hours. Commercial waste maximum acceptance per day is as follows: North Shore – 1,000 tpd; E. 91<sup>st</sup> Street -- 780 tpd; Southwest Brooklyn -- 718 tpd; and Hamilton Avenue -- 1,274 tpd. DSNY will select and implement a mechanism to attract commercial waste to the MTSs as the MTSs begin operation.

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

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

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

Since the issuance of the Report, the State Legislature enacted legislation to amend the Hudson River Park Act to allow for the Gansevoort MTS to be constructed and to require that a Memorandum of Understanding (MOU) be executed that would delineate the financial and other responsibilities of the State and the City on the Gansevoort implementation project. The MOU, now in draft, has not yet been executed. A contract for design was awarded by DDC in 2014. Now pending execution of the MOU, the design and environmental review of the MTS project would be anticipated to be completed within two years; thereafter construction would be expected to take three years to complete. DDC will begin demolition of the DSNY facilities on the Gansevoort Peninsula starting in June 2015; DSNY will vacate its facilities in stages during the two-year phased demolition project.

#### **3.4.4 TRANSFER STATION CAPACITY REDUCTION**

Pursuant to SWMP Subsection 4.4.4, DSNY, in cooperation with the New York City Council, reached oral agreements on voluntary reductions in permitted transfer station capacity with the overwhelming majority of relevant transfer station operators. To do so, DSNY and the Council met with all the operators of the twenty-six (26) different putrescible and construction and demolition debris transfer stations located in the community districts of Bronx 1, Brooklyn 1 and Queens 12. As required by the SWMP, these reductions would 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 would be achieved within one year after the first MTS becomes operational.

SWMP-dictated factors to determine whether to reduce the lawful permitted putrescible capacity of a transfer station include: 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 of the negotiated voluntary transfer station capacity commitment reductions was reviewed by the New York City Council. In 2013, a bill was introduced in the City Council that would have reduced transfer station capacity in the four impacted Collection Districts. The bill was not enacted into law. In 2014, a similar transfer station capacity reduction bill was introduced in the City Council. The Council's Committee on Sanitation & Solid Waste Management has held a hearing on the 2014 bill. DSNY will continue to work with the Council to accomplish mutually acceptable reductions.

### **3.4.5 TRUCK TRAFFIC ANALYSIS**

Pursuant to SWMP Subsection 4.4.5 that required the conduct of a feasibility study of routing alternatives for commercial waste trucks, representatives of the New York City Department of Transportation (NYCDOT), DSNY and Urbitran Associates, Inc. met with members of the Greenpoint, Williamsburg and Bushwick communities in Brooklyn in November 2007 to outline the goals of the study. The proposed alternative routes were presented to the Brooklyn communities in September 2008.

### **3.4.6 NYCDEP FOOD WASTE DISPOSAL STUDY**

Pursuant to SWMP Section 5.4, the New York City Department of Environmental Protection (NYCDEP) procured a team of consultants to initiate a Food Waste Disposal Study in March 2007. The Study analyzed the economic, engineering, and environmental impacts that food waste disposers (FWD) could have on NYCDEP infrastructure and operations and on the current land-based commercial waste management system. The scope of services included a commercial food waste characterization study; laboratory analysis of food waste; evaluation of the current land disposal system for food waste; capital and operations and maintenance (O&M) impacts on sewers, other NYCDEP infrastructure, and programs including water conservation, nitrogen removal, combined sewer overflows, solids handling and disposal, secondary treatment, and sewer back-up and maintenance; the comparison of the two disposal methods; energy use assessments; and a neighborhood-scale study area assessment. The December 2008 Study analyzed 50% penetration of commercial food waste diverted by FWDs from food service establishments likely to use FWDs. The penetration of this food waste (approximately 500 tons per day) represents 4% of total commercial waste and would thus divert only a small percentage of the volume handled by commercial waste transfer stations and trucks.

The Study found that approximately nine trucks would be diverted from city streets by the diversion of food waste; this figure accounts for the reduction of solid waste disposal trucks which would be offset by the additional trucks required by NYCDEP to transport the increased sludge. The Study concluded 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 the 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.

#### 4.1 ADOPTED BUDGET HIGHLIGHTS

The City's budgets provided adequate expense and capital funding during the Reporting Period for recycling, composting, exportation of solid waste and Fresh Kills Landfill closure construction, as well as the continued implementation of the MTS Conversion Program. The Reporting Period and current expense funding for SWMP implementation is set forth in Table 9. The City's FY 2016 Capital Budget has not been adopted yet, but provided below in Tables 10 and 11 are Reporting Period and current Capital Budgets for SWMP programs.

**Table 9:  
EXPENSE BUDGET OTPS FUNDING**

<b>Programs</b>	<b>FY 2013*</b>	<b>FY 2014*</b>	<b>FY 2015**</b>	<b>FY 2016**</b>
<b>Metal, Glass &amp; Plastic Processing</b>	16,955,160	\$ 16,955,160	\$ 16,955,160	\$ 16,955,160
<b>Composting</b>	1,800,000	2,590,804	3,069,573	1,797,000
<b>Public Education/Outreach</b>	5,407,200	9,496,357	6,563,336	4,853,020
<b>(OREO FY 2010 only, Printing, Postage, Contracts &amp; Professional Services)</b>	2,108,500	12,649,175	5,275,237	3,469,210
<b>Household Hazardous Waste Program</b>	1,000,000	1,000,000	1,000,000	1,000,000
<b>Export Contractual Cost***</b>	338,199,234	308,273,528	348,911,611	393,732,015
<b>Fresh Kills Closure Cost</b>	30,450,000	28,611,691	55,954,476	83,530,060
<b>Long Term Export (Legal/Engineering)</b>	554,607	5,500,584	2,702,909	797,032
<b>Staten Island Transfer Station</b>	767,869	767,869	767,869	767,869
<b>Long-Term MTS &amp; Headquarters</b>	1,786,642	154,201	1,710,465	1,864,666
<b>Total</b>		\$385,999,369	\$455,940,480	\$841,939,849

**\*Information based on Executive Budget FY 2015**

**\*\*Information based on January Budget 2016**

**\*\*\*Includes interim and long-term export funds**

**Table 7:**  
**FY'14 ADOPTED CAPITAL BUDGET**  
**REPORTING PERIOD**  
**SWMP - Related Projects**  
**\$ in 000's (as of June 2013)**

<b>Item Description</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>Staten Island Transfer Station</b>	<b>\$0</b>	<b>\$0</b>
<b>Composting Remediation</b>	<b>\$1,651</b>	<b>\$0</b>
<b>Long-Term Export*</b>	<b>\$157,178</b>	<b>\$0</b>
<b>Long-Term Export Design**</b>	<b>\$3,700</b>	<b>\$0</b>
<b>Recycling</b>	<b>\$0</b>	<b>\$0</b>
<b>Totals</b>	<b>\$162,529</b>	<b>\$0</b>

\*Includes Export Equipment

\*\*Includes \$900 in FEMA funds

**Table 8:**  
**PRELIMINARY CAPITAL BUDGET**  
**CURRENT**  
**SWMP - Related Projects**  
**\$ in 000's**

<b>Item Description</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Staten Island Transfer Station</b>	<b>\$4,564</b>	<b>\$0</b>
<b>Composting Remediation</b>	<b>\$1,166</b>	<b>\$0</b>
<b>Long-Term Export*</b>	<b>\$75,009</b>	<b>\$0</b>
<b>Long-Term Export Design</b>	<b>\$0</b>	<b>\$0</b>
<b>Recycling</b>	<b>\$0</b>	<b>\$0</b>
<b>Totals</b>	<b>\$80,739</b>	<b>\$0</b>

\*Includes Export Equipment

#### 4.1.1 STAFFING LEVELS

Staffing was adequate during the Reporting Period and remains adequate to implement the SWMP projects.

**Table 9:  
HEADCOUNT**

<b>Programs</b>	<b>FY 2013*</b>	<b>FY 2014*</b>	<b>FY 2015**</b>	<b>FY 2016</b>
Recycling	30	40	41	61
Waste Management Eng.	20	20	20	22
Export Unit BWD & BCC	59	60	60	60
Staten Island Transfer Station	36	36	36	36
Long Term MTS & HQ	-	31	166	290
Adm. - SWMP IFA	3	3	3	3
Legal Affairs - SWMP IFA	1	1	1	1
Long Term Export Unit	11	10	11	11
<b><u>Total</u></b>	<b><u>160</u></b>	<b><u>201</u></b>	<b><u>338</u></b>	<b><u>482</u></b>

\*Actual Headcount \*\*January Budget 2016

#### **4.1.2 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).

#### **4.1.3 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**

### **5.1 DATA COLLECTION METHOD AND DATA SOURCES**

Sources for the data collected to provide the information in this Compliance Report include the City's 2014 Adopted Budget, DSNY's FY 2010/11 January Plan Civilian Headcount by Unit, the FY'14 –FY'23 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.

#### **5.1.1 LIST OF DESTINATIONS FOR SOLID WASTE GENERATED IN PLANNING UNIT**

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

#### **5.1.2 LIST OF DESTINATIONS FOR RECYCLABLES GENERATED IN PLANNING UNIT**

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

#### **5.1.3 NEW OR REVISED SOURCE SEPARATION AND/OR SOLID WASTE MANAGEMENT-RELATED LAWS, ORDINANCES, REGULATIONS, RESOLUTIONS AND RULES (TOGETHER LEGISLATION) WITHIN THE PLANNING UNIT**

The following local and state legislation on source separation or solid waste management were enacted or revised during the Reporting Period. Copies of the local laws or rules are provided in Attachments 4A (2013) and 4B (2014).

Local Legislation:

**Enhancements to the City's Recycling Scavenging Law**

Due to the increase of theft of valuable recyclable material from the curbside placed out for DSNY collection, on August 12, 2013, three local laws were signed to update and enhance the provisions of the City's anti-scavenging law.

Local Law 56 allows the City to continue enforcing against vehicle owners and operators who unlawfully remove recyclable materials from the curb placed out for DSNY collection, but strengthens the requirement that a lawfully written agreement must be in place between the building owner and the individual removing the materials. Local Law 56 also requires any building having four or more residential units, or occupied by a city agency or institution and which receives DSNY collection, to first request supplemental collection from DSNY before entering into outside agreements, and makes it unlawful for any person to remove a refrigerant-containing item or department-marked item that has been placed out by the owner for DSNY collection.

Local Law 57 significantly limits the ability for individuals to collect beverage containers using a motor vehicle on City streets. Any individuals wishing to collect bulk beverage containers on private property from more than one person must register with the DSNY, and ensure that their activities do not create a nuisance or hazardous condition by maintaining clean sidewalks and roadways around their site.

Local Law 69 requires manufacturers of appliances containing refrigerants to take responsibility for the disposal of their products either by developing their own programs or in conjunction with other manufacturers to remove refrigerants. DSNY will also maintain a program for the removal of refrigerants from appliances that are discarded for pick-up as residential waste.

### **Signs Posted on City-Owned Grassy Areas Adjacent to a Street**

In December 2013, Local Law 128 was enacted to amend the DSNY-enforced poster law by making it a violation to post, or cause to be posted, any handbills, ads, notices or other printed materials on city-owned grassy areas near a street.

### **City Fleet and Solid Waste Contract or Hauling Vehicle Emissions**

In September 2013, a cluster of related local laws were enacted to amend the Administrative Code to quantify or reduce the emissions from the vehicles in the City's fleet, reduce the emissions of heavy duty trade waste vehicles or address the lack of availability of best available retrofit technology for vehicles used in solid waste or recyclable material contracts:

- Local Law 73 was enacted to reduce the emissions of pollutants from vehicles used by or on behalf of the City of New York.
- Local Law 74 was enacted to allow an agency to issue a three year waiver for the use of best available retrofit technology by a diesel fuel-power vehicle or nonroad vehicle where the agency has entered into a solid waste or recyclable material contract and finds such technology unavailable for purchase for the vehicle. The waiver will allow the use of next best retrofit technology.
- Local Law 75 was enacted to require the calculation of and reporting on the fuel economy of light-duty and medium-duty vehicles in the City's fleet.
- Local Law 76 was enacted to require the City to achieve certain minimum percentage increases in the fuel economy of all light-duty vehicles purchased by the City during specified fiscal years.
- Local Law 145 was enacted to reduce the emission of pollutants from heavy duty trade waste vehicles by various means.



See Attachment 5 for additional information on DSNY's innovative green vehicle and equipment programs.

### **Opportunities to Cure DSNY Violations**

In April 2013, Local Law 35 was enacted to require certain City agencies, including DSNY, to review the provisions under the Administrative Code and the Rules of the City of New York which establish violations enforced by such agencies and report to the Mayor and Speaker on existing violations for which a fine or penalty may be assessed for which there is no cure period or other opportunity for ameliorative action by the parties subject to enforcement before imposition of a penalty or fine.

In December 2013, Local Law 153 was enacted to amend, among other sections that relate to the regulatory authority of other City agencies, Section 16-116, to allow first time offenders to cure violation of the rule that requires commercial businesses to provide for a waste hauler, post appropriate signage and register with the Department of Sanitation

### **Residential Organics Material Pilot Collection Program**

On October 2, 2013, Local Law 77 was signed authorizing DSNY to conduct a two year pilot residential and school organics collection program, with periodic reporting to the City Council on the efficiency of such collection program. DSNY must study the feasibility of combined collection of leaf/yard waste and organics, with an emphasis on participation rates and tonnage diversion. By October 1, 2015, DSNY will report to the Council on the benefits and costs of the pilot organics collection program and recommend whether it should be continue and expand citywide.

### **Restrictions on the Sale or Use of Expanded Polystyrene Foam**

On December 30, 2013, Local Law 142 of 2013 was signed requiring the Sanitation Commissioner to make a one-time determination of the recyclability of expanded polystyrene foam (EPS), commonly known as foam, by January 1, 2015. The law also bans the sale or use of

foam single service food use items in New York City beginning July 1, 2015 if the Sanitation Commissioner determines that EPS items are not recyclable. The determination was to be based on the criteria of environmental effectiveness, economic feasibility, and safety of DSNY employees and Sims Municipal Recycling, the City's recycling processor, and DSNY's ability to incorporate EPS items into its present metal, glass, plastic and carton commingled collection program (MGP program) without creating a separate collection or sorting system.

During 2014 DSNY conducted operational and financial analyses on the collection and sorting of EPS in the MGP program. DSNY, together with its recycling processor, also investigated markets for post-consumer EPS and the amount of EPS that would be recycled under the MGP program. DSNY concluded that there are currently no established markets to purchase and recycle EPS because these items were considered 'dirty' by current buyers. On January 1, 2015, DSNY Sanitation Commissioner Kathryn Garcia issued a determination that the recyclability of EPS failed on the basis of environmental effectiveness and economic feasibility.

### **Commercial Organics Composting**

On December 30, 2013, Local Law 146 of 2013 was signed requiring certain large commercial food-generating establishments in the City to arrange for separate collection of their organic waste material for composting, aerobic or anaerobic digestion, or other processing approved by DSNY by rule. Compliance with this requirement will become legally mandated if the Sanitation Commissioner determines there is sufficient processing capacity for the expected amount of organics material generated by and collected from commercial establishments. Local Law 146 becomes effective on July 1, 2015.

### **Publicly-Accessible Collection Bins**

Local Law 67 of 2014 ("Local Law 67") amended §10-169 of the Administrative Code of the City of New York ("Administrative Code"), which authorizes DSNY to regulate publicly accessible collection bins. Amendments to the law were needed to combat the increase in the illegal placement of publicly accessible collection bins throughout the City. Section 10-169 of the Administrative Code prohibits the placement of publicly accessible collection bins on City property, or property maintained by the City, or on any public sidewalk or roadway ("public

property”). Bins are allowed on private property if written permission of the property owner or the property owner’s designated agent is received. Pursuant to Local Law 67, DSNY is promulgating rules to require, among other things, all owners of publicly accessible collection bins placed on private property to register with DSNY, and to submit an annual report to the Sanitation Commissioner identifying the weight of the textile material collected during the reporting period.

**State Legislation:**

**Chapter 550 of 2013** prohibits the disposal of mercury thermostats as solid waste and requires manufacturers to create a take back program.

**Chapter 481 of 2014 (Effective 3/1/2015)** expands the current NYS plastic bag recycling law to require stores to accept film plastic in addition to plastic bags.

# ATTACHMENT 1

APPENDIX A.

DSNY Private Vendor Disposal Sites For FY13

Facility	Contracted Tons Per Day	Avg Delivered Tons Per Day	Price Per Ton	Tons/Day by disposal site	Disposal Sites Used	State	Miles to LFWTE	R/1 miles to LFWTE	Truck or RR	Long Haul Truck VMTs/yr (301 days)	RR VMT / year	In-City Miles to interstate	Long-hauls: Miles/year on In-City roads non-interstate	Long Haul City egress Hudson R. Crossing	In City Long Haul Truck trips/day	DSNY truck trips to/from facility/day
<b>STATEN ISLAND TRANSFER STATION</b> - 600 W. Service Rd Staten Island, New York	1,950	724	\$ 112.26	724	Lee County LF	SC	642	1284	RR	NA	3,730,859				0	135.3
<b>HARLEM RIVER YARD</b> 98 LINCOLN AVE BRONX, NY	3,150	1979	\$ 100.75	1979	Atlantic Waste Waverly LF	VA	665	1330	RR	NA	8,802,812			Selkirk	0	369.9
<b>WASTE MANAGEMENT</b> 215 VARICK ST BKLYN, N.Y.	2,000	596	\$ 92.56	0 1.2 32.2 562.6	Harlem R. Transfer Yd & Waverly LF** Bridgeport Resco * Westchester Resco, Peekskill* Grows North LF	VA CT NY PA	670 57 48 88	1340 114 96 176	T/RR T T T	0 1,878 42,549 1,359,242	0	1.6 2.0 1.3 1.3	0.0 65.7 1145.4 20013.2	Selkirk N/A N/A Goethals	0.0 0.1 2.9 51.1	0.0
<b>WASTE MANAGEMENT</b> 215 VARICK ST BKLYN, N.Y. <b>Long Term Contract</b>	1,425	749	\$ 144.06	748.60	Amelia/Maplewood Atlantic Waste Waverly LF	VA VA	659 674	1318 1348	RR RR	N/A N/A	0 3,944,714			Selkirk Selkirk		140.0
<b>WASTE MANAGEMENT</b> 485 SCOTT AVE BKLYN, NY	1500	16	\$ 92.56	11.4 0 4.6	Grows North Harlem R. Transfer Yd & Waverly LF** Westchester Resco, Peekskill*	PA VA NY	82 670 50	164 1340 100	T T/RR T	36,957 0 9,093	0	0.9 1.2 0.9	247.1 0.0 99.7	Goethals Selkirk Goethals	0.9 0.0 0.4	3.0
<b>IESI OF NY</b> 577 COURT STREET BROOKLYN, NY	600	234	\$ 93.96	2 38.6 110.7 82.8	Covanta - Delaware Valley - Chester * Bethlehem LF Blue Ridge LF Seneca Meadows LF	PA PA PA NY	112 96 230 295	224 192 460 590	T T T T	6,153 101,736 699,020 670,605		0.5 0.5 0.5 0.5	27.4 528.1 1514.6 1132.9	Goethals Goethals Goethals Goethals	0.2 3.5 10.1 7.5	43.7
<b>IESI OF NY</b> 110 50TH STREET BROOKLYN, NY	1,025	536	\$ 95.80	7 352.2 69.7 0 107	Covanta - Delaware Valley - Chester * Bethlehem LF Blue Ridge LF Keystone LF Seneca Meadows LF	PA PA PA PA NY	110 91 226 131 298	220 183 451 262 596	T T T T T	21,117 883,888 431,781 0 875,416		0.7 0.7 0.7 0.7	134.1 6746.2 1335.1 2049.5	Goethals Goethals Goethals Goethals	0.6 32.0 6.3 0.0 9.7	100.2
<b>ACTION ENVIRONMENTAL</b> 920 East 132nd Street Bronx, NY	500	20	\$ 85.00	0 20 0 0	Keystone LF	PA PA PA NY	155 130 114 293	310 260 228 586	T T T T	0 71,382 0 0		1.3 0.5 1.3 1.3	0.0 273.6 0.0 0.0	Goethals GWB Goethals Goethals	0.0 1.8 0.0 0.0	3.7
<b>ACTION ENVIRONMENTAL</b> 941 STANLEY AVENUE BROOKLYN, N.Y.	350	312	\$ 88.40	79.3 6.20 0 0 226.5	Covanta - Delaware Valley - Chester * Tullytown Covanta - Hempstead * Commonwealth Envir System Keystone LF	PA PA NY PA PA	117 83 30 180 130	234 166 60 360 260	T T T T T	254,726 14,128 0 0 808,399		5.7 5.7 5.7 5.7	12368.6 967.0 0.0 35327.8	Goethals Goethals Goethals Goethals	7.2 0.6 0.0 20.6	58.3
<b>BROOKLYN TRANSFER</b> 105-115 THAMES STREET BROOKLYN, NY	400	390	\$ 84.76	206 8 2 15 159	Covanta - Delaware Valley - Chester * Covanta - Hempstead * Grand Central Sanitary Keystone Meadows LF Grows North LF	PA NY PA PA PA	116 25 150 132 90	232 50 300 264 180	T T T T T	656,054 5,491 8,236 54,360 0		1.8 1.8 1.8 1.8	10146.4 394.0 98.5 738.8 0.0	Goethals N/A N/A Goethals Goethals	18.7 0.7 0.2 1.4 0.0 0.0	72.9
<b>WASTE MANAGEMENT</b> 38-50 REVIEW AVE QUEENS, NY	958	885	\$ 92.88	27.4 0 855 2.70	Westchester Resco, Peekskill* Harlem R. Transfer Yd & Waverly LF** Grows North Bridgeport Resco *	NY VA PA CT	49 670 88 60	98 1340 176 120	T T/RR T T	36,860 0 2,065,680 4,448	0	0.7 0.7 0.7 0.7	524.8 0.0 16377.1 51.7	Goethals Selkirk Goethals Goethals	2.5 0.0 77.7 0.2	165.4
<b>WM - A-1 COMPACTION</b> 325 YONKERS AVENUE YONKERS, NEW YORK, 10701	400	110	Q- \$82.62 BK - \$68.38	12.9 97.1	Westchester Resco, Peekskill* Grows North	NY PA	32 88	64 176	T T	3,691 234,594		0.9	317.7	N/A N/A	N/A	20.6
<b>TULLY ENVIRONMENTAL</b> 127-30 34TH AVE CORONA, NY	1345	970	\$ 98.19	124.2 321.1 3 149.4 153.3 64 11.6 9.7 40.7 90.2	Covanta - Delaware Valley - Chester * Kearny / Apex OMNI Commonwealth Envir System LF Seneca Meadows LF Keystone LF Covanta - Hempstead * Shoosmith Bros. Superior Greentree (or Greentree) LF Blue Ridge LF	PA OH NY PA NY PA NY VA PA PA	135 555 42 182 310 132 30 375 305 241	270 1110 84 364 620 263 60 750 610 482	T T/RR T T T T T T T T	460,330 326,643 3,459 747,167 1,304,722 231,145 9,554 99,866 340,773 596,812	1,430,436	0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3	1019.6 2635.9 24.6 1226.4 1258.5 525.4 95.2 79.6 334.1 740.5	GWB HT GWB GWB GWB GWB GWB GWB GWB GWB	11.3 29.2 0.3 13.6 13.9 5.8 1.1 0.9 3.7 8.2	181.3
<b>REGAL RECYCLING</b> 172-06 DOUGLAS AVENUE JAMAICA, NY, 11433	250	232	\$ 99.38	5.3 5.3 218.5 2.6	Covanta - Union * Covanta - Hempstead * Covanta - Delaware Valley - Chester * Covanta - Essex*	NJ NY PA NJ	40 15 130 30	80 30 260 60	T T T T	5,820 2,183 779,846 2,141		1.6	9,566.3	Goethals	0.5 0.5 19.9 0.2	43.4

<b>SENECA MEADOWS</b> 172-33 DOUGLAS AVENUE JAMAICA, NEW YORK,	750	750	\$ 91.68	723	Seneca Meadows LF	NY	315	630	T	6,252,635		1.8	35,611.0	Tappen Zee	65.7	140.2
<b>Covanta Energy-Hempstead *</b> 600 MERCHANT CONCOURSE HEMPSTEAD, LI	350	17	\$ 81.89	16.7	NA - Waste to Energy Plant *	NY			T					N/A	0	3.2
<b>WASTE MANAGEMENT</b> 666 FRONT STREET ELIZABETH, N.J.	750	18	\$ 63.80	4.1 1.7 4 8.1	Victory Gardens Britton Industries Zwicky Industries Keegan LF	PA NJ PA NJ	80 45 110 11	160 90 220 22	T T T T	9,005 2,100 12,080 2,446				N/A	0	3.4
<b>WASTE MANAGEMENT</b> 864 JULIA ST ELIZABETH, N.J.	1300 250	8 0	M-\$63.80 Q-74.52	7.8	Atlantic Waste (Waverly) LF	VA	371	743	RR		20,517			N/A	0	1.5
<b>WASTE MANAGEMENT</b> 61 Broad Ave Fairview, NJ	300	159	\$ 63.80	159	Tullytown	PA	70	140	T	305,569						
<b>DART</b> 540 DOREMUS AVE NEWARK, N.J.	300 250 250	156.4 70 0	BK - \$ 69.16 M-\$65.79 Q-\$72.36	0 0 0 226 0	Commonwealth Environmental Covanta Essex * Keystone LF Big Run Kearney/Apex	PA NJ PA KY OH	140 3 115 690 444	280 6 230 1380 888	T T T RR T/RR	0 0 0 1,043,065 0				N/A	0	29.2 13.1
<b>INTERSTATE WASTE SERVICES</b> 375 US 1 TRUCK RT JERSEY CITY, NJ	1000 200 225	446 0 231	M- \$69.86 Q- \$77.44 BK - \$67.31	307 24.4 0 21 39.3 285	Cumberland County Keystone Covanta - Raway * Covanta - Essex * Western Berks Kearney/Apex	PA PA NJ NJ PA OH	187 111 18 4 140 530	374 222 36 8 280 1060	T T T T T T/RR	1,576,138 74,358 151,055 45,300			1,212,428	N/A	0	83.4 43.2
<b>Covanta Energy-Essex*</b> 183 RAYMOND BLVD NEWARK, N.J.	1,900	1,177 91	M- \$70.20 BK- \$68.95	1268	NA - Waste to Energy Plant *	NJ			NA					N/A	0	220.0

<b>TOTALS</b>		<b>10,876</b>								<b>22,698,633</b>	<b>20,184,831</b>		<b>165,742.4</b>		<b>446.3</b>	<b>1874.8</b>
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RCD - 11/22/11 **Waste to Energy 18.9%** **Total VMT's 42,883,464** **0.73% of Long Haul VMTs are non-interstate in NYC.**

\* Denotes waste to energy or out-of-town transfer facility to which DSNY trucks haul directly; no waste transfer occurs within NYC.  
 Assumes half of Waste Management/Scott trucks are flatbed carrying baled waste, 25 tons/truck; as flatbed trucks backhaul other goods one way only is counted for these.  
 All other facilities: trucks assumed to haul an average of 22 tons top-loaded with no backhauling.  
 GWB denotes George Washington Bridge. VMT means vehicle miles traveled.  
 Rail transport from Harlem River Yard averages 90 tons/car; from WM/Julia 85 tons/car and WM- Varick Ave 77 tons/car  
 Waste Management/Julia excludes short dray to rail line (less than 1 mile).  
 Long-haul trucks to waste-to-energy resource recovery facilities are included; DSNY direct haul to such facilities (Covanta-Essex & Covanta-Hempstead) excluded.  
 \*\*Trailer trucks shuttle 10 miles to tip at Harlem River Yards for transfer to railcars; 0.3 miles more on local truck routes.  
 Distances conservatively assumed to be the shortest (or least congested) typical route; model added 10 miles to trip to avoid Manhattan tunnels and associated congestion.  
 Review Avenue long-haul trucks access interstate in Queens as per NYC truck rules.  
 DSNY trucks assumed to average 10.7 tons/load  
 Numbers may not add due to rounding.

<b>Long-Haul Truck Trips at Hudson River Crossings per Day</b>	
GWB	58.7
Goethals	271.7

**Rail TPD 4,293.20**

3,452	In City rail	31.7%
4,345	Delivered to truck-based NYC facilities.	39.9% Percent of total DSNY managed waste.
4,293	Total delivered or drayed to rail, incl NJ	39.5% Percent transported by rail to Landfills.

NOTE: RR VMT's are misleading; show RR Car Miles, not locomotive

# Final Disposal Locations

FKuhl/Disposal - Printed 8/30/04

Alliance Sanitary Landfill	398 South Keyser Avenue	Taylor, Pa. 18517
American Ref-Fuel/ Essex	183 Raymond Blvd.	Newark, N.J. 07105
American Ref-Fuel/ Chester	10 Highland Street	Chester, Pa. 19013
American Ref-Fuel/ Hempstead	600 Merchants Concourse	Westbury, N.Y. 11590
American Ref-Fuel/ Niagara	100 Energy Boulevard	Niagara Falls, N.Y. 14304
American Waste	7916 Chapel Street SE	Waynesburg, Ohio 44688
Apex Environmental	11 Country Road 78, PO Box 157	Amsterdam, Ohio,43903
Arbor Hills Landfill	10690 Six Mile Road	Northville, MI 48167
Atlantic Waste Disposal	3474 Atlantic Lane	Waverly, Va. 23890
Bethlehem Landfill	2335 Applebutter Road	Bethlehem, Pa. 18015
Big Run LF	1837 River Cities Drive	Ashland, Kentucky, 40601
Blue Ridge Landfill/ RA Bender	3747 White Church Road	Chambersburg, Pa. 17201
Bridgeport Resco	6 Howard Avenue	Bridgeport, CT. 06605
Brooke County	RD #2, Box 410	Colliers, WV. 26035
Brunswick County Landfill	107 Mallard Crossing Road	Lawrenceville, Va. 23868
Carbon Limestone Landfill	8100 S. Stalene Road	Lowellville, Ohio 44436
Carleton Farms	4000 Oakville-Waltz Road	New Boston, MI. 48164
CBF Landfill	P.O. Box 266, Route 21	McClellandtown, PA. 15458
Charles City, Landfill	8000 Chambers Road	Charles City, Va. 23030
Commonwealth	99 Commonwealth Road	Hegins, Pa. 17938
Conestoga Landfill	420 Quarry Road	Morgantown, PA 19543
Copper Ridge LF	Rural Route 7	Capels, West Virginia,24801
Covanta Union Resource Recovery	1499 Route 1 North	Rahway, N.J. 07065
Cumberland County Landfill	142 Vaughn Road	Shippensburg, Pa. 17257
Grand Central Sanitary Landfill	1963 Pen Argyl Road	Pen Argyl, Pa. 18072
Greenridge Reclamation	RD #1, Box 716, Landfill Road	Scottdale, Pa. 15683
Greentree Landfill	635 Toby Road	Kersey, Pa. 15846
High Acres	425 Perinton Parkway	Fairport, NY 14450
Imperial Landfill	11 Boggs Road	Imperial, PA 15126
Kelly Run	Route 51, PO Box 333	Elizabeth, Pa 15307
Keystone Sanitary Landfill	P.O. Box 249 Dunham Drive	Dunmore, Pa. 18512
King George County	11528 Ridge Road	King George, Va. 22485
King and Queen	1000 Iris Road	Little Plymouth, Va. 23091
King George	11528 Ridge Road	King George, Va. 22485
Lakeview Landfill	851 Robinson Road East	Erie, Pa. 16509
Laurel Highlands Landfill	196 Wagner Road	Vintondale, Pa. 15961
Lee County	1301 Sumpter Highway	Bishopville, SC 29010
Maplewood Landfill/ Amelia	20221 Maplewood Road	Jetersville, VA 23083
Middle Peninsula	3714 Waste Management Way	Glenns, Va. 23149
Modern Landfill	4400 Mt. Pisgah Road	York, Pa. 17402
Mostoller Landfill	State Route 31	Somerset, Pa.
Mountainview	13300 New Georges Creek Road	Frostburg, MD 21532
Pecan Row	2995 Wetherington Lane	Valdosta, GA. 31601
Pine Grove Landfill	103 Snyder Avenue	Pine Grove, Pa. 17963
RCC/Shade Landfill	1176 #1 Road	Cairnbrook, Pa. 15924
Seneca Meadows Inc	1786 Salomon Road	Waterloo, N.Y. 13165
South Hills Landfill	3100 Hill Road	Library, Pa. 15129
Southern Alleghenies Landfill	843 Miller Picking Road	Davidsville, Pa. 15928
Taylor County LF	County Road 33, Stewart Road	Mauk, Georgia, 31058
Valley Landfill	R.D.#2, Box 282A Pleasant Valley Road	Irwin, Pa. 15642
Warren County Landfill	500 Mt. Pisgah Avenue	Oxford, N.J. 07863
Warren County Resource Recovery	500 Mt. Pisgah Avenue	Oxford, N.J. 07863
Westchester Resco	One Charles Point Avenue	Peeksville, NY 10566
Westmoreland	901 Tryol Blvd.	Belle Vernon, PA 15012
Whelabrator Falls	1201 New Ford Mill Road	Morrisville, PA 19067
Whelabrator Glouster	600 US Route 130	Westville, N.J. 08093
Wyandot County Environmental	11164 County Road, Hwy 4	Carey, Ohio, 43316



## ATTACHMENT 2

APPENDIX A.

DSNY Private Vendor Disposal Sites For FY14

Facility	Contracted Tons Per Day	Avg Delivered Tons Per Day	Price Per Ton	Tons/Day by disposal site	Disposal Sites Used	State	Miles to LF/WTE	R/1 miles to LF/WTE	Truck or RR	Long Haul Truck VMTs/ (301 days)	RR VMT / year	In-City Miles to interstate	Long-hauls: Miles/year on In-City roads non-interstate	Long Haul City egress Hudson R. Crossing	In City Long Haul Truck trips/day	DSNY truck trips to/from facility/day
<b>STATEN ISLAND TRANSFER STATION</b> - 600 W. Service Rd Staten Island, New York	1,950	681	\$ 118.50	681	Lee County LF	SC	642	1284	RR	NA	3,509,275				0	127.3
<b>HARLEM RIVER YARD</b> 98 LINCOLN AVE BRONX, NY	3,150	1905	\$ 100.64	1905	Atlantic Waste Waverly LF	VA	665	1330	RR	NA	8,473,652			Selkirk	0	356.1
<b>WASTE MANAGEMENT</b> 215 VARICK ST BKLYN, N.Y.	2,000	557	\$ 92.56	0 9 9 539	Harlem R. Transfer Yd & Waverly LF** Bridgeport Resco * Westchester Resco, Peekskill* Grows North LF	VA CT NY PA	670 57 48 88	1340 114 96 176	T/RR T T T	0 14,084 11,892 1,302,224	0 2.0 1.3 1.3	1.6 2.0 1.3 1.3	0.0 492.5 320.2 19173.7	Selkirk N/A N/A Goethals	0.0 0.8 0.8 49.0	0.0
<b>WASTE MANAGEMENT</b> 215 VARICK ST BKLYN, N.Y. <b>Long Term Contract</b>	1,425	750	\$ 144.27	750	Amelia/Maplewood Atlantic Waste Waverly LF	VA VA	659 674	1318 1348	RR RR	N/A N/A	0 3,952,091			Selkirk Selkirk		140.2
<b>WASTE MANAGEMENT</b> 485 SCOTT AVE BKLYN, NY	1500	49	\$ 92.56	43 0 1 5	Grows North Harlem R. Transfer Yd & Waverly LF** Bridgeport Resco * Westchester Resco, Peekskill*	PA VA CT NY	82 670 57 50	164 1340 114 100	T T/RR T T	139,399 0 1,565 9,884	0 0 0 0.9	0.9 1.2 0.9 0.9	931.9 0.0 108.4 108.4	Goethals Selkirk Goethals Goethals	3.4 0.0 0.4 0.4	9.2
<b>IESI OF NY</b> 577 COURT STREET BROOKLYN, NY	600	220	\$ 95.80	2 58 71 89	Covanta - Delaware Valley - Chester * Bethlehem LF Blue Ridge LF Seneca Meadows LF	PA PA PA NY	112 96 230 295	224 192 460 590	T T T T	6,153 152,867 448,333 720,819		0.5 0.5 0.5 0.5	27.4 793.5 971.4 1217.7	Goethals Goethals Goethals Goethals	0.2 5.3 6.5 8.1	41.1
<b>IESI OF NY</b> 110 50TH STREET BROOKLYN, NY	1,025	528	\$ 95.80	8 305 51.5 0 163.5	Covanta - Delaware Valley - Chester * Bethlehem LF Blue Ridge LF Keystone LF Seneca Meadows LF	PA PA PA PA NY	110 91 226 131 298	220 183 451 262 596	T T T T T	24,134 765,434 319,034 0 1,337,668		0.7 0.7 0.7 0.7 0.7	153.2 5842.1 986.5 0 3131.8	Goethals Goethals Goethals Goethals Goethals	0.7 27.7 4.7 0.0 14.9	98.7
<b>ACTION ENVIRONMENTAL</b> 941 STANLEY AVENUE BROOKLYN, N.Y.	350	287	\$ 86.50	14.35 0.00 0 0 272.6	Covanta - Delaware Valley - Chester * Tullytown Covanta - Hempstead * Commonwealth Envir System Keystone LF	PA PA NY PA PA	117 83 30 180 130	234 166 60 360 260	T T T T T	46,095 0 0 0 972,934		5.7 5.7 0.0 5.7 5.7	2238.2 0.0 0.0 0.0 42518.2	Goethals Goethals Goethals Goethals Goethals	1.3 0.0 0.0 0.0 24.8	53.6
<b>BROOKLYN TRANSFER</b> 105-115 THAMES STREET BROOKLYN, NY	500	374	\$ 81.50	97 0 0 0 277	Covanta - Delaware Valley - Chester * Covanta - Hempstead * Grand Central Sanitary Keystone Meadows LF Grows North LF	PA NY PA PA PA PA	116 25 150 132 90	232 50 300 264 180	T T T T T	308,919 0 0 0 0		1.8 1.8 1.8 1.8 1.8	4777.7 0.0 0.0 0.0 0.0	Goethals N/A N/A N/A N/A	8.8 0.0 0.0 0.0 25.2 0.0 0.0	69.9
<b>WASTE MANAGEMENT</b> 38-50 REVIEW AVE QUEENS, NY	958	860	\$ 92.88	16 0 828 16	Westchester Resco, Peekskill* Harlem R. Transfer Yd & Waverly LF** Grows North Bridgeport Resco *	NY VA PA CT	49 670 88 60	98 1340 176 120	T T/RR T T	21,524 0 2,000,448 26,356	0 0 0 0	0.7 0.7 0.7 0.7	306.5 0.0 15860.0 306.5	Goethals Selkirk Goethals Goethals	1.5 0.0 75.3 1.5	160.7
<b>WM - A-1 COMPACTION</b> 325 YONKERS AVENUE YONKERS, NEW YORK, 10701	400	150	Q- \$82.62 MN - \$69.68	2 118 30	Bridgeport Resco * Westchester Resco, Peekskill* Grows North	CT NY PA	57 32 88	114 64 176	T T T	3,130 33,760 72,480		0.9	2906.0	N/A	N/A	28.0
<b>TULLY ENVIRONMENTAL</b> 127-30 34TH AVE CORONA, NY	1345	947	\$ 101.96	119 382 5.5 93.5 146 11 72 89 4 17 7.5	Covanta - Delaware Valley - Chester * Kearny / Apex OMNI Commonwealth Envir System LF Seneca Meadows LF Covanta - Essex* Keystone LF Covanta - Hempstead * Shoosmith Bros. Superior Greentree (or Greentree) LF Blue Ridge LF	PA OH NY PA NY NJ PA NY VA PA PA	135 555 42 182 310 30 132 30 375 305 241	270 1110 84 364 620 60 263 60 750 610 482	T T/RR T T T T T T T T T	441,057 388,595 6,342 467,605 1,242,593 9,060 260,038 73,304 41,182 142,338 49,624	1,701,734	0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3 0.3	976.9 3135.9 45.2 767.6 1198.5 591.1 730.6 32.8 139.6 61.6	GWB HT GWB GWB GWB GWB GWB GWB GWB GWB GWB	10.8 34.7 0.5 8.5 13.3 6.5 8.1 0.4 1.5 0.7	177.0
<b>REGAL RECYCLING</b> 172-06 DOUGLAS AVENUE JAMAICA, NY, 11433	250	232	\$ 101.25	17 4 188 23	Covanta - Union * Covanta - Hempstead * Covanta - Delaware Valley - Chester * Covanta - Essex*	NJ NY PA NJ	40 15 130 30	80 30 260 60	T T T T	18,669 1,647 670,989 18,944		1.6	8,231.0	Goethals	17.1 2.1	43.4

<b>SENECA MEADOWS</b> 172-33 DOUGLAS AVENUE JAMAICA, NEW YORK,	750	743	\$ 91.68	743	Seneca Meadows LF	NY	315	630	T	6,425,599		1.8	36,596.1	Tappen Zee	67.5	138.9
<b>Covanta Energy-Hempstead *</b> 600 MERCHANT CONCOURSE HEMPSTEAD, LI	350	25	\$ 83.43	25	NA - Waste to Energy Plant *	NY			T					N/A	0	4.7
<b>WASTE MANAGEMENT</b> 666 FRONT STREET ELIZABETH, N.J.	750	10	\$ 63.80	6 1 3	Victory Gardens Britton Industries Zwicky Industries Keegan LF	PA NJ PA NJ	80 45 110 11	160 90 220 22	T T T T	13,178 1,235 0 906				N/A	0	1.9
<b>WASTE MANAGEMENT</b> 864 JULIA ST ELIZABETH, N.J.	1300 250	3 0	M-\$63.80 Q-74.52	3	Atlantic Waste (Waverly) LF Grows North	VA PA	371 70	743 140	RR T	0 5,765	0			N/A	0	0.6
<b>WASTE MANAGEMENT</b> 61 Broad Ave Fairview, NJ	300	229	\$ 65.05	229	Tullytown	PA	70	140	T	440,096						
<b>DART</b> 540 DOREMUS AVE NEWARK, N.J.	300 250 250	157 93 0	BK - \$ 69.16 M-\$65.79 Q-\$72.36	0 0 0 250 0	Commonwealth Environmental Covanta Essex * Keystone LF Big Run Kearney/Apex	PA NJ PA KY OH	140 3 115 690 444	280 6 230 1380 888	T T T RR T/RR	0 0 0 0 0	1,153,833 0			N/A	0	29.3 17.4
<b>INTERSTATE WASTE SERVICES</b> 375 US 1 TRUCK RT JERSEY CITY, NJ	700 200 225	230 0 232	M- \$71.23 Q- \$77.44 BK - \$67.31	356 64 26 0 0 0 16	Cumberland County Keystone Commonwealth Environmental Covanta - Raway * Covanta - Essex * Western Berks Kearney/Apex	PA PA PA NJ NJ PA OH	187 111 140 18 4 140 530	374 222 280 36 8 280 1060	T T T T T T T/RR	1,827,704 195,037 99,935 0 0 0 2,543	68,066			N/A	0	43.0 43.4
<b>Covanta Energy-Essex*</b> 183 RAYMOND BLVD NEWARK, N.J.	1,900	1,234.5 113.5	M- \$70.20 BK- \$68.95	1348	NA - Waste to Energy Plant *	NJ			NA					N/A	0	230.7

<b>TOTALS</b>		<b>10,610</b>								<b>21,583,122</b>	<b>18,858,650</b>		<b>155,570.0</b>		<b>434.4</b>	<b>1815.0</b>
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RCD - 11/22/11  
**Waste to Energy 20.0%**  
**Total VMT's 40,441,772**  
**0.72% of Long Haul VMTs are non-interstate in NYC.**

\* Denotes waste to energy or out-of-town transfer facility to which DSNY trucks haul directly; no waste transfer occurs within NYC.  
Assumes half of Waste Management/Scott trucks are flatbed carrying baled waste, 25 tons/truck; as flatbed trucks backhaul other goods one way only is counted for these.  
All other facilities: trucks assumed to haul an average of 22 tons top-loaded with no backhauling.  
GWB denotes George Washington Bridge. VMT means vehicle miles traveled.  
Rail transport from Harlem River Yard averages 90 tons/car; from WM/Julia 85 tons/car and WM- Varick Ave 77 tons/car  
Waste Management/Julia excludes short dray to rail line (less than 1 mile).  
Long-haul trucks to waste-to-energy resource recovery facilities are included; DSNY direct haul to such facilities (Covanta-Essex & Covanta-Hempstead) excluded.  
\*\*Trailer trucks shuttle 10 miles to tip at Harlem River Yards for transfer to railcars; 0.3 miles more on local truck routes.  
Distances conservatively assumed to be the shortest (or least congested) typical route; model added 10 miles to trip to avoid Manhattan tunnels and associated congestion.  
Review Avenue long-haul trucks access interstate in Queens as per NYC truck rules.  
DSNY trucks assumed to average 10.7 tons/load  
Numbers may not add due to rounding.

<b>Long-Haul Truck Trips at Hudson River Crossings per Day</b>	
GWB	50.3
Goethals	251.0

**Rail TPD 3,985.00**

<b>3,336</b>	In City rail	<b>31.4%</b>
<b>4,240</b>	Delivered to truck-based NYC facilities.	<b>40.0% Percent of total DSNY managed waste.</b>
<b>3,985</b>	Total delivered or drayed to rail, incl NJ	<b>37.6% Percent transported by rail to Landfills.</b>

NOTE: RR VMT's are misleading; show RR Car Miles, not locomotive

# Final Disposal Locations

FKuhl/Disposal - Printed 8/30/04

Alliance Sanitary Landfill	398 South Keyser Avenue	Taylor, Pa. 18517
American Ref-Fuel/ Essex	183 Raymond Blvd.	Newark, N.J. 07105
American Ref-Fuel/ Chester	10 Highland Street	Chester, Pa. 19013
American Ref-Fuel/ Hempstead	600 Merchants Concourse	Westbury, N.Y. 11590
American Ref-Fuel/ Niagara	100 Energy Boulevard	Niagara Falls, N.Y. 14304
American Waste	7916 Chapel Street SE	Waynesburg, Ohio 44688
Apex Environmental	11 Country Road 78, PO Box 157	Amsterdam, Ohio,43903
Arbor Hills Landfill	10690 Six Mile Road	Northville, MI 48167
Atlantic Waste Disposal	3474 Atlantic Lane	Waverly, Va. 23890
Bethlehem Landfill	2335 Applebutter Road	Bethlehem, Pa. 18015
Big Run LF	1837 River Cities Drive	Ashland, Kentucky, 40601
Blue Ridge Landfill/ RA Bender	3747 White Church Road	Chambersburg, Pa. 17201
Bridgeport Resco	6 Howard Avenue	Bridgeport, CT. 06605
Brooke County	RD #2, Box 410	Colliers, WV. 26035
Brunswick County Landfill	107 Mallard Crossing Road	Lawrenceville, Va. 23868
Carbon Limestone Landfill	8100 S. Stalene Road	Lowellville, Ohio 44436
Carleton Farms	4000 Oakville-Waltz Road	New Boston, MI. 48164
CBF Landfill	P.O. Box 266, Route 21	McClellandtown, PA. 15458
Charles City, Landfill	8000 Chambers Road	Charles City, Va. 23030
Commonwealth	99 Commonwealth Road	Hegins, Pa. 17938
Conestoga Landfill	420 Quarry Road	Morgantown, PA 19543
Copper Ridge LF	Rural Route 7	Capels, West Virginia,24801
Covanta Union Resource Recovery	1499 Route 1 North	Rahway, N.J. 07065
Cumberland County Landfill	142 Vaughn Road	Shippensburg, Pa. 17257
Grand Central Sanitary Landfill	1963 Pen Argyl Road	Pen Argyl, Pa. 18072
Greenridge Reclamation	RD #1, Box 716, Landfill Road	Scottdale, Pa. 15683
Greentree Landfill	635 Toby Road	Kersey, Pa. 15846
High Acres	425 Perinton Parkway	Fairport, NY 14450
Imperial Landfill	11 Boggs Road	Imperial, PA 15126
Kelly Run	Route 51, PO Box 333	Elizabeth, Pa 15307
Keystone Sanitary Landfill	P.O. Box 249 Dunham Drive	Dunmore, Pa. 18512
King George County	11528 Ridge Road	King George, Va. 22485
King and Queen	1000 Iris Road	Little Plymouth, Va. 23091
King George	11528 Ridge Road	King George, Va. 22485
Lakeview Landfill	851 Robinson Road East	Erie, Pa. 16509
Laurel Highlands Landfill	196 Wagner Road	Vintondale, Pa. 15961
Lee County	1301 Sumpter Highway	Bishopville, SC 29010
Maplewood Landfill/ Amelia	20221 Maplewood Road	Jetersville, VA 23083
Middle Peninsula	3714 Waste Management Way	Glenns, Va. 23149
Modern Landfill	4400 Mt. Pisgah Road	York, Pa. 17402
Mostoller Landfill	State Route 31	Somerset, Pa.
Mountainview	13300 New Georges Creek Road	Frostburg, MD 21532
Pecan Row	2995 Wetherington Lane	Valdosta, GA. 31601
Pine Grove Landfill	103 Snyder Avenue	Pine Grove, Pa. 17963
RCC/Shade Landfill	1176 #1 Road	Cairnbrook, Pa. 15924
Seneca Meadows Inc	1786 Salomon Road	Waterloo, N.Y. 13165
South Hills Landfill	3100 Hill Road	Library, Pa. 15129
Southern Alleghenies Landfill	843 Miller Picking Road	Davidsville, Pa. 15928
Taylor County LF	County Road 33, Stewart Road	Mauk, Georgia, 31058
Valley Landfill	R.D.#2, Box 282A Pleasant Valley Road	Irwin, Pa. 15642
Warren County Landfill	500 Mt. Pisgah Avenue	Oxford, N.J. 07863
Warren County Resource Recovery	500 Mt. Pisgah Avenue	Oxford, N.J. 07863
Westchester Resco	One Charles Point Avenue	Peeksville, NY 10566
Westmoreland	901 Tryol Blvd.	Belle Vernon, PA 15012
Whelabrator Falls	1201 New Ford Mill Road	Morrisville, PA 19067
Whelabrator Glouster	600 US Route 130	Westville, N.J. 08093
Wyandot County Environmental	11164 County Road, Hwy 4	Carey, Ohio, 43316

## ATTACHMENT 3

## DSNY Recycling Processors & Tonnage for 2013 & 2014 Calendar Years

Processor	Address	Material Type (s) Processed	Tonnage	
			2013	2014
<b>A.R. Lobosco</b>	105-115 Thames St Brooklyn, NY	Paper	31,257	38,238
<b>Metropolitan</b>	854 Shepherd Ave Brooklyn, NY 11208	Paper	0	50,498
<b>Brooklyn Transfer</b>	105-115 Thames St. Brooklyn, NY 11237	Organics	0	4042
<b>Cellmark/Triboro</b>	200 Tamal Plaza, Suite 200 Corte Madera, CA 94925 <b>Processing Address:</b> 891-899 E 135 St Bronx NY 10474	Paper	21,327	2920
<b>Paper Fibres</b>	960 Bronx River Ave Bronx, NY 10473	Paper	13,024	720
<b>Potential/Metropolitan</b>	922 East "E" St Wilmington, CA 90744 <b>Processing Address:</b> 854 Shepherd Ave Brooklyn, NY 11208	Paper	66,130	9863
<b>Rapid Processing</b>		Paper	29,358	6271
<b>Sims Municipal Recycling</b>	<b>Processing Address:</b> One Linden Ave East Jersey City, NJ 472 2 <sup>nd</sup> Ave Brooklyn, NY 11200 30-27 Greenpoint Ave LIC, NY 11101 850 Edgewater Rd Bronx, NY 10474	Paper	6198	63,187
		Metal Glass Plastic/Jersey City	64,500	42,992
		Metal Glass Plastic/Brooklyn	3220	61,653
		Metal Glass Plastic/LIC	88,412	61,894
		Metal Glass Plastic/ Bronx	69,094	71,186
		Bulk Metal Acceptance	1,285	1,474
		Bulk Metal Removal	376	558
<b>Waste Management</b>	123 Varrick Ave Brooklyn NY 11237	Organics	0	530
<b>WeCare Organics LLC</b>	92 Bonta Bridge Rd Jordan, NY 11368 <b>Processing Address:</b> IESI 577 Court St Brooklyn, NY 11231	Organics/Court St	0	1930
	Tully 127-50 Northern Blvd Flushing, NY 11368	Organics/Tully	0	516
<b>Visy</b>	4435 Victory Blvd Staten Island, NY 10314	Paper	146,438	162,030

Material type	MGP	Paper & comingled	Organics	Bulk Metal
2013	225,226	313,732	0	3523
2014	237,725	333,727	7019	4107
<b>Total tons calendar years 13/14</b>	<b>462,951</b>	<b>647,459</b>	<b>7019</b>	<b>7630</b>

ATTACHMENT 4(A)

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 35**

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Introduced by Council Members Reyna, Comrie, Koo, Mendez, Rose, Wills, Vallone, Gentile, Arroyo, Levin, Dromm, Eugene, King, Rodriguez, Barron, Gennaro, Greenfield, Jackson, Lander, Williams and Halloran.

**A LOCAL LAW**

**To provide for retrospective review by the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the department of transportation, and the fire department of those agencies' existing violations.**

*Be it enacted by the Council as follows:*

*Section 1. Retrospective review of existing violations. Within 120 days of the enactment of this section, the department of buildings, the department of consumer affairs, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the department of transportation, and the fire department shall conduct a retrospective review of those provisions of the administrative code, the rules of the city of New York, and the New York city health code which establish violations and which are enforced by such agency, and shall submit a report to the mayor and the speaker regarding those existing violations for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a penalty or fine. This report shall include:*

*(1) a description of each violation for which the agency recommends that a cure period or other opportunity for ameliorative action be provided prior to the imposition of a penalty or fine,*



*and the basis for such conclusion; and*

*(2) a list of all other existing violations established by the agency's rules for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a penalty or fine. This list shall identify, either on individual item or aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.*

§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 .....April 9, 2013..... and approved by the Mayor on .....April 23, 2013.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 35 of 2013, Council Int. No. 949-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 56**

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Introduced by Council Members James, Williams, Dromm, Koo, Koppell, Mendez, Lappin, Gentile, Levin, Gennaro, Van Bramer, Jackson and Halloran.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the unlawful removal or acceptance of recyclable material.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that it is important to the general welfare and economic vitality of the City to have a robust residential and commercial recycling program. Unfortunately, there has been an increase in the theft of recyclable material placed curbside for collection by the Department of Sanitation (DSNY) or private carters by persons utilizing motor vehicles. Additionally, the City does not receive recyclables from certain large residential and institutional buildings. Such activity has a negative economic impact on the City, jeopardizes the stability and integrity of the City's residential and commercial recycling program and makes it more difficult to achieve the City's recycling goals. Furthermore, there has been a dramatic increase in the theft of recyclable material containing refrigerants placed curbside by residents for DSNY removal. Theft of this material likely means that the chlorofluorocarbons (CFCs) and other refrigerants present in this material are not being properly removed pursuant to the Clean Air Act. To address these issues, the Council finds that it is necessary to strengthen the laws against the unlawful removal of recyclable material and bolster DSNY's collection from residential and institutional buildings.

§ 2. Subdivision 7 of section 16-118 of the administrative code of the city of New York is REPEALED and reenacted to read as follows:

*7. No person shall prevent, or otherwise interfere with, the sweeping or cleaning of any street, the removal of snow or ice from any street or the collection or removal of any solid waste or recyclable material from any street, by any employee of the department.*

§ 3. Subdivisions 8 and 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 50 for the year 2007, are amended to read as follows:

8. [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] *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. [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] *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.

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

*CHAPTER 4-C: UNLAWFUL REMOVAL AND ACCEPTANCE OF RECYCLABLE MATERIAL*

*§ 16-460 Definitions.*

*§ 16-461 Unlawful removal or sale of material.*

*§ 16-462 Rewards.*

*§ 16-463 Receipt of recyclable material.*

*§ 16-464 Enforcement.*

*§ 16-465 Severability.*

*§ 16-460 Definitions. As used in this chapter:*

*“Department-marked item” means any refrigerant-containing item that: (i) has written upon it a department service identification number that has been provided to the property owner by a 311 or department representative, or (ii) has affixed upon it an official decal or sticker indicating that such item is designated for future servicing of refrigerant removal by the department, or (iii) has affixed upon it an official decal or sticker indicating that such item has already been serviced for refrigerant removal by the department.*

*"Motor vehicle" means any vehicle operated or driven upon a street that is propelled by any power other than human or animal power.*

*"Motor vehicle operator" means any person who operates, drives or is in actual physical control of a motor vehicle, and shall include any other person in such vehicle who assists the motor vehicle operator by removing any recyclable material placed out for collection by the department or a licensed carter or by loading recyclable material into the motor vehicle, or both,*

*in violation of section 16-461 of this chapter.*

*"Motor vehicle owner" or "owner of a motor vehicle" means any person, other than a lienholder, having the property in or title to a motor vehicle, including a person entitled to the use and possession of a motor vehicle subject to a security interest by another person, and 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.*

*"Not-for-profit corporation" means a not-for-profit corporation as defined in subparagraph five or subparagraph seven of subdivision a of section one hundred two of the New York state not-for-profit corporation law.*

*"Person" means any individual, firm, corporation or other legal entity.*

*"Recyclable material" means material that is discarded by or in excess to its owner at the time of such discard and (i) is designated as recyclable by the commissioner by rule pursuant to subdivision b of section 16-305 of this title or (ii) has an identifying mark, stamp or embossment indicating such material is the public property of the city or state of New York or the property of any public or private utility company.*

*"Refrigerant" means any substance consisting in whole or in part of a class I or class II ozone-depleting substance, which is used for heat transfer purposes and provides a cooling effect, including, but not limited to, chlorofluorocarbons, hydro-chlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A substitute substance shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use.*

*“Refrigerant-containing item” means any recyclable material that uses a refrigerant that must be removed prior to disposal, including, but not limited to, any air conditioner, refrigerator, water cooler, or freezer.*

*“Solid waste” means solid waste as defined in section 16-303 of this title.*

*“Street” means any public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, including marginal streets.*

*§ 16-461 Unlawful removal or sale of material. a. Recyclable material. 1. Except for an authorized employee or agent of the department, it shall be unlawful for any person to remove and transport by motor vehicle any recyclable material that has been placed by any owner, tenant or occupant of any residential building, building occupied by city agencies or institutions, or vacant lot, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection or removal by the department. The owner of any motor vehicle used in violation of this subdivision shall also be liable for any such violation. This paragraph shall not prohibit any person from lawfully entering into a written agreement with the owner of a building, or his or her agent, pursuant to subdivision a of this section.*

*2. i. The owner or agent of any building containing four or more residential units or any building that is occupied by a city agency or institution receiving department collection, may not enter into an agreement for the supplemental collection of recyclable material for purposes of transport, handling or management with any person other than the department unless (A) regularly scheduled department collection of recyclable material from such building is insufficient to meet the needs of such building, (B) such owner or agent has requested supplemental collection of recyclable material from the department and the department has denied the request, and (C)*

*such supplemental collection by a person other than the department does not take place on the same day as regularly scheduled department collection of recyclable material for such building, in which case such owner or agent may enter into an agreement for the supplemental collection of recyclable material with a person other than the department. The department shall respond to requests for supplemental collection of recyclable material within thirty days of the receipt of such request. If the department does not respond within such period, the department shall be deemed to have denied the request for supplemental collection. The requirements of this paragraph shall not apply to recyclable material that is not designated recyclable by the department pursuant to subdivision b of section 16-305 of this title. In no event may such agreement for the supplemental collection of recyclable material provide for the removal of department-marked items.*

*ii. Nothing in this section shall be construed to allow the owner or agent of any building containing four or more units or any building that is occupied by a city agency or institution receiving department collection to enter into an agreement for recycling collection on the same day as regularly scheduled department collection of recyclable material for any such building.*

*iii. Any agreement lawfully entered into for the supplemental collection of recyclable material pursuant to this paragraph shall be written; signed and dated by the owner or agent and by or on behalf of the person responsible for the supplemental collection of recyclable material; notarized; filed with the commissioner within five business days of being signed; and shall include the address of the building receiving supplemental collection; the names, telephone numbers and taxpayer identification numbers, including individual or employer taxpayer identification numbers, but not social security numbers, of the person responsible for the collection of such material; the names, titles and telephone numbers of all signatories to such*

*agreement; the terms relating to price and the days and times of collection, if any; the duration of such agreement; the estimated quantity of recyclable material to be collected on a weekly basis; and any other information required by the commissioner by rule.*

*iv. Any agreement lawfully entered into for the supplemental collection of recyclable material pursuant to this paragraph shall not exceed two years in duration.*

*v. Valid proof of any agreement lawfully entered into for the supplemental collection of recyclable material pursuant to this paragraph must be in the possession of the motor vehicle operator at the time such recyclable material is collected. Valid proof shall mean a copy of such agreement or a copy of the notarized signatory page of such agreement, together with a letter from the department acknowledging the filing of such agreement with the commissioner. Such proof shall not be required where the person responsible for the supplemental collection of recyclable material is licensed pursuant to subdivision a of section 16-505 of this code.*

*3. On or before February first and August first of every year, every person engaged in the lawful collection of recyclable material pursuant to a written agreement in accordance with paragraph two of this subdivision shall submit to the commissioner a report identifying the weight of each type of recyclable material collected 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 paragraph or to submit a report containing false or misleading information.*

*4. i. The owner or agent of any residential building containing one, two or three residential units may enter into an agreement with any person for the collection of recyclable material from such building.*

*ii. Any such agreement shall be written; signed and dated by such owner and by or*



*on behalf of the person responsible for the collection of recyclable material from such building; and shall include the address of such building and the names and telephone numbers of the parties to such agreement and shall be in the possession of such person at the time such recyclable material is removed. No such agreement may provide for the collection of department-marked items.*

*b. Refrigerant-containing and department-marked items. 1. Except for an authorized employee or agent of the department, it shall be unlawful for any person to remove and transport by motor vehicle any refrigerant-containing item or department-marked item that has been placed by any owner, tenant or occupant of any residential building, building occupied by city agencies or institutions, or vacant lot, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection, removal, or refrigerant removal by the department. The owner of any motor vehicle used in violation of this subdivision shall also be liable for any such violation. This paragraph shall not apply to any person who has lawfully entered into a written agreement with the owner of a building, or his or her agent, pursuant to subdivision a of this section for the collection of refrigerant-containing items that are not department-marked items.*

*2. There shall be a rebuttable presumption that the owner and/or operator of any motor vehicle carrying a department-marked item has violated this subdivision by either (i) unlawfully removing such department-marked item or (ii) directing or permitting an agent or employee or other individual under such person's control to unlawfully remove such department-marked item.*

*3. For any department-marked item removed in violation of this subdivision, a written agreement between the owner of a residential building or an authorized agent of such*

*owner, and the person removing such item shall not be a defense in any proceeding before the environmental control board or other court of appropriate jurisdiction to the improper removal of such item.*

*c. Commercial buildings. Except for an authorized employee of a person licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code, it shall be unlawful for any person to remove and transport by motor vehicle any amount of recyclable material that has been placed by any owner, tenant or occupant of a commercial building, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building for collection or removal by an entity licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code. 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 a person licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code. The owner of any motor vehicle used in violation of this subdivision shall also be liable for any such violation.*

*§ 16-462 Rewards. The commissioner shall establish a program to allow individuals to submit a sworn statement affirming the observation of a violation of section 16-461 of this chapter and, where the commissioner deems it appropriate, allow for a reward for any such sworn statement. Where a notice of violation or summons is issued for a violation of section 16-461 of this chapter based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with the testimony of the person submitting such sworn statement at a civil or criminal proceeding or in a proceeding before the environmental control board, contributes to*

*the imposition of a civil or criminal penalty upon any person for a violation of section 16-461 of this chapter, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to fifty percent of any civil or criminal penalty collected. No peace officer, employee of the department or of the environmental control board, employee of any company under contract with the department, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of section 16-461 of this chapter, shall be entitled to obtain the benefit of any such reward when acting in the discharge of his or her official duties.*

*§ 16-463 Receipt of recyclable material. a. 1. Notwithstanding any other provision of law, the commissioners of sanitation and consumer affairs, and the chairperson of the business integrity commission, shall be authorized to adopt rules providing for the licensing or registration, supervision and inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material, including but not limited to scrap metal facilities located within 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.*

*2. Any rules adopted pursuant to this subdivision shall provide that any person who removes refrigerant or contracts with a third party for the removal of refrigerant from refrigerant-containing items must submit proof that refrigerant removal was conducted in accordance with rules and guidelines established by the United States environmental protection agency.*

*b. No person shall receive for storage, collection or processing recyclable material generated within the city of New York from any person other than (i) an authorized employee or agent of the department, (ii) an authorized employee of an entity licensed by or registered with the*

*business integrity commission pursuant to subdivision a or b of section 16-505 of this code, (iii) a not-for-profit corporation, (iv) an owner, tenant or occupant of a building returning his or her own recyclable material generated solely by such owner, tenant or occupant and his or her household members, or (v) a person who has lawfully entered into a written agreement pursuant to subdivision a of section 16-461 of this chapter. There shall be a rebuttable presumption that all recyclable material received for storage, collection or processing was generated within the city of New York. This subdivision shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law, or to any person who, using a motor vehicle, collects recyclable containers in bulk and is required to be registered pursuant to local law.*

*c. No person shall receive for storage, collection or processing any department-marked item from any person other than an authorized employee or agent of the department. A written agreement between the owner of a residential building or an authorized agent of such owner, and anyone delivering a department-marked item to such person shall not be a defense in any proceeding before the environmental control board or other court of appropriate jurisdiction to the improper receipt of such item.*

*d. No person shall receive for storage, collection or processing any refrigerant-containing item that has not had such refrigerant lawfully removed by a person authorized to remove refrigerants, unless the person receiving the refrigerant-containing item either possesses refrigerant recovery equipment certified by the United States environmental protection agency, or has a valid agreement to remove such refrigerant with a person certified by the United States environmental protection agency to remove refrigerant, or is receiving such item for reuse for its original purpose.*

*§ 16-464 Enforcement. a. 1. Any person who violates paragraph one of subdivision a of section 16-461 of this chapter shall be liable for (i) a criminal fine of five hundred dollars or imprisonment not to exceed forty-eight hours, or both, or (ii) a civil penalty of five hundred dollars for the first offense, seven hundred fifty dollars for the second offense that occurs on a different day within any eighteen-month period and one thousand dollars for each subsequent offense that occurs on a different day within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this paragraph, every building or lot from which recyclable material has been removed unlawfully shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.*

*2. No person shall be in violation of paragraph one of subdivision a of section 16-461 of this chapter if such person has removed three or fewer recyclable items, in the aggregate, per day or if such removed items are loose, individual magazines or soft-cover books that are not bundled and tied together with other mixed paper. This paragraph shall not apply to any refrigerant-containing item, or any large bulk metal item as defined by the commissioner by rule, or if the department observes the presence of additional recyclable material in the motor vehicle. There shall be a rebuttable presumption that the presence of such additional recyclable material in the motor vehicle indicates that such material was collected in violation of paragraph one of subdivision a of section 16-461 of this chapter.*

*3. Any person who violates subparagraph i of paragraph two of subdivision a of section 16-461 of this chapter shall be liable for a civil penalty of one thousand dollars.*

*4. Any person who violates subparagraphs iii, iv or v of paragraph two of subdivision a of section 16-461 of this chapter shall be liable for a civil penalty of one hundred dollars for each such violation.*

5. Any person who violates paragraph three of subdivision a of section 16-461 of this chapter shall be liable for a civil penalty of five hundred dollars.

b. Any person who violates subdivision b of section 16-461 of this chapter shall be liable for (i) a criminal fine of seven hundred fifty dollars or imprisonment not to exceed forty-eight hours, or both, or (ii) a civil penalty of seven hundred fifty dollars for the first offense, one thousand dollars for the second offense that occurs on a different day within an eighteen-month period and one thousand five hundred dollars for each subsequent offense that occurs on a different day within such eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, every building or lot from which recyclable material has been removed unlawfully shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

c. Any person who violates subdivision c of section 16-461 of this chapter shall be liable for (i) a criminal fine of one thousand dollars or imprisonment not to exceed forty-eight hours, or both, or (ii) a civil penalty of one thousand dollars for the first offense and two thousand dollars for each subsequent offense that occurs on a different day within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, every building or lot from which recyclable material has been removed unlawfully shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

d. 1. Any owner of a motor vehicle used in violation of subdivision a or b of section 16-461 of this chapter shall be liable for a civil penalty of five hundred dollars for the first offense, seven hundred fifty dollars for a second offense within any eighteen-month period and one thousand dollars for each subsequent offense within any eighteen-month period, regardless of whether the same vehicle was used in the subsequent offense. Notwithstanding the foregoing,

*such motor vehicle owner shall not be liable if such owner establishes that the motor vehicle was used for purposes of violating the provisions of this chapter without such owner's permission.*

*2. Any owner of a motor vehicle used in violation of subdivision c of section 16-461 of this chapter shall be liable for a civil penalty of one thousand dollars for the first offense and two thousand dollars for each subsequent offense within any eighteen-month period, regardless of whether the same vehicle was used in the subsequent offense. Notwithstanding the foregoing, such motor vehicle owner shall not be liable if such owner establishes that the motor vehicle was used for purposes of violating the provisions of this chapter without such owner's permission.*

*3. Any motor vehicle that has been used or is being used to commit a violation of subdivision a, b or c of section 16-461 of this chapter may 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 subdivision a, b or c of section 16-461 of this chapter, such fees shall be promptly returned.*

*4. In addition to any other penalties provided in this subdivision, the interest of a vehicle owner in any motor vehicle impounded pursuant to paragraph three of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such vehicle owner has been convicted of or found liable for a violation of this chapter 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 any eighteen-month period.*

*5. Except as otherwise provided in this subdivision, 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 a vehicle owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in such 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;*

*(ii) pays the reasonable expenses of the safekeeping of such 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 such vehicle if the city establishes that the violation for which the motor vehicle was seized was expressly or impliedly permitted by such person.*

*e. Any person who violates subdivision b of section 16-463 of this chapter shall be liable for (i) a criminal fine of one thousand dollars or imprisonment not to exceed forty eight hours, or both, or (ii) a civil penalty of one thousand dollars for the first offense and two thousand dollars for each subsequent offense within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, each receipt from a separate motor vehicle of recyclable material shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.*



*f. Any person who violates subdivision c of section 16-463 of this chapter shall be liable for (i) a criminal fine of one thousand five hundred dollars or imprisonment not to exceed forty eight hours, or both, or (ii) a civil penalty of one thousand five hundred dollars for the first offense and three thousand dollars for each subsequent offense within an eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, each receipt from a separate motor vehicle of department-marked material shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.*

*g. Any person who violates subdivision d of section 16-463 of this chapter shall be liable for (i) a criminal fine of one thousand five hundred dollars or imprisonment not to exceed forty eight hours, or both, or (ii) a civil penalty of one thousand five hundred dollars for the first offense and three thousand dollars for each subsequent offense within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, each receipt from a separate motor vehicle of a refrigerant-containing item shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.*

*h. The provisions of this chapter may be enforced by the department, the police department, the department of consumer affairs and the business integrity commission.*

*i. Where a notice of violation is issued for a violation of any of the provisions of this chapter, such process shall be returnable to the environmental control board or court of appropriate jurisdiction, which shall have the power to impose the civil penalties provided in this section.*

*§ 16-465 Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy*

*in which such judgment shall have been rendered.*

§ 5. Notwithstanding paragraph two of subdivision a of section 16-461 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by section four of this local law, an agreement for the collection of recyclable material entered into prior to June 26, 2013, shall terminate on the date provided therein or shall be deemed to terminate on June 26, 2015, whichever date is earlier, provided, however, that if such agreement terminates prior to June 26, 2015, it may be renewed once for a period ending no later than June 26, 2015.

§ 6. This local law shall take effect one hundred twenty days after enactment, except that paragraph two of subdivision a of section 16-461, subdivision c of section 16-461, paragraph three of subdivision a of section 16-464, subdivision c of section 16-464, and subdivision h of section 16-464, as added by section four of this local law, and section five of this local law, shall take effect immediately; and provided that the commissioners of sanitation and consumer affairs, and the chairperson of the business integrity commission, may take such actions as are necessary for the implementation of this local law, including promulgation of rules, on and after the date of enactment.

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 July 24, 2013 and approved by the Mayor on August 12, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 56 of 2013, Council Int. No. 889-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 57**

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Introduced by Council Members Recchia, Koo, Koppell, Van Bramer, Lappin, Gennaro, Gentile, Dromm, Jackson and Ulrich.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the acceptance of recyclable containers in bulk using a motor vehicle.**

*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-D to read as follows:

*CHAPTER 4-D*

*ACCEPTANCE OF RECYCLABLE CONTAINERS IN BULK USING MOTOR VEHICLES*

*§16-470 Definitions.*

*§16-471 On-street acceptance or transfer of recyclable containers in bulk.*

*§16-472 Registration.*

*§16-473 Reporting requirements.*

*§16-474 Operating requirements.*

*§16-475 Exemption.*

*§16-476 Enforcement.*

*§16-477 Rulemaking authority.*

*§16-470 Definitions. As used in this chapter:*

*“In bulk” means fifty or more recyclable containers;*

*“Motor vehicle” means any vehicle operated or driven upon a street that is propelled by any power other than human or animal power;*

*"Owner" means a person, other than a lienholder, having the property in or title to a motor vehicle, including any person entitled to the use and possession of a motor vehicle subject to a security interest by 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;*

*"Person" means any individual, firm, corporation or other legal entity;*

*"Recyclable container" means any bottle, can, jar or other container constructed from glass, metal or plastic that has been designated as a recyclable material pursuant to subdivision b of section 16-305 of this title;*

*"Street" means any public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, including marginal streets.*

*§16-471 On-street acceptance or transfer of recyclable containers in bulk. a. It shall be unlawful for any person using a motor vehicle to accept, receive or otherwise collect recyclable containers in bulk from more than one person on or in any street in the city of New York.*

*b. It shall be unlawful for any person to transfer recyclable containers in bulk from one vehicle to another on or in any street in the city of New York where one or more of the vehicles involved in the transfer has a commercial license plate.*

*c. This section shall not apply to authorized employees or agents of the city engaged in the collection of solid waste or recyclable materials, persons licensed pursuant to subdivision a of section 16-505 of this code, and persons registered or exempted from registration pursuant to subdivision b of section 16-505 of this code.*

*d. The owner of any motor vehicle used in violation of this section shall also be*

*liable for any such violation except where such vehicle owner establishes that the motor vehicle was used for purposes of violating the provisions of this section without such vehicle owner's permission.*

*§16-472 Registration. a. On or after January 1, 2014, no person shall, while using a motor vehicle, accept, receive, transfer from one motor vehicle to another motor vehicle, or otherwise collect recyclable containers in bulk from more than two persons on private property in the city of New York without registering with the department pursuant to the provisions set forth in this section. Any application for registration or for renewal of a registration submitted to the department shall include the following:*

*i. name and address of each such person and owner of such motor vehicle used for acceptance of recyclable containers in bulk; and*

*ii. the location, including the street address or nearest street address of the property, and tax block and lot number or numbers if more than one lot, or other information identifying specifically where such motor vehicle will accept recyclable containers in bulk and the name of the owner of such property and a signed certification from such owner approving the use of such property for the purpose of in bulk container acceptance.*

*b. Such registration shall be conspicuously posted in such motor vehicle.*

*c. Prior to issuing a registration pursuant to this section, the department shall confirm that any location where a motor vehicle proposes to collect recyclable containers in bulk as specified pursuant to paragraph ii of subdivision a of this section is zoned for such use.*

*d. The commissioner may establish, by rule, a fee to process applications for registration pursuant to this section.*

*e. Any registration issued by the department pursuant to this section shall expire*

*one year from its issuance, and may be renewed thereafter. A request for renewal shall be reviewed by the department prior to such expiration of such registration, if such request is submitted to the department no later than forty-five days prior to the expiration of such registration.*

*§16-473 Reporting requirements. No later than January 31, 2015, and annually thereafter, any person registered pursuant to section 16-472 of this chapter shall submit an annual report to the department. Such report shall include, but not be limited to, the following:*

- i. the name and address of each operator of the motor vehicle used for acceptance of recyclable containers in bulk;*
- ii. any change to the information contained in each such operator's registration;*
- iii. each location where collected recyclable containers are delivered; and*
- iv. the total amount of refunds paid out and revenue generated, in the aggregate, by the registrant for the prior calendar year pursuant to the registration issued by the department.*

*§16-474 Operating requirements. Any person registered pursuant to this chapter shall ensure that such person's motor vehicle accepts, receives, transfers from one motor vehicle to another motor vehicle or otherwise collects recyclable containers in bulk from another person on private property in the city of New York only at the location listed in the registration. Such person shall ensure that such property is operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety, including ensuring that the roadway, sidewalk and curb area abutting such property where such person operates is kept clean and free from obstruction and nuisances resulting directly from such person's activities, and that the roadway, sidewalk and curb area abutting any such property are free from garbage, refuse, rubbish, litter, debris and other offensive material including, but not limited to,*

*unwanted recyclable containers.*

*§16-475 Exemption. The provisions of sections 16-471, 16-472, 16-473 and 16-474 of this chapter shall not apply to persons using a motor vehicle to collect or receive recyclable containers in bulk on streets or private property from dealers, distributors or redemption centers as such terms are defined in section 27-1003 of the environmental conservation law.*

*§16-476 Enforcement. a. Any person who violates section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of one thousand dollars for each such violation.*

*b. Any person who violates section 16-472 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of five hundred dollars for each such violation.*

*c. Any person who violates sections 16-473 or 16-474 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of two hundred fifty dollars for each such violation.*

*d. Any motor vehicle that has been used or is being used to collect recyclable containers in bulk in violation of section 16-471 of this chapter or without registering with the department in violation of section 16-472 of this chapter may be impounded by the department and shall not be released until either all storage fees and the applicable fine 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. Where it is determined that the motor vehicle was not used to commit a violation of section 16-471 or 16-472 of this chapter, such fees shall be promptly returned.*

*e. The provisions of this chapter may be enforced by the department, the police department, the department of consumer affairs and the business integrity commission.*

*§16-477 Rulemaking authority. The commissioner shall be authorized to promulgate such rules as are necessary to implement the provisions of this chapter.*

§ 2. This local law shall take effect one hundred twenty days after enactment, except that the commissioner of sanitation shall take such actions as are necessary for its implementation, including promulgation of rules, 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 July 24, 2013 and approved by the Mayor on August 12, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 57 of 2013, Council Int. No. 893-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 69**

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Introduced by Council Members Recchia, Brewer, Gentile, Koo, Koppell, Rose, Lappin, Levin, Gennaro, Dromm, Palma, Van Bramer, Jackson, Williams, Ulrich and Halloran.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the recovery of refrigerants from appliances.**

*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-E to read as follows:

*CHAPTER 4-E  
RECOVERY OF REFRIGERANTS*

- § 16-480 Definitions.*
- § 16-481 Original equipment manufacturer responsibility for recovery.*
- § 16-482 Department refrigerant recovery program.*
- § 16-483 Improper disposal of appliances.*
- § 16-484 Enforcement.*
- § 16-485 Rulemaking authority.*
- § 16-486 Severability.*

*§16-480 Definitions. As used in this chapter:*

*“Appliance” means any device that contains refrigerants and can be used for household purposes including, but not limited to, room air conditioners, refrigerators, water coolers, or freezers.*

*“Original equipment manufacturer” means (1) a person or entity whose brand name appears on an appliance sold, offered for sale or distributed in the city or (2) a person or entity*

*who manufacturers or has manufactured an appliance sold, offered for sale or distributed in the city.*

*“Recover” or “recovery” means to remove refrigerants from an appliance in such a way that the refrigerants are not released into the atmosphere pursuant to subpart F of part 82 of title 40 of the code of federal regulations.*

*“Refrigerants” means any substances consisting in whole or in part of a class I or class II ozone-depleting substance, which are used for heat transfer purposes and provide a cooling effect, including, but not limited, to chlorofluorocarbons, hydro-chlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A “substitute substance” shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use.*

*“Residential generator” means any person, entity, agency, or institution in the city of New York that receives solid waste or recycling collection service from the department.*

*“Room air conditioner” means any electrical appliance that has a compressor, a condenser, an evaporator and a fan to cool and dehumidify the surrounding air and that is capable in ordinary usage of being mounted in a window or through a wall.*

*“Serviced by the department” means the recovery of refrigerants by the department from appliances that are set out for department collection in the city of New York.*

*§16-481 Original equipment manufacturer responsibility for recovery. a. On and after July first, two thousand fourteen, original equipment manufacturers shall be responsible for the lawful recovery of refrigerants from their appliances that are disposed of by residential generators.*

*b. An original equipment manufacturer may elect to (i) establish its own refrigerant recovery program, (ii) participate with other original equipment manufacturers in a refrigerant recovery program, or (iii) have its appliances serviced by the department in the refrigerant recovery program provided pursuant to section 16-482 of this chapter. No program established pursuant to paragraph one or two of this subdivision may include curbside collection of appliances.*

*§16-482 Department refrigerant recovery program. a. The department shall provide a program for the recovery of refrigerants from appliances that are set out for department collection in the city of New York.*

*b. The department shall establish, by rule, a fee for the recovery of refrigerants from appliances that are set out for department collection in the city of New York.*

*c. An original equipment manufacturer whose appliance is serviced by the department shall be billed by the department and shall be responsible for the payment of the fee established by the department for the recovery of refrigerants.*

*§16-483 Improper disposal of appliances. No original equipment manufacturer or its agent shall dispose of an appliance as solid waste in the city unless arrangements have been made for the lawful recovery of refrigerants.*

*§16-484 Enforcement. a. The department shall have the authority to enforce the provisions of this chapter.*

*b. Any original equipment manufacturer or agent of such manufacturer who violates section 16-483 of this chapter shall be liable for a civil penalty of five hundred dollars for each violation.*

*§16-485 Rulemaking authority. The department shall be authorized to promulgate such*

*rules as are necessary to implement the provisions of this chapter, including but not limited to rules relating to reporting by original equipment manufacturers and registration with the department by such manufacturers, which registration may require the submission of information related to such manufacturers' refrigerant recovery programs, if any, and establishing penalties for violations of such rules.*

*§16-486 Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.*

§ 2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of sanitation shall take such actions as are necessary for its implementation, including promulgation of rules, 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 July 24, 2013 and approved by the Mayor on August 19, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 69 of 2013, Council Int. No. 894-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 74**

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Introduced by Council Members Gennaro, Levin, Fidler, Lander, Mendez, Palma, Richards, Gentile, Vallone, Brewer and Eugene.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 24-163.5 of title 24 of the administrative code of the city of New York is amended to read as follows:

h. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered motor vehicle or diesel fuel-powered nonroad vehicle where the city agency that has entered into the applicable solid waste contract or recyclable materials contract makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such vehicle, in which case the contractor shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such vehicle. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 2. Subdivision e of section 24-163.6 of title 24 of the administrative code of the city of New York is amended to read as follows:

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer affairs makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 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 August 22, 2013 and approved by the Mayor on September 4, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 74 of 2013, Council Int. No. 1062-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 75**

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Introduced by Council Members Richards, Levin, Chin, Comrie, James, Koppell, Lander, Palma, Vallone, Brewer and Eugene.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to requiring the calculation of and reporting on the use-based fuel economy of light-duty and medium-duty vehicles in the city fleet.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 24-163.1 of the administrative code of the city of New York is amended by adding a new paragraph 13 to read as follows:

*(13) "Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.*

§ 2. Subdivision e of section 24-163.1 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

*(3) Not later than January 1, 2016, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy for the immediately preceding fiscal year. The information contained in such report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.*

§ 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 August 22, 2013 and approved by the Mayor on September 4, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 75 of 2013, Council Int. No. 1074-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 77**

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Introduced by Council Members Rose, Koo, Koppell, Palma, Vallone, Brewer, Chin, Jackson, Barron and Williams.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the collection of food waste.**

*Be it enacted by the Council as follows:*

Section 1. The definition of “compostable waste” in section 16-303 of the administrative code of the city of New York, as added by local law number 40 for the year 2010, is amended to read as follows:

"[Compostable] *Organic* waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings. [Such] *As determined by the commissioner, such* term may also include disposable plastic food service ware and bags that meet the [american society for the testing of materials] *ASTM International* standard [specification] *specifications* for compostable plastics, but shall not include liquids and textiles.

§ 2. Section 16-308 of the administrative code of the city of New York is amended by relettering subdivisions a through h as subdivisions b through i, respectively, and adding a new subdivision a to read as follows:

§16-308 [Yard] *Organic* waste. *a. 1. No later than October first, two thousand thirteen, the commissioner shall establish a voluntary residential organic waste curbside collection pilot*

*program for the diversion of organic waste from households in one designated collection area. Such pilot program shall end no earlier than July first, two thousand fifteen. For purposes of this subdivision, a household shall mean a single dwelling or a residential unit within a dwelling that contains two or more residential units and a designated collection area shall mean a contiguous area within a borough comprised of no fewer than one thousand households.*

*2. No later than January first, two thousand fourteen, the commissioner shall establish a school organic waste collection pilot program for the diversion of organic waste from no fewer than three hundred schools located in no fewer than three boroughs. Provided there is sufficient capacity in trucks on collection routes for such pilot program, the department shall provide organic waste collection service to residential buildings with nine or more units that are located on such collection routes and that volunteer for such collection. Such pilot program shall end no earlier than July first, two thousand fifteen.*

*3. No later than January first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of three designated collection areas, each of which shall be in a different borough. No later than June first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of four designated collection areas, each of which shall be in a different borough, with a goal of expanding such pilot program to no fewer than one hundred thousand households by such date.*

*4. No later than January first, two thousand fifteen, the commissioner shall expand the school organic waste collection pilot program established pursuant to paragraph two of this subdivision to no fewer than a total of four hundred schools located in no fewer than five*

*boroughs. Provided there is sufficient capacity in trucks conducting collection on collection routes for such pilot program, the department shall provide organic waste collection service to residential buildings with nine or more units that are located on such collection routes and that volunteer for such collection.*

*5. The commissioner shall have the authority, during the duration of the pilot program established pursuant to paragraph one of this subdivision, to discontinue voluntary residential organic waste curbside collection service to a designated collection area, provided, however, that the commissioner shall select a replacement designated collection area within sixty days of any such discontinuation.*

*6. The department or its designee shall conduct outreach and education to residents for the duration of the pilot programs established pursuant to this subdivision. Such outreach and education shall include, but need not be limited to, the environmental benefits of source separating organic waste for composting, instructions for how to properly source separate organic waste and the benefits of reducing organic waste.*

*7. On June first, two thousand fourteen and every six months thereafter for the duration of the pilot programs established pursuant to this subdivision, the department shall report to the mayor and the council the total amount of organic waste diverted during the previous six-month period from households and schools that participated in such pilot programs during the entirety of such six-month period. The department shall include such diversion information in the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

*8. No later than January first, two thousand fifteen, the commissioner shall conduct a study on improving community composting and submit the findings of such study to the mayor and the*

*council. The study shall include, but need not be limited to: (i) recommendations for how the city can optimize the use of existing community composting locations and resources; (ii) an assessment of markets for finished compost within the city, including use by city agencies and potential retail sales; and (iii) strategies to expand community composting locations in each of the five boroughs.*

*9. No later than October first, two thousand fifteen, the commissioner shall issue a report to the mayor and the council on the pilot programs established pursuant to this subdivision, which shall include, but need not be limited to information on: (i) the number of households, residential buildings, and schools participating; (ii) the total amount of organic waste diverted; (iii) the costs associated with the programs; (iv) the availability of organic material processing capacity in and around the city; and (v) resident feedback concerning such pilot programs, including the adequacy of the receptacles used for such pilot programs and any other issues of concern. Such report shall include recommendations as to whether the voluntary residential organic waste curbside collection pilot program and the school organic waste collection pilot program should be expanded and, if so, a schedule for expanding such pilot program to additional designated collection areas in the city.*

§ 3. Subdivision b of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

b. [Except as provided in subdivision b of this section, within twenty-four months of the effective date of the local law that amended this section, the] *On and after July first, two thousand sixteen, the commissioner shall provide for the source separation, collection and composting of department-managed yard waste generated within designated areas of the city in which a substantial amount of yard waste is generated from March [1] first to July [31] thirty-first and September [1] first to November [30] thirtieth of each year, unless the generator otherwise*

provides for recycling or storage for composting or mulching. In addition, the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city housing authority. There shall be operated by or on behalf of the department one or more yard waste composting facilities through which the department shall compost yard waste collected by or delivered to the department pursuant to this section. In order to comply with this provision, the department may utilize the services of privately-owned or operated facilities. The department shall also work in consultation with the composting facility siting task force established by the [2006] *two thousand and six* solid waste management plan to identify additional locations to site yard waste composting facilities with the goal of establishing at least one such composting facility in each borough where the department conducts yard waste composting collection.

§ 4. Subdivision f of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

f. Generators of yard waste, except those identified in subdivision [f] g of this section, shall separate, tie, bundle, or place into paper bags or unlined rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision [a] 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.

§ 5. Subdivision h of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

h. Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other

[compostable] *organic* waste collected and disposed of by weight at such composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§ 6. Subdivision i of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

i. No person residing in a district where the department provides residential yard waste composting collection pursuant to subdivision [a] *b* of this section shall dispose of grass clippings as regular waste for collection by the department during the period of time when the department conducts such composting collection. The department shall conduct outreach and education to inform residents within such districts of the dates when it will conduct yard waste composting collection. No person residing in a district where the department provides residential yard waste composting collection shall be held liable for a violation of this subdivision during the first year the department provides such residential yard waste composting collection.

§ 7. The opening paragraph of subdivision a and subdivision b of section 16-324 of the administrative code of the city of New York, the opening paragraph of subdivision a as amended by local law number 34 for the year 2010 and subdivision b as added by local law number 34 for the year 2010, are amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision [f] *g* of section 16-308 of this chapter or *section* 16-310.1 of this chapter, or any rule 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, as follows:

b. Any person who violates subdivision [f] g 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 committed within a twelve-month period, and two thousand five hundred dollars for the third and each subsequent violation committed within a twelve-month period.

§ 8. 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 September 12, 2013 and approved by the Mayor on October 2, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 77 of 2013, Council Int. No. 1107-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 128**

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Introduced by Council Members Oddo, Fidler, Gentile, James, Koo, Koppell, Rose, Dromm, Van Bramer and Gennaro.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to signs posted upon city-owned grassy areas adjacent to a street.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 10-119 of the administrative code of the city of New York, as amended by local law number 2 for the year 2003, is amended to read as follows:

a. It shall be unlawful for any person to paste, post, paint, print, nail or attach or affix by any means whatsoever any handbill, poster, notice, sign, advertisement, sticker or other printed material upon any curb, gutter, flagstone, tree, lamppost, awning post, telegraph pole, telephone pole, public utility pole, public garbage bin, bus shelter, bridge, elevated train structure, highway fence, barrel, box, parking meter, mail box, traffic control device, traffic stanchion, traffic sign (including pole), tree box, tree pit protection device, bench, traffic barrier, hydrant, public pay telephone, *city-owned grassy area adjacent to a street*, any personal property maintained on a [city] street or other city-owned property pursuant to a franchise, concession or revocable consent granted by the city or other such item or structure in any street, or to direct, suffer or permit any servant, agent, employee or other person under his or her control to engage in such activity; provided, however, that this section shall not apply to any handbill, poster, notice, sign, advertisement, sticker or other printed material so posted by or under the direction of the council,



or by or under the direction of any city agency, or pursuant to a franchise, concession or revocable consent granted pursuant to chapter fourteen of the charter.

§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 December 10, 2013 and approved by the Mayor on December 17, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 128 of 2013, Council Int. No. 1140-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 142**

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Introduced by Council Members Fidler, James, Gentile, Brewer, King, Koslowitz, Lander, Levin, Vann, Dromm, Ferreras, Gonzalez, Mendez, Richards, Rivera, Van Bramer, Chin, Nelson, Garodnick, Gennaro, Rodriguez, Koo, Vallone and Koppell (in conjunction with the Mayor).  
Passed under a Message of Necessity from the Mayor.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to restrictions on the sale or use of certain expanded polystyrene items.**

*Be it enacted by the Council as follows:*

Section 1. The opening paragraph of subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 77 for the year 2013, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision g of section 16-308 of this chapter [or], *section 16-310.1 of this chapter or section 16-329 of this chapter*, or any rule 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, as follows:

§ 2. Subdivision d of section 16-324 of the administrative code of the city of New York, as amended by local law number 34 for the year 2010, is amended to read as follows:

d. Any notice of violation or notice of hearing for a violation issued to the owner, net lessee or person in charge of a premises *or to a food service establishment, mobile food commissary, store, or manufacturer, as those terms are defined in section 16-329 of this chapter*,

at which *or by whom* a violation of this chapter or any rule promulgated *pursuant* thereto is alleged to have occurred *or to have been committed* shall be served by delivering a copy of the notice thereof at the address maintained in the records of the department of housing preservation and development [or], the department of finance, *or the department of health and mental hygiene*. The notice of violation or notice of hearing may be served by regular mail or in accordance with section one thousand forty-nine-a of the charter *or, if such notice is served by an agency other than the department, in accordance with the rules of such agency*.

§ 3. Section 16-324 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen.*

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

SUBCHAPTER 9

RESTRICTIONS ON THE SALE OR USE OF CERTAIN EXPANDED  
POLYSTYRENE ITEMS

§16-329 Restrictions on the sale or use of certain expanded polystyrene items. a.

*Definitions. When used in this section:*

*“Chain food service establishment” means five or more food service establishments located within the city that (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.*

*“Chain store” means five or more stores located within the city that (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.*

*“Economically feasible” means cost effective based on consideration of factors including, but not limited to, direct and avoided costs such as whether the material is capable of being collected by the department in the same truck as source separated metal, glass and plastic recyclable material, and shall include consideration of markets for recycled material.*

*“Environmentally effective” means not having negative environmental consequences including, but not limited to, having the capability to be recycled into new and marketable products without a significant amount of material accepted for recycling being delivered to landfills or incinerators.*

*“Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable*

*bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Such term shall not include rigid polystyrene.*

*“Food service establishment” means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.*

*“Manufacturer” means every person, firm or corporation that:*

*1. produces expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city; or*

*2. imports expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city.*

*“Mobile food commissary” means any facility that:*

*1. disposes of solid waste generated by the operation of a food service establishment that is located in or is a pushcart, stand or vehicle; or*

*2. supplies potable water and food, whether pre-packaged or prepared at the mobile food commissary, and supplies non-food items.*

*“Polystyrene loose fill packaging,” commonly known as packing peanuts, means a void-filling packaging product made of expanded polystyrene that is used as a packaging fill.*

*“Safe for employees” means that, among other factors, the collection and sorting of any source separated material does not pose a greater risk to the health and safety of persons*

*involved in such collection and sorting than the risk associated with the collection and sorting of any other source separated recyclable material in the metal, glass and plastic recycling stream.*

*“Single service articles” means cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and all similar articles that are intended by the manufacturer to be used once for eating or drinking or that are generally recognized by the public as items to be discarded after one use.*

*“Store” means a retail or wholesale establishment other than a food service establishment.*

*b. No later than January first, two thousand fifteen, the commissioner shall determine, after consulting with the department’s designated recycling contractor for metal, glass and plastic materials, manufacturers and recyclers of expanded polystyrene, and, in the commissioner’s discretion, any other person or group having expertise on expanded polystyrene, whether expanded polystyrene single service articles can be recycled at the designated recycling processing facility at the South Brooklyn Marine Terminal in a manner that is environmentally effective, economically feasible, and safe for employees. At such time, the commissioner shall report to the mayor and the council on such determination. If the commissioner determines that expanded polystyrene single service articles can be recycled in such manner, the commissioner shall adopt and implement rules designating expanded polystyrene single service articles and, as appropriate, other expanded polystyrene products, as a recyclable material and require the source separation of such expanded polystyrene for department-managed recycling.*

*c. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no food service establishment, mobile food commissary, or store shall possess, sell, or offer*

*for use single service articles that consist of expanded polystyrene including, but not limited to, providing food in single service articles that consist of expanded polystyrene. This subdivision shall not apply to (1) expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment, mobile food commissary, or store or (2) expanded polystyrene containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.*

*d. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no manufacturer or store shall sell or offer for sale polystyrene loose fill packaging in the city.*

*e. Any not-for-profit corporation, regardless of its income, and any food service establishment, mobile food commissary, or store that had a gross income under five hundred thousand dollars per location on their annual income tax filing for the most recent tax year and is not part of a chain food service establishment or a chain store may request from the commissioner of small business services, in a manner and form established by such commissioner, a financial hardship waiver of the requirements of this section. Such waiver request may apply to one or more single service articles possessed, sold, or offered for use by any such not-for-profit corporation, food service establishment, mobile food commissary, or store. The commissioner of small business services shall, after consultation with the commissioner, grant such waiver if such not-for-profit corporation, food service establishment, mobile food commissary, or store proves: (1) that there is no comparable alternative product not composed of expanded polystyrene that would cost the same as or less than the single service article composed of expanded polystyrene, and (2) that the purchase or use of an alternative product not composed of expanded polystyrene*

would create an undue financial hardship. Such financial hardship waiver shall be valid for twelve months and shall be renewable upon application to the commissioner of small business services. A pending application for such financial hardship waiver shall be a defense to any notice of violation issued pursuant to this section to which such pending application relates and such notice of violation shall be dismissed.

f. On and after January first, two thousand fifteen, the department shall provide outreach and education as follows:

(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the department, in consultation with the department of health and mental hygiene and the department of consumer affairs, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation.

g. The department, the department of health and mental hygiene and the department of consumer affairs shall have the authority to enforce the provisions of this section.



§ 5. 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 December 19, 2013 and approved by the Mayor on December 30, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 142 of 2013, Council Int. No. 1060-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 145**

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Introduced by Council Members Gennaro, Fidler, Koo, Richards, Rodriguez, Vallone, Koppell, Van Bramer, Greenfield and Jackson (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to reducing the emissions of pollutants from heavy duty trade waste hauling vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-509 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. On or after January first, two thousand nineteen, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will meet the requirements of section 24-163.11 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration, unless such applicant has been issued a waiver for financial hardship, or has submitted an application for such waiver in accordance with the provisions of subdivision c of section 24-163.11 of the code and such application is pending with the commission.*

§ 2. Subdivision a of section 16-513 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its

principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; [or] (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c

of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; *or (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto.*

§ 3. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.11 to read as follows:

*§24-163.11 Trade waste vehicles. a. Definitions. When used in this section:*

*“Best available retrofit technology” means technology verified by the United States environmental protection agency or the California air resources board for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to a particular engine and application that has been approved for use by the commissioner.*

*“Heavy duty trade waste hauling vehicle” means any diesel-fuel powered vehicle with a gross weight of over sixteen thousand pounds that is owned or operated by an entity that is required to be licensed or registered by the New York city business integrity commission pursuant to section 16-505 of the code and that is operated in New York city for collection and/or removal of trade waste.*

*“Trade waste” shall have the same meaning as set forth in subdivision f of section 16-501 of the code.*

*b. Use of best available retrofit technology in heavy duty trade waste hauling vehicles. (1) Beginning January first, two thousand twenty, any heavy duty trade waste hauling vehicle shall utilize best available retrofit technology or be equipped with an engine certified to the applicable two thousand seven United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title forty of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.*

*(2) On or before June thirtieth, two thousand eighteen, the commissioner shall review the technology verified by the United States environmental protection agency and the California air resources board for reducing the emission of pollutants that achieves reductions in particulate matter emissions at the highest classification level for diesel emission control strategies that is applicable to a particular engine and application and shall promulgate rules setting forth the best available retrofit technology to be used by heavy duty trade waste hauling vehicles to which this section applies. Such rules shall be reviewed on a regular basis, but in no event less often than once every six months, and shall be revised, as needed.*

*c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship on the applicant. An application for such waiver must be filed with the business integrity commission on or before January first, two thousand nineteen, or in the case of an applicant that applies for a license or registration with the business integrity commission pursuant to section 16-505 of the code for the first time after January first, two thousand nineteen, an application for such waiver shall be filed no later than the*

*date on which such license or registration application is filed with the commission. An application for renewal of an existing waiver must be filed no later than one hundred eighty days before the expiration of such waiver. Any waiver issued pursuant to this paragraph shall expire no later than two years after issuance. All waivers issued pursuant to this subdivision shall expire no later than January first, two thousand twenty-five. The provisions of paragraph one of subdivision b of this section shall not apply to an applicant that has submitted an application for a waiver in accordance with the provisions of this subdivision while such application is pending with the commission, nor for ninety days after the date of a denial of such waiver.*

*d. Enforcement. (1) In addition to the department, the business integrity commission shall have the authority to enforce this section and shall have the power to issue notices of violation. All notices of violation issued in accordance with this section shall be returnable to the board.*

*(2) Any owner or operator of a heavy duty trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or of the chairperson of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department or the business integrity commission electronically, or in such other manner as the department or the business integrity commission shall authorize, respectively, a certification that the condition has been corrected within sixty days from the date of the order. In any proceeding before the board, no civil penalty shall be imposed for a violation of this section if the respondent complies with the order of the commissioner or chairperson to correct and to certify correction of the violation within sixty days. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond sixty days from such order.*

*(3) For the purposes of this section, if the board finds that a certification of correction filed pursuant to paragraph two of this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this section for the violation may be imposed as if such false certification had not been filed with and accepted by the department or the business integrity commission. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.*

*(4) Nothing in this section shall be construed to limit the authority of the business integrity commission to deny, suspend or revoke any license or registration in accordance with chapter one of title 16-A of the code or otherwise enforce the provisions of such chapter.*

*(5) The business integrity commission shall have the authority to promulgate any rules necessary to enforce the provisions of this section, including but not limited to establishing criteria for the issuance of waivers pursuant to subdivision c of this section and establishing procedures for owners and operators of heavy duty trade waste hauling vehicles to demonstrate compliance with the requirements of this section.*

§ 4. 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 December 19, 2013 and approved by the Mayor on December 30, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 145 of 2013, Council Int. No. 1160-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 146**

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Introduced by Council Members James, Brewer, Chin, Fidler, Gentile, Koo, Rodriguez, Van Bramer, Mark-Viverito, Gennaro, Koppell, Lappin and Ulrich (by request of the Mayor).  
Passed under a Message of Necessity from the Mayor.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to commercial organic waste.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-306.1 to read as follows:

*§ 16-306.1 Organic waste. a. When used in this section or section 16-324 of this chapter:*

*“Arena” means an establishment or facility that hosts live sporting or entertainment events.*

*“Capacity” means the combined capacity of facilities that are capable of accepting and processing, consistent with the terms of this section and exceeding a nominal amount, organic waste expected to be generated by and collected from designated covered establishments.*

*“Catering establishment” shall have the same meaning as set forth in section 20-359 of this code.*

*“Covered establishment” means:*

*1. any location at which a food manufacturer has a floor area of at least twenty-five thousand square feet;*

2. any location at which a food wholesaler has a floor area of at least twenty thousand square feet;

3. any location at which a retail food store has a floor area of at least ten thousand square feet, or any retail food store that is part of a chain of three or more retail food stores that have a combined floor area space of at least ten thousand square feet and that operate under common ownership or control and receive waste collection from the same private carter;

4. arenas or stadiums having a seating capacity of at least fifteen thousand persons;

5. any food service establishment that is part of a chain of two or more food service establishments that have a combined floor area of at least eight thousand square feet and that: (i) operate under common ownership or control; (ii) are individually franchised outlets of a parent business; or (iii) do business under the same corporate name, provided that the requirements of subparagraph (i) of paragraph 1 of subdivision c of this section shall not apply to any such food service establishment when the building or premises in which such food service establishment is located is in compliance with such requirement pursuant to paragraph seven of this definition;

6. any location at which a food service establishment has a floor area of at least seven thousand square feet, provided that the requirements of subparagraph (i) of paragraph 1 of subdivision c of this section shall not apply to any such location when the building or premises containing such location is in compliance with such requirement pursuant to paragraph seven of this definition;

7. any building or premises where food service establishments having a total combined floor area of at least eight thousand square feet are located and where the owner of the building or premises, or its agent, arranges or contracts with a private carter for the removal of waste from food service establishments having no less than eight thousand square feet of such building or

*premises, provided that any such food service establishments shall comply with the requirements of subparagraphs (ii), (iii) and (iv) of paragraph 1 of subdivision c of this section, but such requirements shall not apply to the owner or agent of any such building or premises;*

*8. any location at which a food preparation establishment has a floor area of at least six thousand square feet;*

*9. any catering establishment that is required to provide for the removal of waste pursuant to section 16-116 of this code whenever the anticipated attendance for any particular event is greater than one hundred persons;*

*10. any food service establishments located within and providing food to one or more hotels totaling at least one hundred sleeping rooms; and*

*11. sponsors of a temporary public event.*

*“Designated area” means within a one hundred mile radius of the city.*

*“Food manufacturer” means any establishment that processes or fabricates food products from raw materials for commercial purposes, provided that it shall not include any establishment engaged solely in the warehousing, distribution or retail sale of product.*

*“Food preparation establishment” means a business that is primarily engaged in providing food or food services for a temporary, fixed time, or based on contractual arrangements for a specified period of time at locations other than such establishment’s permanent place of business.*

*“Food service establishment” means any premises or part of a premises that is required to provide for the removal of waste pursuant to section 16-116 of this code where food is provided directly to the consumer, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises. Food service establishment shall include, but not be*

*limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, and business, institutional or government agency cafeterias, but shall not include retail food stores, convenience stores, pharmacies, and mobile food vending units, as such term is defined in section 89.03 of the health code. Food service establishment shall also not include any premises or place of business where the sole or primary source of food is a refreshment counter where the available food is limited to items such as beverages, prepackaged items, and snacks.*

*“Food wholesaler” means any establishment primarily engaged in the wholesale distribution of groceries and related products including, but not limited to, packaged frozen food, dairy products, poultry products, confectioneries, fish and seafood, meat products, and fresh fruits and vegetables but shall not apply to establishments that handle only pre-packaged, non-perishable foods.*

*“Hotel” shall have the same meaning as set forth in section 27-2004 of the housing maintenance code.*

*“In vessel composting” means a process in which organic waste is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintained under controlled conditions of temperature and moisture and where air-borne emissions are controlled.*

*“Organic waste” shall have the same meaning as set forth in section 16-303 of this title, except that for purposes of this section, organic waste shall not include food that is donated to a third party, food that is sold to farmers for feedstock, and meat by-products that are sold to a rendering company.*

*“Private carter” means a business licensed by the business integrity commission pursuant to title 16-A of this code.*

*“Retail food store” means any establishment or section of an establishment where food and food products offered to the consumer are intended for off-premises consumption, but shall exclude convenience stores, pharmacies, greenmarkets or farmers’ markets and food service establishments.*

*“Sponsor of a temporary public event” means the applicant for a street activity permit pursuant to chapter 1 of title 50 of the rules of the city of New York, or any successor provision, for any activity on a public street, street curb lane, sidewalk or pedestrian island or plaza with an anticipated attendance of greater than five hundred persons per day where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic. Such term shall not include activities conducted pursuant to a valid film permit, demonstrations, parades or block parties.*

*“Stadium” means an establishment or facility that hosts live sporting or entertainment events.*

*b. The commissioner shall, on a regular basis and no less than annually, evaluate the capacity of all facilities within the designated area and the cost of processing organic waste by composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule. If the commissioner determines that there is sufficient capacity and that the cost of processing organic waste consistent with this section is competitive with the cost of disposing of organic waste by landfill or incineration, he or she shall designate by rule all covered establishments or a subset of covered establishments, based on any criteria, among such covered establishments, that generate a quantity of organic waste that would not exceed the evaluated capacity. All such designated covered establishments shall comply with the requirements of subdivision c of this section beginning no later than six months following such*

*designation. In addition, the commissioner shall include in his or her evaluation the capacity of any facilities outside of the designated area that have arrangements or contracts with transfer stations or private carters to accept and process organic waste generated by and collected from covered establishments.*

*c. 1. Each designated covered establishment shall:*

*i. either (A) ensure collection by a private carter of all organic waste generated by such establishment for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule, (B) transport its own organic waste to a facility that provides for composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule, provided that the covered establishment first obtains a registration issued by the business integrity commission pursuant to subdivision b of section 16-505 of this code, or (C) provide for on-site in vessel composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule for some or all of the organic waste it generates on its premises, provided that it arranges for the collection or transport of the remainder of such organic waste, if any, in accordance with clause (A) or (B) of this subparagraph;*

*ii. post a sign, which shall be in addition to any other sign required to be posted pursuant to this code, that states clearly and legibly the trade or business name, address, and telephone number of, and the day and time of pickup by, the private carter that collects the covered establishment's organic waste, that such covered establishment transports its own organic waste, or that such covered establishment provides for on-site processing for all of the organic waste it generates on its premises, provided that:*

*(A) such sign shall be prominently displayed by affixing it to a window near the principal entrance to the covered establishment so as to be easily visible from outside the building or, if this is not possible, prominently displayed inside the covered establishment near the principal entrance;*

*(B) catering establishments shall not be required to display on such sign the day and time of the pickup by the private carter that collects the establishment's organic waste; and*

*(C) this paragraph shall not apply to sponsors of temporary public events;*

*iii. provide separate bins for the disposal of organic waste in any area where such organic waste is generated and disposed of; and*

*iv. post instructions on the proper separation of organic waste where such instructions will be visible to persons who are disposing of organic waste, provided that this subparagraph shall not apply to sponsors of temporary public events.*

*2. Any covered establishment that arranges for the collection by a private carter of its organic waste pursuant to this subdivision shall not commingle such organic waste with other designated and non-designated recyclable material or solid waste, and shall place such organic waste out for collection by a private carter in a container or containers that (i) has a lid and a latch that keeps the lid closed and is resistant to tampering by rodents or other wildlife, (ii) has the capacity that meets the disposal needs of the covered establishment and its private carter, (iii) is compatible with the private carter's hauling collection practices, and (iv) is closed and latched at the time it is placed out for collection.*

*3. Any private carter that collects source separated organic waste from a covered establishment shall either:*

*i. deliver collected organic waste to a transfer station that has represented that it will deliver such organic waste to a facility for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule;*  
*or*

*ii. deliver such organic waste directly to a facility for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule.*

*d. Any transfer station that receives source separated organic waste pursuant to this section shall deliver or have delivered such organic waste directly to a facility that accepts organic waste for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule. This subdivision shall not apply to waste that cannot be processed at an organic waste processing facility.*

*e. The provisions of this section relating to private carters shall be enforced by the business integrity commission. The provisions of this section relating to covered establishments shall be enforced by the department, the department of health and mental hygiene, and the department of consumer affairs.*

*f. The department, the business integrity commission, the department of health and mental hygiene, and the department of consumer affairs may promulgate any rules necessary to implement this section, including, but not limited to, rules establishing reporting requirements sufficient to demonstrate compliance with this chapter.*

*g. Any person who owns or operates two or fewer food service establishments may request, and the commissioner shall grant, a waiver of the requirements of this section if: (1) no single food service establishment has a floor area of at least seven thousand square feet; (2) the food service*



*establishment or establishments are individually franchised outlets of a parent business covered by paragraph five of the definition of “covered establishment” set forth in subdivision a of this section; and (3) the owner or operator establishes that such food service establishment or establishments do not receive private carting services through a general carting agreement between a parent business and a private carter. Such waiver shall be valid for twelve months and shall be renewable upon application to the commissioner via the department’s website.*

§ 2. The opening paragraph of subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 77 for the year 2013, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except *section 16-306.1 of this chapter*, subdivision g of section 16-308 of this chapter or *section 16-310.1 of this chapter*, or any rule 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, as follows:

§ 3. Section 16-324 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer affairs promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer affairs, or in a proceeding returnable before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the*

*first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.*

*(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department 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 the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.*

*(3) Any private carter that violates section 16-306.1 of this chapter or rules of the business integrity commission promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the chair of the business integrity commission, or in a proceeding brought by the chair of the business integrity commission held in accordance with title 16-A of this code, except that the chair of the business integrity commission shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment*

*that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.*

§ 4. This local law shall take effect July 1, 2015.

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 December 19, 2013 and approved by the Mayor on December 30, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 146 of 2013, Council Int. No. 1162-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2013**

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**No. 153**

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Introduced by Council Members Reyna, Brewer, Chin, Dickens, Eugene, King, Koo, Mendez, Rose, Wills, Gennaro, Vallone, Van Bramer, Greenfield and Jackson. Passed under a Message of Necessity from the Mayor.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to replacing certain fines with opportunities to cure.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (i) of subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, *provided that a first-time violation of subdivision (b) of this section or any rules promulgated thereto by any owner, lessee or person in control of a commercial establishment shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation.* Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided.

§ 2. Section 20-275 of the administrative code of the city of New York is amended to read as follows:

§ 20-275. Violation. *a.* Any person who shall violate any of the provisions of this subchapter or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least five hundred dollars and upon any subsequent convictions be subject to a fine or one thousand dollars and/or imprisonment of at least fifteen days.

*b.* Any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 3. Subchapter 17 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-332 to read as follows:

*§ 20-332. Violation. Any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-324 of this subchapter and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 4. Subdivision d of section 20-240.1 of the administrative code of the city of New York is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty and enforcement provisions of either subchapter twenty-five of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; *except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of*

*violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-327 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 5. Section 20-728 of the administrative code of the city of New York is amended to read as follows:

§ 20-728. Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of not less than twenty-five nor more than one hundred dollars for each violation; *except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may*

*seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 6. Section 20-743 of the administrative code of the city of New York, as added by local law number 31 for the year 2003, is amended to read as follows:

§ 20-743. Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty or not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; *except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision (a) of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision (a) of section 20-740 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination*



*that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 7. Section 20-748 of the administrative code of the city of New York is amended to read as follows:

§ 20-748. Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty not to exceed two hundred fifty dollars; *except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 8. Section 20-753 of the administrative code of the city of New York, as added by local law number 32 for the year 1990, is amended to read as follows:

§ 20-753. Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty or not less than fifty dollars and not more than two hundred and fifty dollars for the first

offense and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation; *except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision c of section 20-750 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 20-750 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.* For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 9. Section 20-810 of the administrative code of the city of New York, as added by local law number 2 for the year 2010, is amended to read as follows:

§ 20-810. Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; *except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty*

*days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 10. Section 24-165 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

*(g) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.*

§ 11. Section 24-166 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

*(c) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.*

§ 12. The row in the table of civil penalties following subparagraph (i) of paragraph 5 of subdivision (b) of section 24-178 of the administrative code of the city of New York that begins 24-165 is amended, and a new row immediately following such row is added, to read as follows:

24-165	As Per Schedule E, F, or G, whichever is applicable	[As Per Schedule E, F, or G, whichever is applicable] 0
24-166	875	0

§ 13. Section 24-227 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

*(d) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have*

*been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.*

§ 14. The row in table I following paragraph (5) of section 24-257 of the administrative code of the city of New York that begins 24-227 is amended to read as follows:

24-227	875	[275] 0	1,750	440	2,625	660
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§ 15. The row in table I following paragraph (5) of section 24-257 of the administrative code of the city of New York that begins 24-231(a) is amended to read as follows:

24-231(a)	8,000	[2,000] 0	16,000	4,000	24,000	6,000
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§ 16. By June 30, 2014, the department of consumer affairs shall promulgate rules establishing opportunities to cure the first violation of the following signage mandates:

- 1) requiring the posting of refund policies;
- 2) requiring the posting of a sign stating that individuals may complain to the department of consumer affairs about a business licensed by such department;
- 3) prohibiting signs stating that a business is not liable for such business's negligence if such a statement is invalid under law;
- 4) requiring that parking lots and garages post a sign stating:
  - a) the business hours of such lot or garage;

- b) the licensed capacity of such lot or garage;
- c) such lot or garage is at full capacity for car or bicycle parking; and
- d) minimum number of bicycle parking spaces;
- 5) requiring that parking lots and garages have separate entrances and exits, with the main entrance and exit clearly designated with illuminated signs marked “entrance” and “exit”;
- 6) requiring that all required signage is illuminated, clearly visible, and readable;
- 7) requiring that those lots and garages with waivers under section 20-327.1 of the administrative code post a sign with respect to bike parking;
- 8) requiring that auxiliary signs of parking lots and garages contain equally sized letters and numbers;
- 9) requiring that businesses that accept credit cards post a list of limitations that such business put on credit card usage at or near the entrance of each such business, and in all advertising indicating that credit cards are accepted;
- 10) requiring that electronic or home appliance service dealers include a notice in the department or area where electronic and home appliances are accepted for repair stating that customers are entitled to written estimates for repairs and other customer rights, and that the regulations of the department of consumer affairs relating to television, radio and audio servicing are available for review from the service dealer upon request;
- 11) requiring a tax preparer to display a sign:
  - a) identifying him or herself, including his or her address, telephone number, and qualifications;
  - b) stating that both the preparer and taxpayer must sign every tax return;
  - c) stating how his or her fees are calculated;

d) stating that he or she or his or her agency will not represent the taxpayer in an audit, if true; and

e) stating that he or she is not licensed by the state board of public accounting or the New York state bar, or both, if true;

12) requiring dealers of products for the disabled to post a sign summarizing any provisions of the New York city products for the disabled law;

13) requiring any bus to include a posted sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus;

14) requiring laundries:

a) to distinguish in their advertising between services being offered at different prices;

b) to post an out-of-order sign on non-functioning machines on such laundry's premises;

c) to post a notice that complaints and claims for refunds may be made to a certain person or persons; and

d) to post any sign in both english and spanish, if applicable;

15) requiring sidewalk cafes to post a sign stating the maximum number of tables and chairs licensed for such sidewalk café, and prohibiting other signage at a sidewalk café except for signage meeting certain specifications;

16) requiring motor vehicle rental businesses to post a notice of the department of consumer protection's consumer protection law;

17) requiring any labeling declaration to be written in the english language;

18) requiring that amusement arcades and gaming cafes post a sign describing age restrictions during certain hours of operation; and

19) requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten or article twenty-seven of the environmental conservation law of the state of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point; and

20) requiring stores with weighing and measuring devices for customer use to post a sign informing customers that they may reweigh products using such weighing or measuring device or devices.

The rules promulgated pursuant to this section shall include language to the effect that a person shall not be subject to a civil penalty for the first-time violation of any signage mandate described in this section if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any signage mandate described in this section. The department shall permit such proof to be submitted electronically or in person. *A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 17. This local law shall take effect one hundred eighty days following the date of its enactment.



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 December 19, 2013 and approved by the Mayor on December 30, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 153 of 2013, Council Int. No. 1213-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**A8084 Sweeney (MS) Same as S 1676-A GRISANTI Chapter 550  
of 2013 Approval No. 13 of 2013 Voting**

LAWS OF NEW YORK, 2013

CHAPTER 550

AN ACT to amend the environmental conservation law, in relation to establishing the mercury thermostat collection act; and providing for the repeal of such provisions upon expiration thereof

Became a law December 18, 2013, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Mercury thermostat collection act".

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 29 to read as follows:

TITLE 29

MERCURY THERMOSTAT COLLECTION ACT

Section 27-2901. Definitions.

27-2903. Mercury-containing thermostat collection.

27-2905. Thermostat wholesaler and retailer requirements.

27-2907. Department responsibilities.

27-2909. Disposal prohibition.

§ 27-2901. Definitions.

1. "Collection program" means a system for the collection, transportation, recycling, and disposal of out-of-service mercury thermostats that is financed and managed or provided by a thermostat manufacturer individually or collectively with other thermostat manufacturers in accordance with this section.

2. "Mercury thermostat" means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilation, or air-conditioning equipment and includes thermostats used to sense and control room temperature in residential, commercial, industrial and other buildings but does not include a thermostat used to sense and control temperature as part of a manufacturing process.

3. "Out-of-service mercury thermostat" means a mercury thermostat that is removed, replaced or otherwise taken out of service.

4. "Qualified contractor" means a person engaged in the business of installation, service or removal of heating, ventilation, and air-conditioning components who employs seven or more service technicians or installers.

5. "Qualified local government authorities" means any municipal corporation or planning unit as defined in section 27-0107 of this article, or county departments of health.

6. "Thermostat manufacturer" means a person who owns or owned a name brand of one or more mercury thermostats sold in the state.

7. "Thermostat retailer" means a person who sells thermostats of any kind primarily to homeowners or other nonprofessionals through any sale

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

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or distribution mechanism including sales using the internet or catalogs.

8. "Thermostat wholesaler" means a person who is engaged in the distribution and wholesale selling of heating, ventilation or air-conditioning components, including thermostats, to contractors, and whose total wholesale sales account for eighty percent or more of its total sales. A thermostat manufacturer is not, by virtue of manufacturing, a thermostat wholesaler.

§ 27-2903. Mercury-containing thermostat collection.

1. Each thermostat manufacturer shall, individually or collectively, with other thermostat manufacturers, establish and maintain a program for the collection, transportation, recycling, disposal and proper management of out-of-service mercury thermostats in accordance with the provisions of this section.

2. Each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers through a collection program, do the following:

(a) On and after July first, two thousand fourteen, compile a list of thermostat wholesalers in the state and offer each thermostat wholesaler containers for the collection of out-of-service mercury thermostats.

(b) On and after July first, two thousand fourteen, make collection containers available to all qualified contractors, thermostat wholesalers, thermostat retailers, and qualified local government authorities that request a container. Each thermostat manufacturer shall with each container include information regarding the proper management of out-of-service mercury thermostats.

(c) Establish a system to collect, transport, recycle, dispose and properly manage out-of-service mercury thermostats from all collection sites.

(d) Not include any fees or other charges to consumers or persons participating in the program. Each thermostat wholesaler, qualified contractor, qualified local government authority, or thermostat retailer that is provided with one or more collection containers may be charged a fee not to exceed twenty-six dollars to replace any collection container that is misplaced, stolen or otherwise lost.

(e) Beginning July first, two thousand fourteen, conduct education and outreach efforts, including, but not limited to the following:

(i) establish and maintain a public website for the dissemination of educational materials to promote the collection of out-of-service mercury thermostats. This website shall include templates of the educational materials on the internet website in a form and format that can be easily downloaded and printed. The link to this website shall be provided to the department;

(ii) contact thermostat wholesalers at least once a year to encourage their support and participation in educating customers on the importance of statutory requirements for the collection and proper management of out-of-service mercury thermostats;

(iii) create and maintain a web-based program that allows contractors and consumers to identify collection sites for out-of-service mercury thermostats in the state and provide a list of collection sites to the department; and

(iv) develop informational articles, press releases, and news stories

pertaining to the importance of and opportunities for collecting and recycling out-of-service mercury thermostats and distribute those materials to trade publications, local media, and stakeholder groups.

(f) On or before July first, two thousand fourteen, develop and update as necessary educational and other outreach materials for distribution to contractors, contractor associations and consumers. These materials shall be made available for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified government authorities. The materials shall include, but not be limited to, the following:

(i) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out-of-service mercury thermostats to contractors and consumers; and

(ii) written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. The materials shall include, but not be limited to, information on the importance of properly managing out-of-service mercury thermostats and opportunities for the collection of these thermostats.

(g) Provide an opportunity for the department to review and offer feedback and suggestions on the collection program.

3. The collection programs established by thermostat manufacturers under this section shall be designed to achieve collectively the following statewide goals:

(a) For calendar year two thousand fifteen, the collection of no less than fifteen thousand five hundred out-of-service mercury thermostats;

(b) For calendar years two thousand sixteen through two thousand twenty-three, the collection goals shall be established by the department. The department shall establish collection goals no later than October first, two thousand fifteen. The collection goals established by the department shall achieve the maximum feasible number of out-of-service mercury thermostats in the state. In developing the collection goals, the department shall take into account, at a minimum, (i) the effectiveness of collection programs for out-of-service mercury thermostats in the state and other states, including education and outreach efforts, (ii) collection requirements in other states, including those states with the highest collection goals, (iii) any reports or studies on the number of out-of-service mercury thermostats that are available for collection in this state, other states, and nationally, and (iv) other relevant factors. Prior to establishing the collection goals, the department shall consult with stakeholder groups that include, at a minimum, representatives of thermostat manufacturers, environmental groups, municipal recyclers, thermostat wholesalers, qualified contractors, and thermostat retailers.

(c) Thermostat manufacturers shall implement any collection program revisions approved by the department within ninety days.

4. If the collection programs do not collectively achieve the collection goals provided for in subdivision three of this section for calendar year two thousand fifteen or any year thereafter the department, after conducting stakeholder consultations, may require modifications to one or more collection programs that the department determines are necessary to achieve the collection goals. Modifications required by the department may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a five dollar financial incentive in

the form of either cash or coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.

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5. No later than April first, two thousand fifteen, and no later than April first of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the department covering the one-year period ending December thirty-first of the previous year. Each report shall be posted on the manufacturer's or program operator's respective internet website. The annual report shall include the following:

(a) the number of out-of-service mercury thermostats collected and managed under this section during the previous calendar year;

(b) the estimated total amount of mercury contained in the out-of-service mercury thermostats collected under this section during the previous calendar year;

(c) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the program as mercury thermostat collection sites and the number of out-of-service mercury thermostats returned by each;

(d) an accounting of the program's administrative costs;

(e) a description of outreach strategies employed under paragraph (e) of subdivision two of this section;

(f) examples of outreach and educational materials used under paragraph (e) of subdivision two of this section;

(g) the internet website address of addresses where the annual report may be viewed online;

(h) a description of how the out-of-service mercury thermostats were managed;

(i) any modifications that the thermostat manufacturer is planning to make in its collection program; and

(j) the identification of a collection program contact and the business phone number, mailing address, and e-mail address for the contact.

6. All contractors, thermostat wholesalers, thermostat manufacturers, and thermostat retailers participating in the program shall handle and manage the out-of-service mercury thermostats in a manner that is consistent with the requirements for the disposal of hazardous waste.

7. On and after July first, two thousand fourteen, no thermostat wholesaler shall sell, offer to sell, distribute, or offer to distribute thermostats unless the wholesaler participates as a collection site for out-of-service mercury thermostats or requests and receives a waiver from the department following a demonstration that such participation would pose an undue burden.

§ 27-2905. Thermostat wholesaler and retailer requirements.

No thermostat wholesaler or thermostat retailer shall sell, offer for sale or distribute any thermostat for final sale unless the manufacturer of such thermostat is listed on the department's website, in accordance with the provisions of this title.

§ 27-2907. Department responsibilities.

1. No later than June first, two thousand fifteen, the department shall maintain on its website information regarding the collection and proper management of out-of-service mercury thermostats in the state. The information shall include the following:

(a) a description of the collection programs established under this section;

(b) a report on the progress towards achieving the statewide collection goals set forth in this title; and

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(c) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the program as collection sites.

2. No later than November first, two thousand eighteen, the department shall submit a written report to the governor and the legislature regarding the effectiveness of the collection programs established under this section, information on the number of out-of-service thermostats collected, how the out-of-service thermostats were managed, and an estimate of the number of thermostats that are available for collection. The department shall use this information to recommend whether the provisions of this section should be extended, along with any other statutory changes. In preparing the report, the department shall consult with mercury thermostat manufacturers, environmental organizations, municipal recyclers, and other interest groups.

§ 27-2909. Disposal prohibition.

1. No transporter shall knowingly commingle mercury-added thermostats with solid waste or recyclable materials.

2. No transporter shall knowingly deliver mercury-added thermostats or knowingly cause such materials to be delivered to:

(a) an incinerator;

(b) a landfill;

(c) a transfer station; or

(d) anyone who the transporter knows or should know will either commingle such materials with other solid waste or deliver such materials to an incinerator or a landfill for disposal.

3. No operator of an incinerator or a landfill shall knowingly accept mercury-added thermostats for disposal.

4. No operator of a transfer station shall knowingly commingle mercury-added thermostats with other solid waste or cause such materials to be transferred to an incinerator or landfill for disposal.

5. Each landfill and transfer station shall post, in a conspicuous location at the facility, a sign stating that mercury-added thermostats are not accepted at the facility.

§ 3. 1. Any person or contractor who replaces a mercury-containing thermostat from a building shall deliver the mercury-containing thermostat to an appropriate collection site.

2. Any person or contractor who demolishes a building shall ensure that all mercury-containing thermostats are removed from the building prior to demolition and shall dispose of the mercury-containing thermostats at a collection site.

3. Any department, authority, instrumentality, or municipal corporation of the state administering a program that involves the removal or replacement of mercury containing thermostats as a result of any statutory requirement, shall inform contractors of their statutory obligations to deliver the mercury-containing thermostats to a collection site and prohibiting the disposal of such thermostats in a solid-waste facility.

4. Any contractor, organization or subcontractor of such organization, who contracts with or receives funding or financing provided in whole or in part by or through any department, agency, instrumentality, or political subdivision of the state for the installation, service, or removal of heating, ventilation, or air-conditioning components resulting in the removal or handling of out-of-service mercury thermostats, shall ensure

the collection, transportation and proper management of out-of-service mercury thermostats in accordance with the provisions of title 29 of article 27 of the environmental conservation law.

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§ 4. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2024.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS

SHELDON SILVER

**ATTACHMENT 4(B)**



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2014**

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**No. 54**

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Introduced by Council Members Greenfield, Rodriguez, Chin, Johnson, Koo, Levine, Reynoso, Richards, Rosenthal, Van Bramer, Menchaca, Levin, Constantinides, Cohen, Lander and the Public Advocate (Ms. James).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to reducing the citywide speed limit to twenty-five miles per hour.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and c of section 19-177 of the administrative code of the city of New York, as added by local law number 6 for the year 1996, are amended to read as follows:

a. [The] *Subject to the provisions of paragraph twenty-six of subdivision (a) of section sixteen hundred forty-two of the vehicle and traffic law, the official speed limit for a vehicle in the city of new York shall be [thirty] twenty-five miles per hour except where an official sign indicates that a different speed limit is in effect.*

c. The commissioner shall post a sign at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York that states the *official* speed limit within the city *as provided in subdivision a of this section.*

§ 2. This local law shall take effect on November 7, 2014.

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 7, 2014 and approved by the Mayor on October 27, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 54 of 2014, Council Int. No. 466-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2014**

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**No. 67**

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Introduced by The Speaker (Council Member Mark-Viverito), Council Members Reynoso, Dromm, Gentile, Koo, Menchaca, Espinal, Greenfield, Eugene, Johnson, Levine, Miller, Richards, Torres, Vallone, Williams, Rodriguez, Weprin, Rosenthal, Cornegy, Cohen, Crowley, Kallos, Levin, Chin, Constantinides, Barron, Wills, Gibson, Lander, Maisel, Van Bramer and Ulrich (in conjunction with the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to regulating publicly accessible collection bins.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-169 of the administrative code of the city of New York, as renumbered by local law number 30 for the year 2013, is amended to read as follows:

§ 10-169 Regulation of publicly accessible collection bins.

a. [Definition] *Definitions*. For purposes of this section[,]:

*"Commissioner" shall mean the commissioner of sanitation.*

*"Department" shall mean the department of sanitation.*

"Publicly accessible collection bin" shall mean any outdoor container, other than any container placed by any government or governmental agency, or its contractors or licensees, that allows for any member of the public to deposit items into the container for the purpose of collection by the [provider] *owner* of such container.

b. Requirements. All publicly accessible collection bins shall comply with the following provisions:

1. Each individual publicly accessible collection bin shall prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the [provider] owner of the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

2. No publicly accessible collection bin may be placed on any city property, or property maintained by the city, or on any public sidewalk or roadway.

3. No publicly accessible collection bin shall be placed on any private property without the written permission of the property owner or the property owner's designated agent.

*4. The owner of a publicly accessible collection bin placed on private property with the written permission of the property owner, or the property owner's designated agent, and the owner of the property where the bin is located shall be responsible for maintaining such bin in a clean and neat condition.*

*5. All owners of publicly accessible collection bins that are placed on private property with the written permission of the property owner, or the property owner's designated agent, shall be required to register with the department. Such registration, at a minimum, shall include the location of the publicly accessible collection bin, the type of material collected in the bin, and the name, address, and telephone number of the owner. On or before August first, two thousand fifteen, and annually thereafter, each such owner shall submit a report to the commissioner identifying the weight of the material collected during the period beginning on July first of the year preceding the year the report is due and ending on June thirtieth of the year the report is due. It shall be unlawful for the owner of any publicly accessible collection bin to submit a report containing false or misleading information or to fail to submit a report in accordance with this paragraph.*

6. In addition to penalties provided for in any other provisions of law, in the event that a publicly accessible collection bin is placed on *any* city property, or property maintained by the city, or on any public sidewalk or roadway, [the owner of the publicly accessible collection bin, if] *the department shall have the authority to remove such bin. Any publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be presumed to have been placed there intentionally. If the name and address of [such] the owner of such publicly accessible collection bin [is ascertainable,] are located on the bin and are legible, such owner shall be notified by the department [of sanitation] by certified mail, return receipt requested, that such publicly accessible collection bin [must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner is ascertainable, shall also be affixed to the publicly accessible collection bin. This notice shall state that if the address of the owner is not ascertainable and notice is not mailed by the department of sanitation, such publicly accessible collection bin must be removed within thirty days from the affixation of such notice. This notice shall also state that the failure to remove the publicly accessible collection bin within the designated time period will result in the removal and disposal of the publicly accessible collection bin by the department of sanitation. This notice shall also state that if the owner objects to removal on the grounds that the bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner may send written objection to the department of sanitation at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner is not ascertainable and notice is not mailed by the department of sanitation, within twenty days from the affixation of such notice, with proof that the bin is on private property. Proof that the bin is on private property shall include, but not be limited to, a survey of the property prepared by a licensed*

surveyor that is certified to the record owner of such property.] *was removed by the department and that the owner can claim such bin through the procedure established by rule. If the name and address of the owner of such publicly accessible collection bin are not located on the bin or are not legible, the commissioner may dispose of such bin in accordance with applicable law and rules thirty days after removal. Any owner who seeks to claim a publicly accessible collection bin that has been removed by the department shall pay the penalty established by this section and the costs of removal and storage, unless, after adjudication by the environmental control board, the owner is found not liable for violating this section, in which case such bin shall be released forthwith, and no removal or storage costs shall be imposed as a condition of such release. If any publicly accessible collection bin is not claimed within thirty days of the mailing of notice to the owner, the commissioner may dispose of such bin in accordance with applicable law and rules.*

*c. Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of two hundred fifty dollars for the first offense and five hundred dollars for each subsequent offense within any eighteen-month period. Any person who violates the provisions of paragraph two of subdivision b of this section by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of five hundred dollars for the first offense and one thousand dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.*

*d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.*

*e. The commissioner may promulgate such rules as are necessary to implement the provisions of this section including, but not limited to, rules relating to:*

- 1. payment, by the owner, of removal and storage costs incurred by the commissioner,*
- 2. registration and reporting requirements for publicly accessible collection bins placed on private property,*
- 3. the procedures for claiming publicly accessible collection bins that are removed by the department, and*
- 4. the disposal of publicly accessible collection bins that have been removed by the department and claimed by an owner in cases where there is a subsequent failure to collect such bins.*

§ 2. This local law shall take effect 90 days after its enactment into law, except that the commissioner of sanitation may take such actions as are necessary for its implementation, including the promulgation of rules, 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 November 13, 2014 and returned unsigned by the Mayor on December 12, 2014.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 67 of 2014, Council Int No. 409-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.



**A191-B Kavanagh Same as S 5817-A GRISANTI Chapter 481 of 2014 Voting**

LAWS OF NEW YORK, 2014

CHAPTER 481

AN ACT to amend the environmental conservation law, in relation to the recycling of film plastic

Became a law December 17, 2014, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 27-2701 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended and a new subdivision 7 is added to read as follows:

2. "Manufacturer" means the producer of a plastic carryout bag or film plastic sold to a store or the manufacturer's agent or broker who sold the plastic carryout bag or film plastic to the store.

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

§ 2. Subdivision 1 of section 27-2703 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

1. The operator of a store shall establish an at-store recycling program pursuant to the provisions of this title that provides an opportunity for a customer of the store to return to the store clean plastic carryout bags and film plastic.

§ 3. Subdivisions 2, 3 and 4 of section 27-2705 of the environmental conservation law, as added by chapter 641 of the laws of 2008, are amended to read as follows:

2. a ~~[plastic carryout bag]~~ collection bin that is visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags and film plastic. This subdivision shall apply to stores not within an enclosed shopping mall and stores of at least fifty thousand square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of the enclosed mall shall place bins at reasonable intervals throughout the enclosed mall area;

3. all plastic carryout bags and film plastic collected by the store to be collected, transported and recycled along with any other in-store plastic recycling, except for plastic bags that are not sufficiently free of foreign material to enter the recycling stream. Plastic carryout bags and film plastic collected by the store or the manufacturer, which are free of foreign material, shall not be disposed of in any solid waste disposal facility permitted or authorized pursuant to title seven of this article;

4. the store or its agent to maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags and film plastic collected by weight, provided however that stores or its agents may weigh such bags, film plastic and any other in-store plastic recycling at a regional collection center. Such

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

CHAP. 481

2

records shall be made available to the department upon request, to demonstrate compliance with this title; and

§ 4. Subdivision 1 of section 27-2707 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

1. When the manufacturer accepts plastic carryout bags and film plastic for return, it or its agent shall maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags and film plastic collected by weight, provided that the manufacturer or its agents may weigh such bags, film plastic and any other plastic resins at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this title.

§ 5. Section 27-2709 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

§ 27-2709. Department responsibility.

1. The department shall develop educational materials to encourage the reduction, reuse and recycling of plastic carryout bags and film plastic and shall make those materials available to stores required to comply with this article.

2. The department shall provide information regarding the availability of recycling facilities and companies that recycle plastic bags and film plastic, including the addresses and phone numbers of such facilities and companies to stores required to comply with this article.

§ 6. Section 27-2713 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:

§ 27-2713. Preemption.

Jurisdiction in all matters pertaining to plastic bag and film plastic recycling is by this article vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing the recycling of plastic bags and film plastic shall, upon the effective date of this title, be preempted. Provided however, nothing in this section shall preclude a person from coordinating for recycling or reuse the collection of plastic bags or film plastic.

§ 7. This act shall take effect March 1, 2015.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS  
Temporary President of the Senate

SHELDON SILVER  
Speaker of the Assembly

**ATTACHMENT 5**

## **DSNY Green Fleet and Equipment Initiatives**

DSNY strives to accomplish its mission while maintaining one of the largest and "Greenest" municipal fleet in the nation. DSNY endeavors to operate its fleet in the most environmentally friendly manner, consistent with available resources, and therefore seeks to minimize emissions of concern from such operations, notably particulate matter (PM), nitrogen oxides (NOx), and greenhouse gases such as carbon dioxide. In 2013, DSNY was a recipient of the prestigious federal EPA **"Breathe Easy Leadership Award"**.

### **Dramatic Improvements in DSNY's Fleet Emissions:**

DSNY's fleet is already achieving an estimated 90% reduction in PM and 81% reduction in NOx emissions fleet-wide when compared with DSNY's heavy duty diesel fleet in 2005. The newest trucks achieve 98% reductions in each pollutant as compared with pre-1988 diesel engines. In addition, DSNY has cut its light duty fleet fuel use and emissions in half since 2005.

*ULSD Fuel, New Vehicle Standards, Diesel Particulate Filters, and Retrofits*

Currently, all of DSNY's light, medium and heavy-duty diesel powered vehicles utilize the industry's latest computer-controlled and regulated clean-diesel engines for their respective engine model years. DSNY has gone even further, our Clean Fleet Program that tested state-of-the-art technology and alternative fuels helped pioneer the improvements in heavy duty diesel emissions that are now taking place nationwide. This Program includes obtaining research grants, partnering with industry to test vehicles under real world conditions, and operating a vehicle testing laboratory for heavy duty trucks.

- DSNY pioneered the use of ultra-low sulfur diesel fuel (ULSD)—limited to 15 parts per million (ppm) of sulfur, in July of 2001 in selected districts and expanded its use to our entire fleet in 2004, in advance of the USEPA June 2006 nationwide ULSD mandate. The June 2006 standard is a 97% reduction from the previous 1993 500 ppm sulfur standard for on-road diesel. Prior to 1993, the average sulfur content for on-road diesel fuel was 2500 ppm.
- ULSD enabled DSNY to expand its use of various advanced emission-control after-treatment technologies, such as diesel particulate filters and diesel oxidation catalysts. Previously, higher sulfur content fuel would have clogged

these devices. These controls reduce particulate matter by 90% or better, as verified in DSNY testing.

- Since mid-2006, all of DSNY's new diesel truck purchases have met the stringent 2007 USEPA new-truck standards limiting particulate matter to 0.01 grams per brake horsepower-hour (g/bhp-hr), a reduction of 90% from the 2006 model year limit of 0.1 g/bhp-hr. As of 2010 NOx is limited to 0.2 g/bhp-hr, compared to 2.0 g/bhp-hr in the 2006 model year and 4.0 g/bhp-hr in the 2003 model year. As DSNY's collection trucks have a useful life of approximately seven years, planned fleet turnover would result in the purchase of approximately 250 new trucks per year meeting these new-truck standards. Although Fiscal constraints have temporarily caused a life cycle increase.
- To address the legacy of emissions from older trucks, DSNY mechanics have been installing Best Available Retrofit Technology (BART) devices such as particulate filters on pre-2007 trucks, as mandated by New York City LL39/2005. These devices achieve reductions of up to 90% in PM and up to 25% in NOx. Including both factory-installed equipment and retrofits, by January 1, 2015 DSNY had particulate filters on 353 diesel-powered street sweepers and 2,185 collection vehicles. By July 1, 2012, all of DSNY's pre-2007 diesel collection truck fleet had the required BART retrofits or similar after-market clean diesel technology.

#### **Alternative Fuel Vehicles:**

Despite the clear success of DSNY's Clean Diesel Program in minimizing fleet emissions, DSNY believes further improvements are possible as technology advances. DSNY therefore continues an active program of testing other kinds of fuels and technologies. Under Local Law 38 of 2005, "alternative fuels," include natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether. Including collection trucks, sweepers, and light duty vehicles that are not used to collect refuse or recyclables, DSNY currently has 949 vehicles that operate on various alternative fuels, including electric and hybrid-electric vehicles.

#### **Compressed Natural Gas (CNG):**

DSNY currently owns 44 dedicated CNG sanitation collection trucks and 4 street sweepers. CNG-fueled collection trucks are

longer than conventional DSNY vehicles, affecting their ability to access certain narrow streets because of a wider turning radius. DSNY owns and operates one CNG fueling station and is working with local utilities and corporations in the hopes of expanding the availability of heavy-duty CNG fueling stations in NYC.

### **PlaNYC Initiatives:**

In 2007, the Bloomberg administration initiated *PlaNYC*, a city-wide plan to reduce New York City's Greenhouse Gas (GHG) emissions by 30% from its buildings and fleets by 2017 (from 2005 baseline). In connection with *PlaNYC*, DSNY is currently focused on improving the fuel efficiency of its fleet to lower overall GHG emissions and reduce its carbon footprint. As a result of deploying/utilizing advanced hybrid-electric light duty vehicles (**< 8,500 GVW**), DSNY was able to reduce its light-duty (LD) fuel consumption by approximately 50% and thereby cutting GHG emissions for the LD fleet by 50%.

In order to achieve a major reduction in its overall GHG emissions, DSNY is conducting ongoing research into various fuel efficiency technologies designed for heavy-duty diesel-powered vehicles with our duty cycle. Technologies are evaluated by using DSNY's Heavy-duty Vehicle Emissions Testing Facility and by monitoring and capturing real-world data from pilot vehicles. DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts to advance the development of environmentally friendly heavy-duty vehicles. DSNY is working with various manufacturers to help advance the commercialization of heavy-duty hybrid refuse trucks (hybrid-electric & hybrid-hydraulic) and hybrid-electric Street Sweepers.

To meet its GHG reduction goals, DSNY is currently testing a multitude of technologies designed to improve fuel efficiency of HD vehicles. The following information describes several technologies that are deployed, and being pilot tested at DSNY.

#### *Power On Demand (POD)*

- The Eaton POD system incorporates a body hydraulic control system designed to reduce the parasitic load imposed on the diesel engine. This is accomplished by utilizing a tandem-mount **(piggyback)** variable displacement, load sensing hydraulic pump assembly designed to deliver the proper hydraulic pressure only when needed (i.e. compaction,

ejection, etc.). Preliminary testing has yielded approximately 10% improvement in fuel consumption.

- 25 rear-loading collection trucks from the in-coming order (Mack w/HEIL body) will incorporate POD technology

#### *Allison Neutral @ Idle*

- Allison Transmissions "Neutral @ Stop" feature is designed to reduce the parasitic load imposed on the diesel engine by placing the transmission in neutral (no load) when the vehicle is in gear, at a stop and the drivers foot is on the brake.
- All applicable new HD vehicle orders going forward will be equipped with the Allison "Neutral @ Stop" feature.
- Allison Transmission projects a fuel savings of approximately of 3-5 %
- FY15 = 240 units
- FY16 = 280 units

#### *Idle Off Start/Stop*

- Idle off Start/Stop Technology is designed to turn off (shut down) the diesel engine when the brake pedal is applied and the vehicle is not in motion (zero MPH). The engine will automatically re-start when the drivers releases the brake.
- Idle-shutdown technology is projected to reduce fuel consumption by approximately 25% (pending fleet testing)
- DSNY is working with Original Equipment Manufacturers to pilot test two collection trucks equipped with the Idle Off Start/Stop technology in 2015.

#### *Biodiesel*

- In August of 2006, DSNY joined the growing number of U.S. fleets currently using Biodiesel fuel (made from domestically grown soy beans). Biodiesel fuel helps reduce Greenhouse Gas Emissions and our dependence on foreign oil. One-hundred percent of the DSNY diesel fleet currently utilizes B20 (20% Soy & 80% ULSD) from April to November and B5 (5% Soy & 95% ULSD) from December to March.
- To date, DSNY has displaced over three-million gallons of petroleum made from fossil fuel.

#### *Pack @ Idle*

- Today All DSNY collection trucks incorporate "Pack @ Idle" technology. The compaction, hopper cycle and refuse ejection are accomplished without raising the diesel engine speed above idle.

- "Pack @ Idle" technology reduces fuel consumption and minimizes noise levels during compaction.

#### *Light-Duty Hybrid Electric Vehicles*

- DSNY owns and operates over 800 light-duty (LD) hybrid-electric vehicles (HEV) which make up approximately 80% of the its LD fleet.

#### *Hybrid Hydraulic Collection Trucks*

- In 2009, DSNY put into service one of the first Class-8 hybrid hydraulic refuse collection trucks in the U.S. DSNY is currently testing 49 hybrid-hydraulic collection trucks. Hybrid-hydraulic technology is designed to improve fuel economy by capturing, storing and re-using energy (energy captured during braking) in advanced hydraulically-controlled transmissions. December to March.
- (10 - 20% Fuel Savings depending on duty-cycle)

#### *Hybrid Electric Collection Trucks*

- In 2010, DSNY put into service one of the first Class-8 hybrid Electric refuse collection trucks in the U.S. DSNY is currently testing three diesel-powered hybrid-electric collection trucks from Crane Carrier (CCC). Hybrid-hydraulic technology is designed to improve fuel economy by capturing, storing and re-using energy (energy captured during braking) in advanced electronically-controlled transmissions.
- (10 - 20% Fuel Savings depending on duty-cycle)

#### *Hybrid Electric Street Sweepers*

- In 2010, DSNY put into service the "World's" first Class-7 hybrid-electric (HEV) street sweeper. DSNY currently owns and operates thirteen HEV street sweepers.
- Six 1<sup>st</sup> Gen and seven 2<sup>nd</sup> Gen HEV brooms with a projected fuel economy improvement of approximately 50%.

#### *Hybrid Electric Flat-Bed Truck (Rack/Tire)*

- In 2010, DSNY put into service its first fleet of Class-8 hybrid Electric flat-bed trucks. DSNY currently owns and operates fourteen hybrid-electric flat-bed type trucks.

#### *Light-Duty Extended Range Vehicles*

- From 2011 - 2013, DSNY put into service 21 Chevy "Volts" capable of operating on pure electric and or gasoline.



- Approximately 35 mile range

#### *Light-Duty Electric Vehicles (EV)*

- From 2011 - 2013, DSNY put into service 21 light-duty pure electric (zero-emission) vehicles.
- approximately 85 mile range and fossil fuel savings of approximately 250 gallons/yr.

#### *Electric Vehicle Chargers*

To accommodate a growing number of Electric Vehicles (EV) in fleet service, From 2011 - 2013, DSNY installed 49 "Level II" (220 Volt) EV chargers at various DSNY districts throughout the five boroughs of NYC.

#### **Heavy-Duty Vehicle Emissions Testing Laboratory**

DSNY owns and operates a state-of-the art heavy-duty Vehicles Testing Laboratory. The primary objective of this facility is to conduct Research and Development projects, and perform independent exhaust emissions testing of various advanced environmentally friendly technologies, alternative fuels and novel diesel fuels blends.

#### **Environmental Awards/Recognition**

DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts to advance the development of environmentally friendly heavy-duty vehicles

- 2005-Environmental Quality Award (EPA Region 2)
- 2009-Vocational Fleet of the Year (Fleet Owner Magazine)
- 2010-Clean Cities Success Stories (DOE / MotorWeek)
- 2010-#16 Government Green Fleet (Gov't Fleet Magazine)
- 2013-U.S. EPA Northeast Diesel Collaborative "Breathe Easy Leadership" Award

#### **Automotive Recycling**

DSNY's fleet maintenance activities result in tons of recycled batteries, motor oil, antifreeze, oil filter drums and the reuse of tires through repair or capping. The table provided below provides automotive recycling data on these categories of automotive products during the Reporting Period of 2013 and 2014.

**2013/4 AUTOMOTIVE PRODUCT RECYCLING**

	Unit of Measure	2014 Annual Report	2014 Tonnage	2013 Annual Report	2013 Tonnage
Lead Acid Batteries (Cores)	Each	3327	83 Tons	3255	84.63 Tons
Motor Oil	Gallons	1934	60.9 Tons	1504	47.37 Tons
Antifreeze	Gallons	2190	69 Tons	1310	41.25 Tons
Oil Filter Drums (Metal Weight)	Barrels	967	72.5 Tons	1175	88.125 Tons
Tires Repaired / Recapped	Each	6192		6625	

**ATTACHMENT 6**

## **DSNY Fleet Safety Initiatives**

The following initiatives have been implemented by DSNY during the Reporting Period, many of them in connection with the Mayor's Vision Zero vehicle and pedestrian safety initiative launched in early 2014.

### *Defensive Driving Training*

DSNY has implemented a Defensive Driving Training program which was kicked off in the latter part of 2013. This program is mandated for **all** BME and BBM employees within the Support Services realm. Support Services has 8 (eight) of our own staff members that have been certified as Empire Defensive Driving Trainers to administer the courses to the Support Services staff members in all the various job titles within our span of control. Support Services has expanded the Empire DDC from the mandated 6 hour of class time to a full 8 hours of training to include DSNY's internal practices and protocols as well as the Mayor's Vision Zero objectives. To date, approximately 200 employees have successfully completed the class and received training and certifications. This program has been a valuable tool in educating our staff members on safety practices when driving a motor vehicle.

### *Loose Wheel Nut Indicators*

As part of preventive maintenance service, DSNY has begun installing loose wheel-nut indicators on Heavy Duty vehicles to prevent tires, which weigh an average of 275 pounds, from coming off during operation, potentially causing accidents and threatening nearby vehicles and property. Prior to installation, all lug or wheel nuts are visually inspected and torqued to 450-500 ft.-lbs. As of 03/16/15, the installation of loose wheel-nut indicators has been completed on 3,380 vehicles. Note that these indicators do not keep wheel lugs tight - when the plastic pointers move they provide a visual indication of wheel lug loosening that can be observed by a non-mechanical person and addressed immediately. DSNY is working to incorporate this product as an option to the current Collection Truck Contract and any future specifications. Installations will be made on new vehicles as they arrive.

### *Improved Visibility*

DSNY and its network of vendors have been diligently working to make our vehicles safer. DSNY has received its first Mechanical Street Sweeper with the new enhanced cab visibility feature and

back up camera system. This modification provides a 15% increase in a visibility for the driver over the previous sweeper in that it helps eliminate blind spots in front of the vehicle while the back-up camera eliminates blind spots at the rear.

- Total Cab Window Area of 10029.43 in<sup>2</sup> vs. Previous 8729.92 in<sup>2</sup>
- Total Right Side Door window Area of 3200.99 in<sup>2</sup> vs. Previous 2227.33 in<sup>2</sup>
- Total Left Side Window Area of 2553 in<sup>2</sup> vs. Previous 2227.33 in<sup>2</sup>
- Rear Back up camera

#### *Collection Vehicle Side Guard Pilot*

In an effort to ensure that DSNY collection vehicles can operate with enhanced safety features designed to protect pedestrians, DSNY is currently piloting the use of wheel side guards. The pilot involves the use of side guards on 14 25DD800 series collection vehicles. These vehicles are currently in use in the field so that DSNY can evaluate if there are any issues during a snow event with snow chains, and snow berms or any other operational issues. DSNY will also evaluate the use of side guards on various vehicle series types and configurations in DSNY's fleet, starting with front line collection vehicles. This evaluation will be followed by the development of dimensional drawings on all the series vehicle configurations that are identified to determine the scope of work needed to meet the Mayor's Vision Zero objectives.

## ATTACHMENT 7

# **Fresh Kills Landfill Closure and Post Closure Implementation Update and End Use Initiatives**

## **Fresh Kills Landfill Closure**

### *Overview*

All activities at the Fresh Kills Landfill are performed under a 1990 Order on Consent, as amended (“Consent Order”), with the New York State Department of Environmental Conservation (NYSDEC) (DEC Case # D2-9001-89-03).

In March 1996, DSNY submitted an application to NYSDEC for a 6 NYCRR Part 360 permit (“Part 360”) to continue operating two landfill sections (6/7 and 1/9). Under the provisions of the Consent Order, the City had agreed to early closure dates for the other operating sections. Sections 3/4 and 2/8 ceased accepting waste in November 1992 and June 1993 respectively; closure construction was completed in 1996 and 1997 respectively. On May 15, 1996, NYSDEC issued a Notice of Complete Application to DSNY. However, Governor Pataki and Mayor Giuliani agreed to close Fresh Kills Landfill to further receipt of waste by December 31, 2001 and the agreement enacted in state legislation on June 2, 1996.

Accordingly, the Consent Order was modified in April 2000 to formalize the withdrawal of the Part 360 application and to accommodate an accelerated closure schedule. It was modified again in January 2002 to allow the acceptance of World Trade Center debris from September 11, 2001 and to extend the closure deadlines for Sections 6/7 and 1/9. A Final Closure Report was approved by NYSDEC in 2003. Closure construction of Section 6/7 was completed in September 2011, three months ahead of schedule.

As of the commencement of this Reporting Period, Section 1/9 is the only solid waste management unit undergoing closure construction. The environmental management systems at the closed sections continue to operate subject to the requirements of the Consent Order and Part 360 post-closure monitoring and maintenance operations.

## **On-Going Closure Construction**

### *Section 1/9*

The sequence of closure construction for Section 1/9 has been established as follows:

- Phase 1: Muldoon Avenue Mound (approximately 39 acres);

- Phase 2: Muldoon Avenue Corridor (approximately 44 acres);
- Phases 3-7: Main Mound (approximately 314 acres)

The initial closure designs for Muldoon Avenue Mound (MAM) and Muldoon Avenue Corridor (MAC) were approved by NYSDEC in late 2012.

During this Reporting Period

Design: DSNY registered a contract for *Engineering and Design Services for the Closure of Section 1/9 and Related Activities at Fresh Kills Landfill* and prepared two addenda to the *Section 1/9 Final Cover Design Report* to address new site conditions and requests from DEC. Addendum 1 (approved in 2013) addressed Phases 1 and 2 closure plans and associated modifications to the leachate collection system. Addendum 2 (approved in 2014) proposed changes to the design and phasing plan at the Main Mound resulting from on-site investigations that will provide additional mitigation to the impacts of construction activities. The revised phasing plan on the Main Mound is intended to avoid excavation within the limits of the World Trade Center Materials, propose efficiencies to the Landfill Gas collection system and stormwater controls, and utilize final cover soils that will be favorable to park development in the future.

Construction: Closure of the Muldoon Avenue Mound (Phase 1) was substantially completed, as was the preparatory sub-base grading at the Main Mound.

Permitting: In support of the amended designs approved in Addendum 2, DSNY applied for and received the following permits, variances and/or modifications:

- NYSDEC Tidal Wetlands Permit (for completion of Basin O and construction of six new stormwater outfalls to the Arthur Kill).
- Variance request for the LFG passive venting system to install one well per three acres instead of one per acre
- Modification to DEC permit for the operation of the Fresh Kills Landfill LFG Recovery and Purification Facility

In addition, DSNY submitted a request to NYSDEC to modify a pending Fresh Kills Landfill State Pollutant Discharge Elimination System (SPDES) permit renewal to include additional stormwater outfalls and a request to the US Army Corps of Engineers for Jurisdictional Determination of wetland areas.



## **Post-Closure**

### **Overview**

Federal and State solid waste regulations stipulate that landfill environmental control systems continue to operate for a minimum of 30 years beyond the closure of the landfill and that the integrity and effectiveness of the systems are monitored and maintained. These post-closure care requirements apply to the operation and maintenance of the landfill gas control, leachate control, final cover and stormwater control systems and require monitoring of the performance of these systems for changes in the quality of groundwater and surface water, gas emissions from the surface of the landfill, and gas concentrations in perimeter soils.

DSNY prepared a comprehensive *Post-Closure Monitoring and Maintenance Manual* that defines the inspection, monitoring and reporting schedules for each component of environmental control systems, and has complied with all requirements in accordance with the Fresh Kills Consent Order and Part 360 regulations.

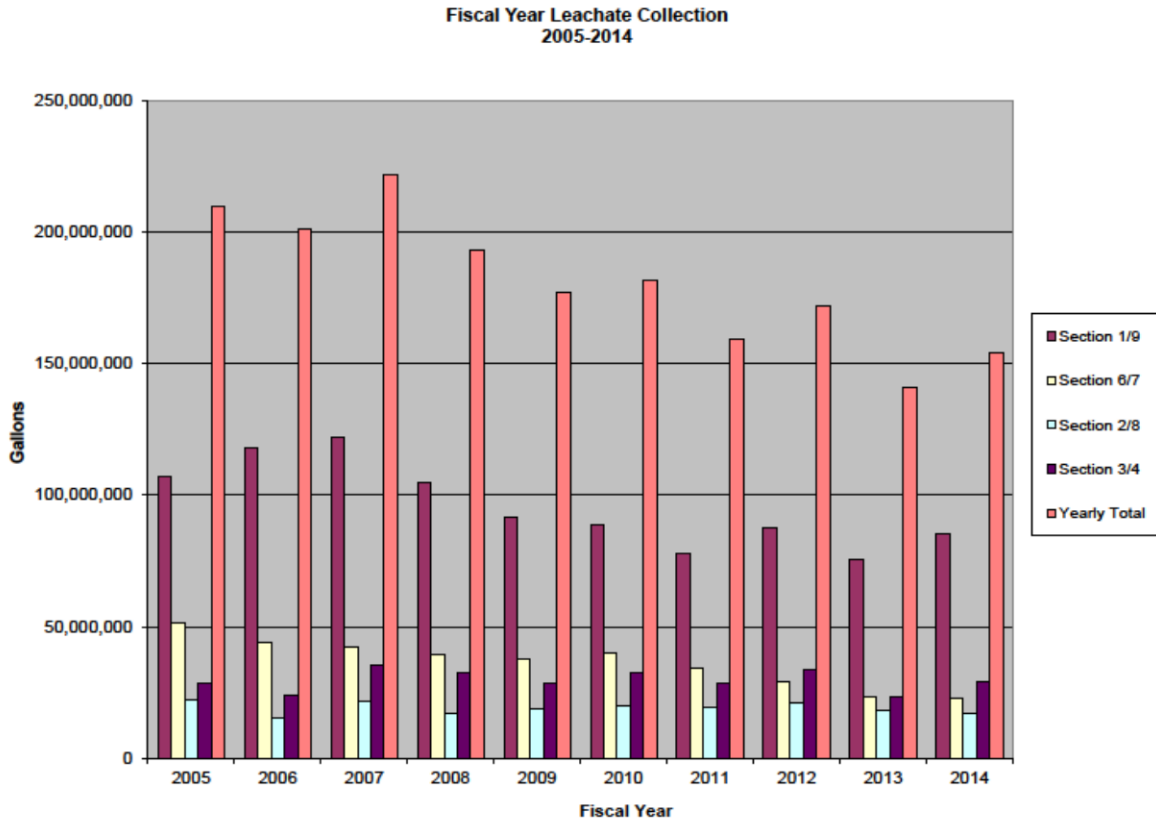
## **Leachate Management**

### **Overview**

Landfill leachate is a wastewater created when rain percolates through garbage. The regulatory concern is that contaminants picked up in the leachate could impair the quality of surface and groundwater; therefore its release into the surface and ground waters must be controlled.

Under the Consent Order, DSNY conducted comprehensive investigations to characterize the hydrogeological, surface water, groundwater and leachate flows and proposed leachate mitigation strategies that included containment, collection and treatment. The principal contaminants of concern were ammonia (a bi-product of the decomposition of organic matter), copper, lead, nickel and zinc. The leachate management system consists of a perimeter leachate collection system, around the circumference of the landfill, collection wells, monitoring wells, and pipes that convey the leachate to a dedicated treatment facility at the base of Section 1/9, constructed in 1994 with a design capacity of 1.3 million gallons per day based on estimated discharges at that time. The pollutants are removed through a combination of biological and chemical processes then discharged to the Arthur Kill under the allowable conditions of a SPDES permit issued by NYSDEC.

Leachate generation has declined with the installation of final cover at each of the landfill mounds. Today, an estimated 420,000 gallons per day (approximately 153 million gallons per year) are generated and treated at the plant.



## Landfill Gas Management

### Overview

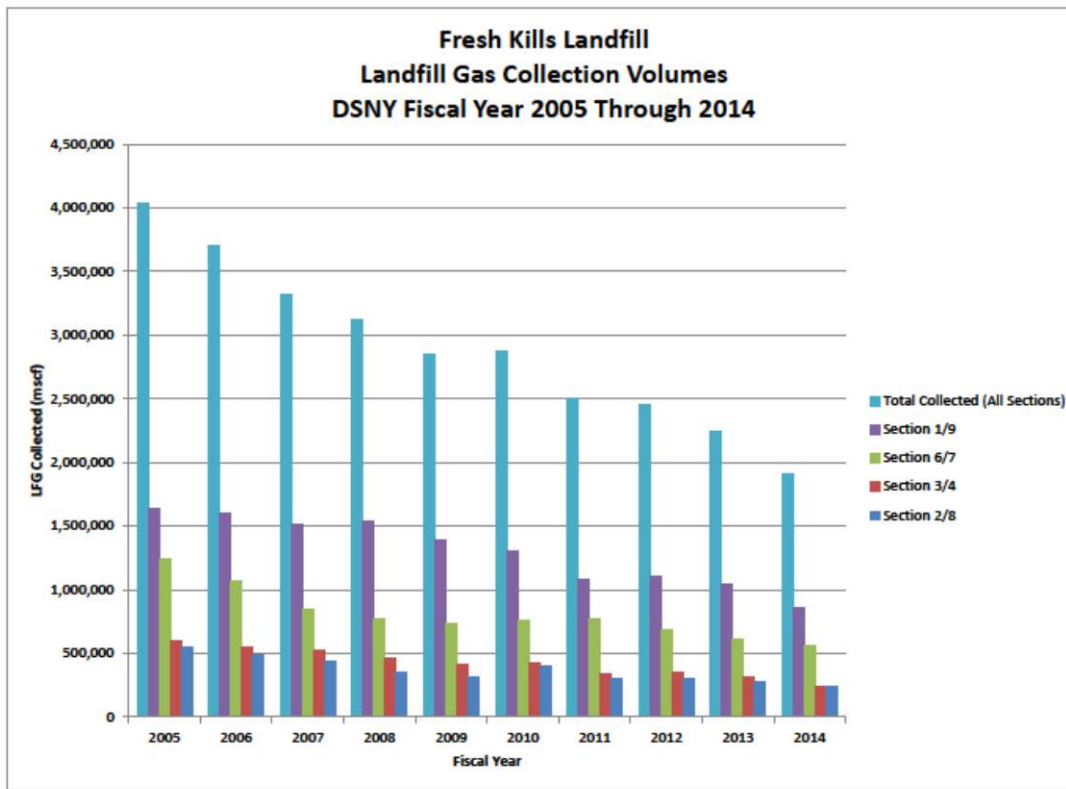
Landfill gas (LFG) is generated as garbage decomposes. At Fresh Kills, LFG contains approximately 60% methane and 40% Carbon Dioxide, a regulated greenhouse gas emission, and is managed through active collection, purification and flaring, passive venting systems, regular monitoring and reporting for all four landfill units. The LFG purification plant was designed to process a maximum of 14.1 million standard cubic feet (Mscf)/day and produce up to 7.0 Mscf of pipeline quality LFG for sale.

The LFG generation rate has continued to decline. Typically, the peak of LFG generation occurs one to two years after a landfill stops receiving municipal solid waste and then decreases over time. These

trends are reflected in the attached graph and chart. Whereas an estimated 15 million standard cubic feet (MMscf) per day of LFG were being generated at the landfill in FY2000, the current collection rate is about 5.2 million (MMscf) per day. The total annual LFG collection at the landfill has declined approximately 8% per year over the last few years. The LFG collected and purified during FY 2014 represents the conversion of more than 23,000 tons of organic matter into methane; the capture and sale of that LFG resulted in the avoidance of releasing the equivalent of more than 460,000 tons of CO<sub>2</sub> into the atmosphere, and its associated Green House Gas impacts.

The LFG collection wells at Fresh Kills landfill are connected by pipeline to flare stations at Sections 2/8, 3/4 and 6/7, and to a gas transmission pipeline leading to the Landfill Gas Purification Plant at Section 1/9. During FY 2014, 1,905 million standard cubic feet (MMscf) of landfill gas were collected from Fresh Kills. Of that, 1,833 million standard cubic feet (MMscf), i.e., 96.2% of the gas was processed at the Landfill Gas Purification Plant where methane (natural gas) was separated from the carbon dioxide, purified and sold to *National Grid*, generating approximately \$ 3.1 million in revenue. During planned DSNY maintenance at the plant, *National Grid's* work on its distribution system, and periods following electrical outages or other disruptions to the plant or gas quality, the gas is directed to the flare stations to be burned. The landfill gas that was burned at the flare stations during FY2014 was 3.8% of the gas collected during the year. The percent of collected gas that was purified and sold in FY 2014 (96.2%) was higher than that averaged for the past ten years (93.8%).

<b>LANDFILL GAS GENERATION AND COLLECTION AT FRESH KILLS</b>			
<b>FY</b>	<b>QUANTITY COLLECTED (in standard cubic feet)</b>		<b>ANNUAL REVENUE</b>
	<b>Per year</b>	<b>Average Per day</b>	
2010	2,877,639,000 scf	7.9 million scf	\$ 5.5 million
2011	2,506,742,000 scf	6.9 million scf	\$ 4.5 million
2012	2,451,334,000 scf	6.7 million scf	\$ 3.5 million
2013	2,250,476,000 scf	6.2 million scf	\$ 3.35 million



## Change of Landfill End Use – Freshkills Park Development

### Overview

Prior to the formal commencement of plans to develop Freshkills Park, the approved end-use plan proposed in the *Fresh Kills Landfill Final Closure Plan (2003)* consisted of landscaping that incorporated a permanent, stabilizing ground cover with the potential for long-term placement of herbaceous and woody plant communities. Any major change of land use requires the preparation of environmental reviews and technical analyses to demonstrate that the proposed action, such as construction and operation of Freshkills Park, will not interfere with DSNY’s infrastructure or ability to execute its post-closure obligations under the Fresh Kills Consent Order and Part 360 regulations. All reports must be approved by NYSDEC. Although the Parks Department is responsible for preparing such demonstration reports related to park development, DSNY, as the regulated entity, is responsible for reviewing the plans prior to their submittal to NYSDEC.

*During this Reporting Period:*

North Park: DPR's plans for Freshkills Park are at varying stages of development. During this reporting period, a request to change the end use of a 21-acre parcel at Section 3/4 (North Park – Phase 1) underwent DSNY and NYSDEC review and comment. Final comments have been substantially addressed and are being submitted for final approval from NYSDEC.

Solar Energy: Under the auspices of NYCEDC, the City issued an Open Request for Proposals to install wind turbines and/or photovoltaic solar panels on defined areas of Fresh Kills Landfill. In 2013, a vendor was selected for negotiations that proposes to install solar panels at two sites: one on the periphery of the landfill (Arthur Kill site, a 19-acre site), and one near the base of Section 6/7 (the East Site, 28 acres). A Term Sheet has been developed and executed for the project. Negotiations for a pre-lease agreement are now underway. The project is expected to be under construction during the next Reporting Period.