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**DEPARTMENT OF SANITATION
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**COMPREHENSIVE
SOLID WASTE MANAGEMENT PLAN
COMPLIANCE REPORT**

**For The Period of
JANUARY 1, 2011 THROUGH DECEMBER 31, 2012**

May 2014

TABLE OF CONTENTS

Executive Summary	1
Section 1 - Planning Unit Description	4
Section 2 - SWMP Accomplishments	5
<ul style="list-style-type: none">• Recycling• Long-Term Export• Commercial Waste	
Section 3 - SWMP Status / Implementation	10
<ul style="list-style-type: none">• Recycling• Long-Term Export• Commercial Waste	
Section 4 - Planning Unit Resources	44
<ul style="list-style-type: none">• Description of funding level and staffing for solid waste management• List of actual or proposed changes to funding mechanisms and management structure in the approved SWMP• Recommendations for State or federal actions to support local SWM efforts	
Section 5 - Solid Waste and Recyclables Inventories	47
<ul style="list-style-type: none">• Data Collection Method and Data Sources• Lists of destinations for solid waste generated in Planning Unit• List of destinations for recyclables generated in Planning Unit• Annual Recycling Report for Calendar Year 2009/10	

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

ATTACHMENTS

Attachment 1: Destinations for DSNY-Managed Solid Waste generated in Planning Unit in 2011

Attachment 2: Destinations for DSNY-Managed Solid Waste generated in Planning Unit in 2012

Attachment 3: Destinations for DSNY-Managed Recyclables generated in Planning Unit

Attachment 4: Legislation and Rules Enacted or Revised (2013)

EXECUTIVE SUMMARY

This biennial Compliance Report dated May 2014, 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 (SWMP) during the reporting period of January 1, 2011 through December 31, 2012 (Reporting Period). The City's first Compliance Report in connection with this SWMP, submitted in July 2009, reported on implementation during 2007 and 2008. The City's second SWMP Compliance Report, which was submitted in August 2011, 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 SWMP was prepared by the City Department of Sanitation (DSNY) with the assistance of the New York City Economic Development Corporation (NYCEDC) and other mayoral agencies, adopted by the City Council in July 2006 and approved by the New York State Department of Environmental Conservation (NYSDEC) in October 2006. It involved a comprehensive review of the activities undertaken to implement the City's first Solid Waste Management Plan (the 1992 Plan), as amended, an evaluation of where and how those efforts should be refocused to better meet the City's solid waste management needs, information on the City's on-going solid waste management programs, and an extensive process of consultation with interested parties.

The Final Environmental Impact Statement to support the SWMP was issued in April 2005 (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 91st 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 initial Review Avenue Transfer Station permit modifications obtained by Waste Management of New York LLC (WM) and the 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. The SWMP FEIS and the above-referenced SWMP FEIS technical memoranda appear on the DSNY website at <http://www.nyc.gov/html/dsny/html/swmp/swmp.shtml>.

Since the SWMP was approved, DSNY, other City agencies and related entities have advanced SWMP goals and substantially completed the majority of projects and initiatives discussed in the SWMP. With respect to the DSNY fleet described in Chapter 5 of the SWMP, in July 2011, the City announced that it put into service 70 new electric vehicles for use by DSNY and other city agencies. The City already has the largest municipal electric fleet in the country, totaling 430, with the infusion of the 70 new electric vehicles and DSNY now operates an electric vehicle charging station at its central repair shop in Queens.

With respect to DSNY's SWMP recycling achievements during the Reporting Period, a city-wide textile recycling program called re-FashionNYC and e-cycleNYC, an electronic waste recycling program were established. Construction continued on the Sims Municipal Recycling, predominantly barge fed, recyclables processing facility at the South Brooklyn Marine Terminal. The Sims facility, which began accepting recyclables in late 2013, operates pursuant to a 20-year contract with the City. This Report describes advances during the Reporting Period and since in public space recycling and the rollout of new source separated organics collection pilots.

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. These MTSs are expected to be completed in 2014. North Shore Converted MTS is anticipated to begin ramp up operations in November 2014. Hamilton Avenue MTS is expected to begin operations after a vendor has been awarded a long-term service contract for the transport and disposal of the containerized waste from its waste shed and completed any development and equipment procurement activities.

DSNY advanced other components of the SWMP long-term export plan during the Reporting Period. Construction bid documents for the East 91st Street MTS (Manhattan) were issued in January 2012 and a US Army Corps of Engineers permit for the facility was issued in July 2012. Construction on the MTS began in March 2013 and is expected to be completed in approximately three years. Subsequent to the issuance of a US Army Corps of Engineers permit for the Southwest Brooklyn Converted in 2013, construction on that MTS is expected to begin this summer.

During the Reporting Period, DSNY secured permits for truck weighing upgrades and subsurface platform replacement work at the West 59th Street MTS, a facility that transfers Manhattan paper recyclables. That work is now underway. This 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. A design contract procurement for the new Gansevoort Marine Transfer Station for Manhattan recyclables (and recycling education center) was issued by DSNY during the Reporting Period and again by the New York City Department of Design and Construction (DDC) in 2013 after the management of the project was transferred to DDC. A DDC design contract award will be delayed until a Memorandum of Understanding on the funding and coordination of the new Gansevoort MTS has been executed by the City and State.

With respect to the City's consideration of alternative solid waste management technology solutions, NYCEDC and DSNY issued a Phase 3 Siting Study in March 2012 that examined the availability of sites and the siting needs of alternative solid waste management technologies analyzed in Phase 1 and 2 Study Reports issued pursuant to the SWMP. Following the issuance of the Siting Study, in March 2012, DSNY issued a Request for Proposals for New and Emerging Solid Waste Management Technology.

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

SECTION 1 - PLANNING UNIT DESCRIPTION

The Planning Unit is the City of New York (City) and consists of the five boroughs (and co-terminus counties) of Manhattan, (New York County) Queens (Queens County), Brooklyn (Kings County), Staten Island (Richmond County) and the Bronx (Bronx County). The components of the Planning Unit are unchanged since SWMP approval. Similarly, the statistical profile of the City, current and projected as it relates to the generation of solid waste is unchanged since the issuance of the approved SWMP; the data was based primarily on population estimates projected by the New York City Department of City Planning (NYCDCP) from 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 April 1, 2010, was 8,175,133, and increased to 8,405,837 in July 2013, an increase of 2.8 percent. The largest change in the City's population occurred in Brooklyn, growing by 3.5%, followed by Queens (2.9%), Manhattan (2.5%), the Bronx (2.4%), and Staten Island (0.8%). 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.

As noted in the SWMP Compliance Report for 2009 and 2010, the economic circumstances of the City have changed since SWMP approval. During 2011 through 2012, the City was still recovering from the economic recession and fiscal crisis that affected the banking and financial sectors, which resulted in decreased tax revenues realized for the City. City capital commitments have decreased from a peak of \$11.7 billion in 2008, falling to \$7.1 billion in 2012. Spending by City agencies is anticipated to be flat through 2018, according to the New York City Independent Budget Office. Unemployment rates have continued to slowly recover, dropping from 9.4% in January 2011 to 8.8% in December 2012, to an estimated 8.3% as of March 2014, according to the US Bureau of Labor Statistics.

SECTION 2 - SWMP ACCOMPLISHMENTS

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

Table 1
Completed Recycling SWMP Milestones

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES			
MATERIALS PROCESSING FACILITY, 30TH STREET PIER AT SBMT			
City and SHN execute 20-year agreement	2007	§ 2.3.1 + 2.4.3	Completed
SHN's facility to receive MGP	2011	§ 2.3.1 + 2.4.3	Completed CY2013
NEW INITIATIVES – RECYCLING			
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"> ▪ Issue Citywide Waste Characterization Study ▪ Final Report 	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

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
Issue various new public education materials	Ongoing	§ 2.4.7.4	Completed
Conduct public recycling pilot	2007	§ 2.4.9	Completed
NEW INITIATIVES – WASTE REDUCTION			
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 WaSteMatch 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

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

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

Table 2
Completed Long-Term Export SWMP Milestones

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section	Current Status
QUEENS LONG TERM EXPORT PROCUREMENT			
Complete contract negotiations and award contract	2007	See § 3.2	Completed FY 2014
STATEN ISLAND TRANSFER STATION			
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See § 3.1 + Table 3.2-1	Completed
CONVERTED MTS REPORTING/PERMITTING			
Report to Council on RFP process/permit approvals for MTSs	2008	See § 3.7	Completed
ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING			
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
INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY			
Complete contract negotiations, award contract and commence service	2007	See § 3.2	Completed FY 2013

Table 3
Completed Commercial Waste SWMP Milestones

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

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES				
MATERIALS PROCESSING FACILITY, 30TH STREET PIER AT SBMT				
City and SHN execute 20-year agreement		2007	§ 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
MANHATTAN ACCEPTANCE FACILITY				
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 w/start up in FY 2018
NEW INITIATIVES – RECYCLING				
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion w/percentage goals		2007	§ 2.4.1	Completed

Table 4
SWMP Milestones – Recycling

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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"> ▪ Issue Citywide Waste Characterization Study ▪ Final Report 		2007	§ 2.4.2	Completed
Conduct public education market research		Ongoing	§ 2.4.7.1	Completed
Submit Council on the Environment Outreach and Education Office work plan and budget		2007	§ 2.4.0	Completed
Report on Council on the Environment Outreach and Education Office w/recommendations		2007	§ 2.4.0	Completed
Increase recycling diversion rate		Ongoing	§ 2.4.1	Ongoing; rate impacted by recession and widespread scavenging of recycling curbside – BBBB and non- BBBB items
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Ongoing
Begin recycling re-education of City Agencies and institutions		2007	§ 2.4.0	Ongoing
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public		2009-10	§ 2.4.3.1	Completed. Additional plastics added FY 2013

Table 4
SWMP Milestones – Recycling

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
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
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
NEW INITIATIVES – WASTE REDUCTION				
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 WasteMatch to add focus on hospitality, healthcare and property management industries		2010-12	§ 2.4.4.2	Completed
Launch new Citywide publication/campaign to promote junk mail reduction		2007-8	§ 2.4.4.3	Completed
Resume yard waste collection (where permitted composting facilities are available)	2013	2005	Attachment VI, § 1.7.2	Originally scheduled by local law to commence in Spring 2013. Postponed by LL 77 in 2013 pending outcome of food waste pilots 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

Table 4
SWMP Milestones – Recycling

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

RECYCLING NARRATIVES:

RECYCLABLES PROCESSING/XMAS TREE AND YARD WASTE COMPOSTING:

DSNY's adopted budget for fiscal year 2012 (July 1, 2011 through June 30, 2012), allocated sufficient funds to process metal, glass and plastic recyclables, and to re-instate post-holiday Christmas tree composting, starting in January 2012. The program continues to be funded. 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 completed and evaluated, prior to 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 composting have been identified by the compost siting task force, although their search continues.

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. The organics collected are composted at the Fresh Kills Compost Facility in Staten Island, Peninsula Compost in Wilmington, DE, McEnroe Organic Farm in Millerton, NY and Delaware County Co-Composting Facility in Walton, NY.

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 partner with DOE to provide separate collection of organic wastes to 90 public schools in Brooklyn, Manhattan, and Staten Island. During the current 2013-14 school year, the organics collection program has more than 300 schools participating.

Residences/Agencies/Institutions

In 2013, DSNY also began collecting organics from single family homes and small residential buildings, reaching over 30,000 households in the Bronx, Brooklyn, and Staten Island. In 2014, DSNY further expanded the program to reach 100,000 households.

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

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 rigid plastics and additional plastics to its recycling program. DSNY now accepts, in addition to #1 and #2 plastics, #s 3 – 7 plastics.

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 control cross-container contamination. In 2012, DSNY redesigned and bid out for manufacture new Public Space Recycling receptacles. By the close of Fiscal Year 2014, almost three thousand Public Space Recycling receptacles will be on NYC streets.

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 received by DSNY during the Reporting Period.

OUTREACH:

DSNY's Bureau of Waste Prevention, Reuse and Recycling staff has continued to enhance the existing DSNY-provided web based resources for residents and building management, including the conversion of all its public education materials to downloadable resources which can be printed from the convenience of one's home. Bureau staff 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 an advertising campaign, orchestrated directly by staff at City Hall called “Recycle Everything”. 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.

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 began accepting and processing materials in December 2013 although the Recycling Education Center and a large wind turbine both located on-site have yet to be completed.

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 other locations throughout the City.

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.

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. The SAFE disposal events in spring 2012 were attended by over 11,000 people, and resulted in the collection of 915,000 pounds of material, of which 388,000 pounds were from electronic equipment. DSNY, in accordance with Local Law 39 of 2010 has continued to conduct HHW drop-off days in each borough through 2014.

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 Special Waste drop-off sites and at annual HHW borough-based events.

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 this program is expected to grow slowly in response to participation requests and Housing Works ability to expand its services.

ALL LONG-TERM EXPORT MILESTONES: Status and Implementation

Table 5
SWMP Milestones – Long Term Export

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

Table 5
SWMP Milestones – Long Term Export

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

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

Table 5
SWMP Milestones – Long Term Export

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Status / Implementation
INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY				
Complete contract negotiations, award contract and commence service	2012	2007	See § 3.2	Completed FY 2013
STATEN ISLAND TRANSFER STATION				
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
CONVERTED MTS REPORTING/PERMITTING				
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
ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING				
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

LONG-TERM EXPORT IMPLEMENTATION

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

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

Permitting: After substantial completion of the final MTS design and having obtained approval for the project under the City's Uniform Land Use Review Procedures, NYSDEC issued final State permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) to operate and construct the MTS on June 3, 2008 and these permits were renewed in June 2013. The project requires an Army Corps of Engineers (ACOE) permit for in-water demolition and dredging activities, the construction of a barge fendering system and barge staging that will affect littoral and non-littoral zones; the ACOE nationwide permit was issued for the MTS on May 22, 2008; a renewal permit was issued on May 20, 2010.

Construction: Pursuant to competitive bid procurement, DSNY received construction bids for the MTS on May 28, 2009 and awarded contracts thereafter. Construction began in May 2010 and is expected to be completed in fall 2014. In the aftermath of Super Storm Sandy, flood proofing measures were incorporated into the design of the MTS.

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

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

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

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

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

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

DSNY 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.

Construction: A construction contract has been awarded and awaits registration by the NYC Comptroller. Once registered, construction is expected to begin in summer 2014 and end in summer 2017.

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

Project Overview: The proposed E. 91st Street Converted MTS will replace the existing MTS on the site and serving the same 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. 91st Street on Manhattan's east side. The Converted MTS will be a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that would be placed by an outside gantry crane system onto barges for transport directly to a disposal site or to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The Converted MTS will be a City-owned facility. DSNY will accept waste, load and lid containers. DSNY 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. 91st 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. 91st 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 applied for a U.S. Army Corps of Engineers permit to construct the E. 91st 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 are pending.

Construction: A competitive bid solicitation was issued for the construction of the project in January 2012. The construction contract was awarded in September 2012 and registered by the Comptroller in December 2012. Construction began in March 2012, with the demolition of the existing MTS primarily completed (except for the ramp) in 2013. Construction is expected to be completed in 2016.

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

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

communities and in the evening hours, would be able to accept up to 1,000 tons of commercial waste per day. The facility will operate 24 hours per day, six days a week.

The MTS will be an over-water processing building with an over-water barge pier and ramp structures that will entirely replace the demolished former MTS structure in Flushing Bay. The MTS will be a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers to be placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers would be placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS will be a City-owned facility; DSNY will accept waste, load and lid containers. DSNY 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 and operate the MTS (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters in September 2007. These permits were renewed in September 2012 and will expire in September 2017.

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

Construction: Pursuant to a competitive bid solicitation, DSNY received construction bids for the project on March 12, 2009 and awarded contracts thereafter. Construction is anticipated to be

completed in August/September 2014; training activities for the facility are expected to begin in November 2014 with ramp up operations to follow thereafter. 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.

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.

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.

QUEENS LONG TERM EXPORT PROCUREMENT

In November 2014, 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. Pending NYSDEC approval of the permit modification for the TS, service would 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 upon DSNY's authorization.

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. 135th Street MTSs. The operator of the facility is Covanta Essex County. Service began under the Agreement in October 2012. Pursuant to the Agreement, DSNY will truck an average of 1,600 tons per day of DSNY-managed waste in collection vehicles to the mass burn facility, six days per week.

STATEN ISLAND TRANSFER STATION

Pursuant to design and construction projects managed by DSNY, the Staten Island Transfer (SITS), a truck-to-container-to-rail facility, operated by DSNY's Bureau of Waste Disposal, began operations in November 2006 and entered into full scale rail operations in April 2007. The SITS 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.

CONVERTED MTS REPORTING/PERMITTING

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

http://www.nyc.gov/html/dsny/downloads/pdf/swmp_implement/mts/shared/SWMPprogramprogress.pdf

In 2011, DSNY and the Bloomberg Administration met with the leadership of the New York City Council to inform the Council of the revised SWMP implementation schedule. Also, beginning in spring 2009, Commissioner Doherty testified at City Council hearings 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.

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. 91st Street MTSs. The contract award for the Hamilton Avenue and Southwest Brooklyn MTSs is pending. Services are to be provided under the two contracts for the North Shore and Hamilton Avenue MTSs as those facilities begin operations in CY 2014 and beyond.

ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING

Pursuant to SWMP Section 5.2, the New York City Economic Development Corporation was required to issue a Phase 2 Study that followed up its a Phase 1 Report on its Evaluation of New and Emerging Solid Waste Management Technologies that appeared in the SWMP. Based on a review of successful projects outside the United States, the Phase I Study concluded that anaerobic digestion and thermal processing technologies merited further consideration for a potential demonstration project in New York City, the results of which could foster an

appropriate basis for commercial application once the project and legal risks were sufficiently defined. The Phase I Study also concluded that hydrolysis technology might also be the subject of a demonstration project and recommended that a focused, detailed review be undertaken in the Phase 2 Study to supplement and verify the information provided for the Phase 1 Study before a final determination was made that any of the three technologies warranted a demonstration project in New York City. Thereafter, NYCEDC issued a Phase 2 Study Report entitled Focused Verification and Validation of Advanced Solid Waste Management Conversion Technologies conducted by Alternative Resources, Inc. The Phase 2 Study appears on the DSNY web site at http://www.nyc.gov/html/dsny/html/swmp_implementation/swmp_otherinit.shtml.

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, unvalidated emissions (gasification) and unreasonably high residue rates (AD).

ALL COMMERCIAL WASTE MILESTONES

Table 4.3-1
SWMP Milestones – Commercial Waste

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Current Status
ASSESS FEASIBILITY OF USING WEST 59TH STREET MTS FOR PROCESSING COMMERCIAL WASTE				
Issue an RFP to solicit private vendors		2007	See § 4.3 + 3.6	Completed
Report on West 59 th 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 th Street MTS	2012	2009	See § 4.3 + 3.6	Revised SWMP Compliance Report dated 2/2012 submitted to City Council in 3/2012
USE OF CONVERTED MTS TO CONTAINERIZE COMMERCIAL WASTE				
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	Anticipated that one MTS will commence operation in CY2014
FUTURE MANHATTAN CAPACITY				
Investigate potential alternative Manhattan solid waste transfer station locations and report to Council annually on efforts to identify alternative locations		2008	See § 3.6	Issued in 2008

Table 4.3-1
SWMP Milestones – Commercial Waste

PROGRAM Milestone	Revised Scheduled Fiscal Year	Scheduled Fiscal Year	SWMP Section	Current Status
TRANSFER STATION CAPACITY REDUCTION				
Commence negotiations with transfer station operators to seek transfer station putrescible and C&D capacity (permitted and used) reductions in select CDs		2006	See § 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 CY2013
MTS host district specific and Bronx capacity reductions to occur	2014	2010	See § 4.4	Pending
TRUCK TRAFFIC ANALYSIS				
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2009	2008	See § 4.4	Completed; study for Brooklyn communities issued in 2008
NYCDEP FOOD WASTE DISPOSAL STUDY				
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City		2008	See § 5.4	Completed; RFP issued in 2007
Consultant to complete study		2009	See § 5.4	Completed; report issued in 2008

COMMERCIAL WASTE IMPLEMENTATION

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 59th 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 59th Street MTS would serve as a transfer point for commercial waste, as well as recyclable paper. This shared usage would continue until the Gansevoort MTS facility could be reactivated. Once Gansevoort was operational for the receipt of Manhattan paper recyclables, the West 59th Street MTS would be available to handle an additional quantity of commercial waste. 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 59th Street MTS in compliance with SWMP Section 4.3; a report on future Manhattan capacity for commercial waste and West 59th Street Marine Transfer Station progress was issued on February 14, 2008 (see discussion below).

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 59th Street MTS.

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. 91st 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.

FUTURE MANHATTAN CAPACITY

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

http://www.nyc.gov/html/dsny/downloads/pdf/swmp_implement/comm/W59thMTSPprogress.pdf

describes efforts to explore opportunities to increase the collective commercial waste capacity in Manhattan through the ongoing implementation of the Marine Transfer Station on Pier 52 on the Gansevoort Peninsula (Gansevoort MTS) and the West 59th Street MTS on Pier 99 (see discussion above). The Gansevoort MTS will be a state-of-the-art recycling center, designed to handle recyclable metal, glass, plastic and paper generated in Manhattan that is currently trucked to 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. 59th Street MTS to accept more Manhattan construction and demolition debris under a contract to be negotiated with The Sims Group. As a result, the implementation of the Gansevoort MTS will help to achieve SWMP goals to make each borough responsible, to the extent practicable, for the transfer of its own waste and recyclables.

The Report also describes DSNY's continued assessment of proposals brought forward by stakeholders, including its review of the Pier 76 Siting Study presented by Friends of Hudson River Park, judged to be excessively expensive in comparison to DSNY's two facilities, W. 59th Street and Gansevoort MTSs, sited separately, but designed to result in new recyclables and commercial waste transfer capacity for Manhattan. The Pier 76 Study was also reviewed by DSNY consulting engineers, Greeley and Hansen, LP in a July 2000 Study of the Friends of the Hudson River Park Pier 76 Concept that concluded that the existing substructure and concrete

deck structure of Pier 76 could not carry the expected loads from a DSNY containerization facility and a rooftop park.

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. DSNY issued a procurement to solicit qualified firms to design the MTS in 2010 and a second procurement was issued by New York City Department of Design and Construction in 2013. A contract for design will be awarded by DDC once the MOU has been executed. The design and environmental review of the MTS project would be anticipated to be completed within two years of award; thereafter construction would be expected to take three years to complete. DSNY will vacate the Gansevoort Peninsula in FY 2014/15 and the phased demolition of DSNY facilities on the Gansevoort Peninsula will commence in summer 2014.

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 majority of relevant transfer station operators. To do so, DSNY and the Council met with all seventeen (17) operators of the twenty-two (22) different putrescible and construction and demolition debris transfer stations located in the community districts of Bronx 1, Brooklyn 1 and Queens 12. 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.

TRUCK TRAFFIC ANALYSIS

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

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.

Adopted Budget Highlights

The City's FY 2012 Adopted Budget provided adequate expense and capital funding during the Reporting Period for recycling processing, exportation of un-recycled solid waste and Fresh Kills Landfill closure construction, as well as the continued implementation of the MTS Conversion Program. Funding was also provided in connection with the construction of the Sims Metal Management South Brooklyn Marine Terminal recycling processing facility and for composting facility remediation. The City's FY 2015 Capital Budget has not been adopted yet, but provided below are current Expense and Capital Budgets for SWMP programs.

EXPENSE BUDGET OTPS FUNDING/REPORTING PERIOD

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

*Includes interim and long-term export funds.

EXPENSE BUDGET OTPS FUNDING/CURRENT

Programs	FY 2014	FY 2015	Grand Total
Metal, Glass & Plastic Processing	\$ 16,955,160	\$ 16,955,160	\$ 33,910,320
Composting	2,590,804	3,131,454	5,722,258
Public Education & Outreach	9,496,357	5,053,020	14,549,377
(OREO FY 2010 only, Printing, Postage, Contracts & Professional Services)	12,649,175	5,182,150	17,831,325
Household Hazardous Waste Program	1,000,000	1,000,000	2,000,000
Export Contractual Cost*	308,273,528	350,435,755	658,709,283
Fresh Kills Closure Cost	28,611,691	71,150,000	99,761,691
Long Term Export (Legal/Engineering)	5,500,584	554,607	6,055,191
Staten Island Transfer Station	767,869	767,869	1,535,738
Long-Term MTS & Headquarters	154,201	1,710,465	1,864,666
Total	\$385,999,369	\$455,940,480	\$841,939,849

*Includes interim and long-term export contracts; table based on Executive Budget FY 2015.

FY'12 ADOPTED CAPITAL BUDGET
REPORTING PERIOD
SWMP - Related Projects
\$ in 000's (as of June 2011)

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

*Includes Export Equipment

FY'14 ADOPTED CAPITAL BUDGET

CURRENT

SWMP - Related Projects

\$ in 000's (as of June 2013)

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

***Includes Export Equipment**

****Includes \$900 in FEMA funds**

Staffing Levels

The Reporting Period FY 12/13 budgets funded 29 recycling, 71 export program and 36 Staten Island Transfer Station positions; staffing was expanded in the FY 11 – 13 budgets to reflect start-up operations at North Shore and Hamilton Avenue MTSs; staffing was adequate during the Reporting Period and remains adequate to implement the SWMP projects.

HEADCOUNT*

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

***Adopted Budget FY12/Fresh Kills closure headcount is not included.**

Evaluation of Waste Stream for Additional Recyclables

DSNY conducts ongoing evaluations for additional recyclables (see Section 3 - SWMP

Status / Implementation recycling milestone tables and narratives).

New Issues

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

SECTION 5 - SOLID WASTE and RECYCLABLES INVENTORIES

Data Collection Method and Data Sources

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

List of destinations for solid waste generated in Planning Unit

The lists of destinations for solid waste generated in the City in 2011 and for 2012 are appended hereto as Attachment 1 and Attachment 2, respectively.

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.

New or revised source separation and/or solid waste management-related laws, ordinances, regulations, resolutions and rules (together Legislation) within the Planning Unit

No source separation or solid waste management-related Legislation was enacted or revised during the Reporting Period. Attachment 4 provides a summary of Legislation for 2013.

ATTACHMENT 1

SUMMARY OF EXPORTED Municipal Solid Waste TO DISPOSAL SITES

01/01/11

TO

12/31/11

(Sorted by STATE)

Working Days:

301

AVERAGE

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	PER DAY
Bridgeport Resco	CT	3,975.19	0.1%	13.21
CONNECTICUT		3,975.19	0.1%	13.21
Big Run - ESI - Environ Solutions	KY	10,478.09	0.3%	34.81
KENTUCKY		10,478.09	0.3%	34.81
* BK, Covanta, Essex	NJ	6,017.87	0.2%	19.99
* Covanta Essex	NJ	76.76	0.0%	0.26
Kearny/Apex	NJ	204,570.99	6.1%	679.64
* Mamaroneck/Hempstead	NJ	6,888.32	0.2%	22.88
* NJ, Covanta, Essex, Raymond Blvd	NJ	369,666.63	11.1%	1,228.13
Union County Utilities Auth	NJ	4,333.91	0.1%	14.40
Warren/Oxford	NJ	0.00	0.0%	0.00
NEW JERSEY		691,564.47	17.7%	1,965.30
* Covanta Hempstead	NY	19,840.84	0.6%	65.92
Covanta MacArthur	NY	451.25	0.0%	1.50
New York Rail Logistics	NY	0.00	0.0%	0.00
OMNI Recycling of Babylon	NY	1,301.36	0.0%	4.32
Seneca Meadows	NY	283,511.73	8.6%	941.90
Seneca Meadows (ALBANY)	NY	0.00	0.0%	0.00
Westchester Resco, Peekskill	NY	55,292.96	1.7%	183.70
* Wheelabrator	NY	10,524.56	0.3%	34.97
NEW YORK		370,922.80	11.1%	1,232.30
Liberty Waste/Apex	OH	121,507.41	3.6%	403.68
OHIO		121,507.41	3.6%	403.68
Ontario Angelica	ON,CN	0.00	0.0%	0.00
ONTARIO, CANADA		0.00	0.0%	0.00
* American Refuel (Chester/Del/DCRRF)	PA	115,112.47	3.4%	382.43
Bethlehem Landfill	PA	142,315.91	4.3%	472.81
Blue Ridge Landfill	PA	153,772.47	4.6%	510.87
Commonwealth Envir System	PA	61,195.38	1.8%	203.31
Conestoga Landfill (MorganTown)	PA	37,973.65	1.1%	126.16
* Covanta Delaware Valley	PA	72,001.82	2.2%	239.21
Cumberland County Landfill	PA	36,719.45	1.1%	121.99
Grows North	PA	418,563.02	12.5%	1,390.57
Keystone Landfill	PA	73,942.72	2.2%	245.66
Mostoller Landfill	PA	459.81	0.0%	1.53
RCC/Shade Landfill (Resource Con)	PA	0.00	0.0%	0.00
* Superior Greentree (or Greentree)	PA	18,924.14	0.6%	62.87
Tullytown	PA	4,471.46	0.1%	14.86
PENNSYLVANIA		1,135,462.09	33.9%	3,772.27
Lee County	SC	221,371.90	6.6%	735.45
SOUTH CAROLINA		221,371.90	6.6%	735.45
Amelia/Maplewood	VA	0.00	0.0%	0.00
Atlantic Waste Disposal (Waverly)	VA	884,769.11	26.5%	2,939.43
Brunswick Cnty Landfill, Lawrenceville	VA	1,535.75	0.0%	5.10
King & Queen Landfill	VA	0.00	0.0%	0.00
Shoosmith Bros.	VA	2,920.69	0.1%	9.70
VIRGINIA		889,225.55	26.6%	2,954.24
Grand Total		3,344,487.50	100.00%	11,111.25

* Resource Recovery Facility

Note: This report is final when approved.

Prepared by

Approved by

05/08/14

05/08/14

SUMMARY OF EXPORTED Municipal Solid Waste TO DISPOSAL SITES

01/01/11

TO

12/31/11

(Sorted by DISPOSAL SITE)

Working Days:

301
AVERAGE

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	PER DAY
Amelia/Maplewood	VA	0.00	0.0%	0.00
American Refuel (Chester/Del/DCRRF)	PA	115,112.47	3.4%	382.43
Atlantic Waste Disposal (Waverly)	VA	884,769.11	26.5%	2,938.43
Bethlehem Landfill	PA	142,315.91	4.3%	472.81
Big Run - ESI - Environ Solutions	KY	10,478.09	0.3%	34.81
BK, Covanta, Essex	NJ	6,017.87	0.2%	19.99
Blue Ridge Landfill	PA	153,772.47	4.6%	510.87
Bridgeport Resco	CT	3,975.19	0.1%	13.21
Brunswick Cnty Landfill, Lawrenceville	VA	1,535.75	0.0%	5.10
Commonwealth Envir System	PA	61,195.38	1.8%	203.31
Conestoga Landfill (MorganTown)	PA	37,973.65	1.1%	126.16
Covanta Delaware Valley	PA	72,001.82	2.2%	239.21
Covanta Essex	NJ	76.76	0.0%	0.26
Covanta Hempstead	NY	19,840.94	0.6%	65.92
Covanta MacArthur	NY	451.25	0.0%	1.60
Cumberland County Landfill	PA	36,719.45	1.1%	121.99
Grows North	PA	418,563.02	12.5%	1,390.57
Kearny/Apex	NJ	204,570.99	6.1%	679.64
Keystone Landfill	PA	73,942.72	2.2%	245.66
King & Queen Landfill	VA	0.00	0.0%	0.00
Lee County	SC	221,371.90	6.6%	735.45
Liberty Waste/Apex	OH	121,507.41	3.6%	403.68
Mamaroneck/Hempstead	NJ	6,888.32	0.2%	22.88
Mostoller Landfill	PA	459.61	0.0%	1.53
New York Rail Logistics	NY	0.00	0.0%	0.00
NJ, Covanta, Essex, Raymond Blvd	NJ	369,686.63	11.1%	1,228.13
OMNI Recycling of Babylon	NY	1,301.36	0.0%	4.32
Ontario Angelica	ON,CN	0.00	0.0%	0.00
RCC/Shade Landfill (Resource Con)	PA	0.00	0.0%	0.00
Seneca Meadows	NY	283,511.73	8.5%	941.90
Seneca Meadows (ALBANY)	NY	0.00	0.0%	0.00
Shoosmith Bros.	VA	2,920.69	0.1%	9.70
Superior Greentree (or Greentree)	PA	18,924.14	0.6%	62.87
Tullytown	PA	4,471.46	0.1%	14.86
Union County Utilities Auth	NJ	4,333.91	0.1%	14.40
Warren/Oxford	NJ	0.00	0.0%	0.00
Westchester Resco, Peekskill	NY	55,292.96	1.7%	183.70
Wheelabrator	NY	10,524.58	0.3%	34.97
TOTAL		3,344,487.50	100.0%	11,111.25

* Resource Recovery Facility

Note: This report is final when approved.

Prepared by _____

Approved by _____

05/08/14

05/08/14

SUMMARY OF EXPORTED Municipal Solid Waste TO DISPOSAL SITES

Summary of Tonnage by FACILITY (Over) Under

01/01/11 TO 12/31/11

Working Days: 301

FACILITY	TONNAGE PER EXPORT COST REPORTS	TONNAGE PER VENDOR	EXPORT % TONNAGE (OVER) UNDER	PERCENT PER EXPORT % REPORTS	AVG PER DAY PER EXPORT % REPORTS
BK, 110 50th ST	208,932.58	210,885.47	(1,752.91)	5.8%	894.13
BK, BROOKLYN LONG TERM	229,871.04	255,395.72	(25,524.68)	7.0%	763.89
BK, 577 COURT ST	116,224.08	117,440.35	(1,216.26)	3.2%	386.13
BK, SCHOLLES ST	49,675.91	50,434.98	(759.07)	1.4%	165.04
BK, STANLEY AVE	56,152.27	103,276.81	(47,124.34)	2.8%	186.55
BK, THAMES ST	78,782.26	78,758.53	23.73	2.2%	261.74
BK, THOMAS ST - SCOTT AVE	13,460.22	73,883.64	(60,423.42)	2.0%	44.72
BK, VARICK AVENUE	222,076.19	330,453.75	(108,377.56)	9.1%	737.79
BX, HRY LONG TERM	628,018.39	628,206.24	(187.85)	17.2%	2,086.44
* COVANTA, ESSEX	359,402.91	359,402.91	0.00	9.9%	1,194.03
NJ, EASTERN WASTE	558.93	558.93	0.00	0.0%	1.86
NJ, IWS, RTS 1&9	260,671.96	303,020.36	(42,348.40)	8.3%	866.02
NJ, ELIZABETH, JULIA ST	7,580.80	7,580.80	0.00	0.2%	25.19
S W T R	20,198.91	19,249.93	948.98	0.5%	67.11
* NY, A-1 COMPACTION	5,313.03	5,419.61	(106.58)	0.1%	17.65
* QN, MAMAR/HEMPSTEAD	6,888.32	6,888.32	0.00	0.2%	22.88
QN, REGAL RECYCLING	73,942.97	73,952.52	(9.55)	2.0%	245.66
QN, REVIEW AVENUE	265,856.09	263,166.59	2,689.50	7.2%	683.24
SENECA MEADOWS	216,880.17	216,880.17	0.00	6.0%	720.53
QN, TULLY	302,628.58	316,011.23	(13,382.65)	8.7%	1,005.41
STATEN ISLAND LONG TERM	221,371.90	222,239.88	(867.98)	6.1%	735.45
	3,344,487.50	3,642,906.54	(298,419.04)	100.0%	11,111.25

* Resource Recovery Facility

Prepared by _____ Approved by _____

05/08/14

05/08/14

ATTACHMENT 2

Summary of Exported Municipal Solid Waste to Disposal Sites

Summary of Tonnage by Disposal Site

11/2012

12/31/2012

Working Days

301

(Sorted by STATE)

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	AVG PER DAY
*Site unknown due to Hurricane Sandy		8,026.97	0.3%	26.67
Big Run - ESI - Environ Solutions	KY	49,371.02	1.5%	164.02
Bay Shore Recycling	NJ	1,532.93	0.0%	5.09
Britton Industries	NJ	928.25	0.0%	3.08
Covanta Rahway (Union County)	NJ	5,898.80	0.2%	19.60
Kearny/Apex	NJ	215,835.31	6.7%	717.06
Keegan Landfill	NJ	3,197.19	0.1%	10.62
Mamaroneck/Hempstead	NJ	4,103.30	0.1%	13.63
NJ, Covanta, Essex, Raymond Blvd	NJ	378,215.18	11.8%	1,256.53
Covanta Hempstead	NY	13,338.94	0.4%	44.32
Seneca Meadows	NY	313,381.99	9.8%	1,041.14
Wheelabrator Falls	NY	159.52	0.0%	0.53
Wheelabrator West. Resco (Peekskill)	NY	53,806.28	1.7%	178.76
Liberty Waste/Apex	OH	90,597.74	2.8%	300.99
American Refuel (Chester/Del/DCRRF)	PA	154,230.26	4.8%	512.39
Bethlehem Landfill	PA	106,064.02	3.3%	352.37
Blue Ridge Landfill	PA	112,217.01	3.5%	372.81
Commonwealth Envir System	PA	51,324.75	1.6%	170.51
Covanta Delaware Valley	PA	63,935.73	2.0%	212.41
Cumberland County Landfill	PA	56,380.27	1.8%	187.31
Grand Central Sanitary	PA	538.18	0.0%	1.79
Grows North	PA	420,707.27	13.1%	1,397.70
Keystone Landfill	PA	87,494.41	2.7%	290.68
Superior Greentree (or Greentree)	PA	9,514.33	0.3%	31.61
Tullytown	PA	13,875.36	0.4%	46.10
Victory Gardens	PA	934.68	0.0%	3.11
Zwicky	PA	2,047.12	0.1%	6.80

(Sorted by STATE)

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	AVG PER DAY
Lee County	SC	214,730.36	6.7%	713.39
Atlantic Waste Disposal (Waverly)	VA	768,230.34	24.0%	2,552.26
Shoosmith Bros.	VA	3,042.47	0.1%	10.11
GRAND TOTAL:		3,203,659.97	100.0%	10,643.39

ATTACHMENT 3

DSNY Recyclables Processing Contractors for 2011/12

Contractor	Facility Address	Material
A&B Lobosco, Inc.	31-33 Farrington St. Flushing, NY 11354	Paper
Metropolitan Paper (Potential Industries subcontractor)	854 Sheperd St. Brooklyn, NY 11208	Paper
Paper Fibres	960 Bronx River Ave. Bronx, NY 10473	Paper
Potential Industries	922 East "E" St. Wilmington, CA 90744	Paper
Rapid Processing	860 Humboldt St. Brooklyn, NY 11222	Paper
Sims Municipal Recycling of New York, LLC (Formerly knows as Sims Hugo Neu East and Hugo Neu Schnitzer East) (Associated with Simsmetal East, LLC)	Sims Municipal Recycling of New York, LLC One Linden Avenue East Jersey City, NJ 07305-4277 NYC Hq. 212-606-0722 Hq.Fax 212-500-7423 www.simsmm.com	MGP & Bulk Metal
	Claremont Terminal 1 Linden Avenue East Jersey City, NJ 07305	MGP & Bulk Metal
	30-27 Greenpoint Ave. LIC, NY 11101	MGP & Bulk Metal
	Bronx Metals Recycling 850 Edgewater Rd. Bronx, NY 10474	MGP & Bulk Metal
Triboro Fibers (Owned by CellMark) Billing: CellMark Recycling 80 Washington St. P.O. Box 641 Norwalk, CT 08654	891-899 E. 135 th St. Bronx, NY 10454	Paper
Veolia ES Technical Solutions, LLC	1 Eden Ln Flanders, NJ 07836	Household Special Waste
Visy Paper of NY	4435 Victory Blvd. Staten Island, NY 10314	Paper
WeCare Organics, LLC	9289 Bonta Bridge Rd. Jordan, NY 13080	Composting and Yard Waste

ATTACHMENT 4

Legislation and Rules (2013)

A. Residential Organics Material Pilot Collection Program On October 2, 2013, Local Law 77 was signed into law and became effective immediately. The law amends Section 16-308 of the New York City Administrative Code as follows:

- Delays the implementation of leaf and yard material collection in order for DSNY to study the feasibility of combined leaf and yard waste and organics collection until 2016;
- Authorizes a pilot residential and school organics collection program whereby DSNY must reach four (4) designated collection areas in each borough with a goal of reaching 100,000 households by June 1, 2014, and 400 schools across five boroughs by January 1, 2015;
- **On or by June 1, 2014**, the Sanitation Commissioner shall issue to the Mayor and the Council the first status update report on the voluntary pilot program identifying the total amount of organic material diverted from households and schools that were participating during the prior six month period;
- **On or by December 1, 2014 and June 1, 2015**, additional semi-annual reports are due by the Sanitation Commissioner; and
- **On or by October 1, 2015** the Sanitation Commissioner shall issue a full report to the Mayor and the Council on the two year pilot program including: 1) the number of households, apartment buildings and schools that participated in the program; 2) the total amount of organic waste diverted; 3) the costs associated with the pilot program; 4) the availability of organics processing capacity in and around the City (no radius in law); 5) resident feedback concerning the pilot the pilot program including the adequacy of the receptacles used, and any other issues of concern AND recommend whether the voluntary pilot residential and school organics program should be expanded with a schedule for such expansion OR revert back to just providing leaf and yard waste collections only.

B. Commercial Organics On December 30, 2013, Local Law 146 was signed into law that will become effective on July 1, 2015. The law adds a new Section 16-306.1 to the New York City Administrative Code by targeting commercial food waste from certain large generators of this material as follows:

- **On or by July 1, 2015** the Sanitation Commissioner must begin evaluating on a regular basis, but no less than annually, the organics processing capacity (composting, anaerobic digestion or other form of processing approved by the Department) that exists within a 100 mile radius of the City, together with the cost of processing the material in such a manner that is competitive with the cost of disposing of such material by landfill or incineration;
- The Sanitation Commissioner may also consider any available organic processing capacity outside the 100 mile radius that is actually being used for material generated in the City;

- If there is available organics processing capacity and the cost is competitive, then the DSNY Commissioner shall designate by rule all covered establishments, or certain subsets of covered establishments, that generate a quantity of organic waste that would not exceed the evaluated capacity;
- No later than six months after the Commissioner designates all or some of the covered establishments by rule, those establishments in the City must arrange with their private carter for the separate collection of the organic waste material they generate for purposes of composting, aerobic or anaerobic digestion, or other method of processing DSNY approves by rule; and
- Empowers DSNY and BIC to promulgate rules requiring: i) private carters to report to BIC on the amount of organic material they collect, and the transfer station or processing facility to which they are delivering the material, and ii) transfer stations to report to DSNY on the amount of organic material they accept, and the processing or other facilities to which they are delivering such material.

C. Restrictions on Sale or Use of Expanded Polystyrene Foam On December 30, 2013, Local Law 142 was signed into law and became effective immediately. The law adds a new Section 16-329 to the New York City Administrative Code as follows:

- Requires the Sanitation Commissioner to consult with DSNY's designated recycling vendor for MGP (Sims), manufacturers and recyclers of expanded polystyrene (or foam), and any other persons or group having expertise to determine whether expanded polystyrene foam single service food use items in the City of New York can be recycled at the South Brooklyn Marine Terminal in a manner that is environmentally effective, economically feasible and safe for employees;
- **On or by January 1, 2015**, the Sanitation Commissioner shall issue a determination whether foam is recyclable or to restrict it;
- **Beginning July 1, 2015**, if the Sanitation Commissioner determines that foam items cannot be recycled effectively, the sale and/or use of expanded polystyrene foam single service food use items in the City will be restricted. If foam can be recycled in a cost effective and environmentally sound manner, the Department is to require the source separation of foam products.

D. Enhancements to the City's Recycling Scavenging Law The Department worked with the Mayor's Office, Law Department and the City Council on legislation to enhance the provisions of the City's original anti-scavenging law signed in 2007. On August 12, 2013, Local Law 56 was signed into law by adding a new Chapter 4-C to Title 16 of the Administrative Code as follows:

- Allows the City to continue enforcing against persons who unlawfully remove recyclable materials from the curb placed out for DSNY collection when using a motor vehicle, but adds

requirement that a lawfully written agreement must exist between the building owner and the individual removing the materials from any residence or residential building. If the building is 4 units or more, the agreement must be filed with Sanitation. Such written agreement must be in the possession of the vehicle operator at the time of removal..

- No written agreement may provide for the collection of department-marked items (tagged to identify CFC removal to be undertaken by DSNY field personnel, or which has already been serviced by DSNY);
- Requires any building having four or more residential units, or which is occupied by a city agency or institution serviced by DSNY, to first request from DSNY supplemental recycling collection before entering into a separate private agreement for recyclables, which must not exceed two years;
- Allows DSNY to also enforce against persons who unlawfully remove and transport by vehicle any recyclables from commercial premises without a BIC license or registration;
- Separately prohibits any person from removing a refrigerant-containing item or department-marked item that has been placed out by the owner for DSNY collection, with a higher penalty imposed (to protect against harmful CFCs being released into the air);
- Prohibits any recycler or scrap metal facility from receiving for storage, collection or processing recyclable materials generated in the City, except from a DSNY employee, BIC licensed or registered entity, a non-profit, a person returning his/her own recyclables, or a person who has a lawfully written agreement in place. No scrap metal facility may receive a department-marked item under any circumstance, but may accept a refrigerant-containing item as long as they have EPA refrigerant-recovery certification; and
- Authorizes violations of the new law, including criminal and/or civil penalties ranging from \$500 to \$2000, in addition to imprisonment for up to 48 hours.

E. Unauthorized Collection of Redeemable Beverage Containers in Bulk On August 12, 2013, Local Law 57 was signed into law by adding a new Chapter 4-D to Title 16 of the Administrative Code as follows:

- Limits the ability of individuals to collect beverage containers using a motor vehicle on City streets and public areas, excluding City employees or licensed private carters;
- Imposes liability on the owner of a vehicle used in an illegal transfer of bulk recycling unless he/she can demonstrate that the vehicle was used without his or her knowledge;
- Requires individuals who wish to collect bulk beverage containers on private property from more than one person to register with DSNY and ensure they do not create a nuisance or hazardous condition by maintaining clean sidewalks and roadways around their site. Civil penalties between \$250 and \$1000 may be imposed, together with vehicle impoundment, for violation of the law.

F. 1. Recovery of Refrigerants On August 19, 2013, Local Law 69 was signed into law by adding a new Chapter 4-E to Title 16 of the Administrative Code entitled "Recovery of Refrigerants" as follows:

- Ensures the City is no longer solely responsible for the removal of refrigerants from appliances that City residents dispose of, and requires manufacturers of appliances that contain refrigerants to take responsibility for the disposal of their products;
- Allows manufacturers to develop their own programs by themselves or in conjunction with other manufacturers to remove refrigerants;
- Requires DSNY to establish a program for removing refrigerants from appliances that are discarded for pick-up as residential waste, although DSNY already has such a program and will continue to run its program under this new law;
- Requires DSNY to establish by rule a rate to charge manufacturers whose appliances are serviced by DSNY; and
- Imposes civil fines up to \$500.00 for each violation of the new law.

2. Litigation:

The Association of Home Appliance Manufacturers ("AHAM") has sued the City of New York seeking to have Local Law 69 (specifically sections 16-481 and 16-482 of the New York City Administrative Code) declared invalid. In its complaint, AHAM's primary assertions are:

- New York State Law preempts New York City from enacting a law pertaining to the recovery of refrigerants. The City's position is that there is no preemption, and even if there is, it only applies to refrigerants that DSNY rarely collects.
- The option for manufacturers to set up their own program under Local Law 69 is merely illusory, thereby turning the fee imposed by Local Law 69 into an impermissible tax, violating the Commerce Clause of the US Constitution. The City's position is that the fee is lawful because it is narrowly tailored to compensate DSNY for its costs in recovering refrigerants.

3. Rulemaking Action

On March 27, 2014, the Department of Sanitation held a second public hearing on its draft refrigerant recovery rule. The purpose of the proposed rule is to carry out the requirements of Local Law 69 of 2013. Local Law 69 of 2013 makes original equipment manufacturers ("OEMs") responsible for the lawful recovery of refrigerants from their refrigerant-containing appliances when such appliances are discarded by residents. The Department will continue to provide its program for recovering refrigerants when appliances are discarded by residents; however, the Department will now seek to charge manufacturers a fee when the Department

performs the refrigerant recovery. The Department first held a hearing on this proposed rule on February 13, 2014, but due to inclement weather on the date of that hearing, the Department scheduled this second hearing to allow interested parties additional opportunities to comment.

After reviewing all comments received and incorporating any necessary changes into the final rule, the Final Rule was published on May 2, 2014 and becomes effective June 2, 2014. The Final Rule provides as follows:

- Establishes the registration requirements for OEMs of refrigerant-containing appliances;
- Requires that OEMs indicate whether they plan to establish their own refrigerant recovery program, participate with other OEMs in a refrigerant recovery program, or have their appliances serviced by the Department's refrigerant recovery program;
- Establishes a fee of \$20 per appliance that an OEM must pay if refrigerant is removed from an OEM's appliance by the department;
- Establishes annual reporting requirements for any OEM who establishes its own refrigerant recovery program or participates with other OEMs in a refrigerant recovery program; and
- Establishes violations and fines for failure to comply with certain requirements of the proposed rule.

G. Rule Designating Rigid Plastics as Recyclable. On July 5, 2013, the Department promulgated a rule designating an expanded category of rigid plastic items as recyclable material to be source separated and set out by residents for collection by the Department. Besides traditional food containers, there are many other consumer items made of rigid plastic that the Department intends to capture in its recycling collection program and the rule accomplishes the Department's purpose.