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

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

**February 2012**

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

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

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

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

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

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

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

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## EXECUTIVE SUMMARY

This revised biennial Compliance Report dated February 2012, submitted in accordance with the provisions of NYCRR Title 6 Part 360-15.12, provides information on the City of New York's (City) progress in implementing its approved Comprehensive Solid Waste Management Plan (SWMP) during the reporting period of January 1, 2009 through December 31, 2010. The City's first SWMP Compliance Report, submitted in July 2009, reported on the status of SWMP implementation during 2007 and 2008.

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

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

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

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

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

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

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

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

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

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

## SECTION 2 - SWMP ACCOMPLISHMENTS

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

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

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



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

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

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

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

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

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

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

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

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

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

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

## SECTION 3 – SWMP STATUS / IMPLEMENTATION

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

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

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

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

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

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

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



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

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

## **RECYCLING NARRATIVES:**

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

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

### **PUBLIC SPACE RECYCLING:**

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

### **OUTREACH:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **LONG-TERM EXPORT IMPLEMENTATION**

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

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

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

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

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

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

Project Overview: The proposed Southwest Brooklyn Converted MTS (MTS) will be constructed on the site of the demolished Southwest Brooklyn Incinerator and will serve the same 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 has a pending application for a permit to construct the Southwest Brooklyn Converted MTS with the Army Corps of Engineers. The MTS requires an ACOE permit for dredging activities, the construction of a barge fendering system and a king pile wall to protect the adjacent marina and barge staging that will affect littoral and non-littoral zones.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## BRONX LONG TERM EXPORT PROCUREMENT

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

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

## BROOKLYN LONG TERM EXPORT PROCUREMENT

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

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

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

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

## QUEENS LONG TERM EXPORT PROCUREMENT

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

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

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

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

## STATEN ISLAND TRANSFER STATION

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

## CONVERTED MTS REPORTING/PERMITTING

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



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

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

## MTS TRANSPORT AND DISPOSAL CONTRACT

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

## ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING

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

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

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

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

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

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

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

## ALL COMMERCIAL WASTE MILESTONES

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

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

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

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

## COMMERCIAL WASTE IMPLEMENTATION

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

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

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

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

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

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

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

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

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

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

## FUTURE MANHATTAN CAPACITY

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

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

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

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



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

#### TRANSFER STATION CAPACITY REDUCTION

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

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

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

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

## TRUCK TRAFFIC ANALYSIS

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

## NYCDEP FOOD WASTE DISPOSAL STUDY

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

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

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

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

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

## SECTION 4 - PLANNING UNIT RESOURCES

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

### Adopted Budget Highlights

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

### EXPENSE BUDGET OTPS FUNDING

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

\*Includes interim and long-term export funds.

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

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

**\*Includes Export Equipment**

**Staffing Levels**

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

**HEADCOUNT**

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

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

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

## **New Issues**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The law is appended hereto as Attachment 5.

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

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

The law is appended hereto as Attachment 6.

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

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

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

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

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

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

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



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

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

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

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

The law is appended hereto as Attachment 7.

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

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

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

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

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

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

The law is appended hereto as Attachment 8.

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

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

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

The law is appended hereto as Attachment 9.

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

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

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

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

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

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

The law is appended hereto as Attachment 10.

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

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

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

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

The law is appended hereto as Attachment 11.

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

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

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

The law is appended hereto as Attachment 12.

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

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

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

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

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

The law is appended hereto as Attachment 13.

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

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

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

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

The law is appended hereto as Attachment 14.

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

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

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

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

The law is appended hereto as Attachment 15.

# **ATTACHMENT 1**

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# SUMMARY OF EXPORTED Municipal Solid Waste TO DISPOSAL SITES

07/01/08

TO

06/30/09

(Sorted by STATE)

Working Days:

301

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	AVERAGE PER DAY
Bridgeport Resco	CT	0.00	0.0%	0.00
<b>CONNECTICUT</b>		0.00	0.0%	0.00
Big Run - ESI - Environ Solutions	KY	50,185.06	1.5%	166.73
<b>KENTUCKY</b>		50,185.06	1.5%	166.73
Mountain View	MD	0.00	0.0%	0.00
<b>MARYLAND</b>		0.00	0.0%	0.00
Bridgewater Resource Center	NJ	0.00	0.0%	0.00
Kearny/Apex	NJ	0.00	0.0%	0.00
L.I. Amor Ref, HEMPSTEAD	NJ	60,781.44	1.8%	201.93
NJ, COVANTA, BK Districts	NJ	0.00	0.0%	0.00
NJ, COVANTA, ESSEX, Raymond Blvd	NJ	356,842.47	10.8%	1,185.52
QN, RAYMOND, ESSEX	NJ	48,152.00	1.5%	159.97
Warren County	NJ	0.00	0.0%	0.00
<b>NEW JERSEY</b>		465,775.51	14.1%	1,547.43
High Acres Landfill	NY	631.13	0.0%	2.10
New York Rail Logistics	NY	20,103.56	0.6%	66.79
Niagara Falls	NY	0.00	0.0%	0.00
Seneca Meadows	NY	129,893.82	3.9%	431.54
Seneca Meadows (ALBANY)	NY	0.00	0.0%	0.00
Westchester Resco, Peekskill	NY	94,489.39	2.9%	313.85
<b>NEW YORK</b>		245,097.70	7.4%	814.28
American Waste Disposal	OH	226.09	0.0%	0.75
Carbon/Limestone, Poland	OH	0.00	0.0%	0.00
Harrison County Landfill	OH	0.00	0.0%	0.00
<b>OHIO</b>		226.09	0.0%	0.75
Ontario Angelica	ON,CN	0.00	0.0%	0.00
<b>ONTARIO, CANADA</b>		0.00	0.0%	0.00
Alliance Sanitary (Empire)	PA	0.00	0.0%	0.00
American Refuel (Chester/Del/DCRRF)	PA	193,197.41	5.8%	641.85
Beithlehem Landfill	PA	167,285.06	5.1%	555.77
Blue Ridge Landfill	PA	165,760.93	5.0%	550.70
Commonwealth Envir System	PA	16,518.54	0.5%	54.88
Conestoga Landfill (MorganTown)	PA	40,680.69	1.2%	135.15
Cumberland County Landfill	PA	27,905.71	0.8%	92.71
Grand Central Sanitary	PA	0.00	0.0%	0.00
Greenridge Reclamation	PA	0.00	0.0%	0.00
Grows North	PA	283,902.03	8.6%	943.20
IESI Bethlehem	PA	0.00	0.0%	0.00
IESI Blue Ridge	PA	0.00	0.0%	0.00
Imperial Landfill	PA	0.00	0.0%	0.00
Keystone Landfill	PA	68,427.40	2.1%	227.33
Lakeshore Landfill	PA	0.00	0.0%	0.00
Laurel Highland	PA	90,193.40	2.7%	299.65
Modern Landfill	PA	0.00	0.0%	0.00
Mostoller Landfill	PA	28,969.49	0.9%	96.24
Pine Grove	PA	0.00	0.0%	0.00
RCC/Shade Landfill (Resource Con)	PA	102,222.16	3.1%	339.61
South Hills Landfill	PA	0.00	0.0%	0.00
Southern Alleghenie	PA	0.00	0.0%	0.00
Superior Greeniree (or Greentree)	PA	192,465.80	5.8%	639.42
Valley Landfill	PA	0.00	0.0%	0.00
Wheelabrator Falls	PA	0.00	0.0%	0.00
<b>PENNSYLVANIA</b>		1,572,529.62	47.7%	5,221.81
Lee County	SC	221,960.16	6.7%	737.41
<b>SOUTH CAROLINA</b>		221,960.16	6.7%	737.41
Amelia/Maplewood	VA	0.00	0.0%	0.00
Atlantic Waste Disposal (Waverly)	VA	932,536.27	28.2%	3,098.13
Brunswick Cnty Landfill, Lawrenceville	VA	4,519.80	0.1%	15.02
Chambers/Charles City	VA	0.00	0.0%	0.00
King & Queen Landfill	VA	8,706.65	0.3%	28.93
King George County	VA	0.00	0.0%	0.00
Middle Peninsula	VA	0.00	0.0%	0.00
<b>VIRGINIA</b>		945,762.72	28.6%	3,142.07
<b>Grand Total</b>		<b>3,306,537.27</b>	<b>100.00%</b>	<b>10,989.17</b>

\* Resource Recovery Facility

Note: This report is final when approved.

Prepared by

*Chris J. Rangel*

09/18/09

Approved by

*Chief G. Chapman*

09/18/09

## **ATTACHMENT 2**



**SUMMARY OF EXPORTED Municipal Solid Waste TO DISPOSAL SITES**

07/01/09

TO

08/30/10

(Sorted by STATE)

Working Days:

301

AVERAGE

DISPOSAL SITE	STATE	TONNAGE	PERCENTAGE	PER DAY
Bridgeport Resco	CT	1,250.80	0.0%	4.15
<b>CONNECTICUT</b>		1,250.80	0.0%	4.15
Big Run - ESI - Enviro Solutions	KY	1,801.69	0.1%	5.99
<b>KENTUCKY</b>		1,801.69	0.1%	5.99
Mountain View	MD	0.00	0.0%	0.00
<b>MARYLAND</b>		0.00	0.0%	0.00
Kearny/Apex	NJ	81,716.48	1.9%	205.04
NJ. COVANTA, ESSEX, Raymond Blvd	NJ	368,170.42	11.1%	1,223.16
QN, RAYMOND, ESSEX	NJ	29,446.53	0.9%	97.83
Warren County	NJ	0.00	0.0%	0.00
<b>NEW JERSEY</b>		459,333.43	13.9%	1,526.02
High Acres Landfill	NY	0.00	0.0%	0.00
LI, amer Ref, HEMPSTEAD	NY	38,308.84	1.1%	120.62
New York Rail Logistics	NY	20,702.43	0.6%	68.78
Niagara Falls	NY	0.00	0.0%	0.00
Seneca Meadows	NY	214,628.97	6.5%	713.05
Seneca Meadows (ALBANY)	NY	434.36	0.0%	1.44
Westchester Resco, Peekskill	NY	74,101.32	2.2%	246.18
Wheelabrator	NY	3,483.74	0.1%	11.57
<b>NEW YORK</b>		349,657.66	10.6%	1,161.65
American Waste Disposal	OH	0.00	0.0%	0.00
Carbon/Limestone, Poland	OH	0.00	0.0%	0.00
Harrison County Landfill	OH	0.00	0.0%	0.00
<b>OHIO</b>		0.00	0.0%	0.00
Ontario Angelica	ON,CN	0.00	0.0%	0.00
<b>ONTARIO, CANADA</b>		0.00	0.0%	0.00
Alliance Sanitary (Empire)	PA	0.00	0.0%	0.00
American Refuel (Chester/Del/DCRRF)	PA	204,589.77	6.2%	679.73
Bethlehem Landfill	PA	164,873.99	4.7%	514.53
Blue Ridge Landfill	PA	170,161.42	5.1%	565.29
Commonwealth Envir System	PA	53,165.74	1.6%	176.60
Conestoga Landfill (MorganTown)	PA	27,832.03	0.8%	92.47
Covanta Delaware Valley	PA	30,562.45	0.9%	101.54
Cumberland County Landfill	PA	78,480.14	2.4%	260.73
Grand Central Sanitary	PA	0.00	0.0%	0.00
Greenridge Reclamation	PA	0.00	0.0%	0.00
Grows North	PA	418,880.12	12.7%	1,390.96
IESI Bethlehem	PA	0.00	0.0%	0.00
IESI Blue Ridge	PA	0.00	0.0%	0.00
Imperial Landfill	PA	0.00	0.0%	0.00
Keystone Landfill	PA	44,240.87	1.3%	146.98
Lakesview Landfill	PA	0.00	0.0%	0.00
Laurel Highland	PA	0.00	0.0%	0.00
Modern Landfill	PA	0.00	0.0%	0.00
Mostoller Landfill	PA	55,580.03	1.7%	184.65
Pine Grove	PA	0.00	0.0%	0.00
RCC/Shade Landfill (Resource Con)	PA	0.00	0.0%	0.00
South Hills Landfill	PA	0.00	0.0%	0.00
Southern Alleghenie	PA	0.00	0.0%	0.00
Superior Greentree (or Greentree)	PA	122,022.20	3.7%	405.39
Valley Landfill	PA	0.00	0.0%	0.00
Wheelabrator Falls	PA	0.00	0.0%	0.00
<b>PENNSYLVANIA</b>		1,360,178.77	41.1%	4,518.87
Lee County	SC	221,664.70	6.7%	736.43
<b>SOUTH CAROLINA</b>		221,664.70	6.7%	736.43
Amelia/Maplewood	VA	19,357.39	0.6%	64.31
Atlantic Waste Disposal (Waverly)	VA	891,421.80	26.9%	2,961.53
Brunswick Cnty Landfill, Lawrenceville	VA	1,922.51	0.1%	6.39
Chambers/Charles City	VA	0.00	0.0%	0.00
King & Queen Landfill	VA	1,462.23	0.0%	4.86
King George County	VA	0.00	0.0%	0.00
Middle Peninsula	VA	0.00	0.0%	0.00
<b>VIRGINIA</b>		914,163.72	27.6%	3,037.09
<b>Grand Total</b>		<b>3,308,050.58</b>	<b>100.00%</b>	<b>10,990.20</b>

\* Resource Recovery Facility

Note: This report is final when approved.

Prepared by

Approved by

09/07/10

09/07/10

## **ATTACHMENT 3**

## DSNY Recyclables Processing Contractors for 2009/10

Contractor	Facility Address	Material
<b>A&amp;B Lobosco, Inc</b>	31-33 Farrington St Flushing, NY 11354	Paper
<b>Metropolitan Paper</b> (Potential's subcontractor)	854 Sheperd Ave Brooklyn, NY 11208	Paper
<b>Paper Fibres</b>	960 Bronx River Ave Bronx, NY 10473	Paper
<b>Potential Industries</b>	922 East "E" St Wilmington, CA 90744	Paper
<b>Rapid Processing</b>	860 Humboldt St Brooklyn, NY 11222	Paper
<b>Sims Municipal Recycling of New York LLC</b>  (Formerly known as <b>Sims Hugo Neu East</b> , and Hugo Neu Schnitzer East) (Associated with Simsmetal East LLC)	Sims Municipal Recycling of New York LLC One Linden Avenue East Jersey City, NJ 07305-4722  NYC Hq 212-606-0722 Hq Fax 212-500-7423  NOTE: SIMS DOMAIN NAMES ARE IN TRANSITION FROM  <a href="mailto:@us.sims-group.com">@us.sims-group.com</a> TO <a href="mailto:@simsmm.com">@simsmm.com</a>	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
<b>Triboro Fibers</b> (Owned by CellMark)  Billing: CellMark Recycling 80 Washington St / PO Box 641 Norwalk, CT 06854	891-899 E 135th St Bronx, NY 10454	Paper
<b>Veolia ES Technical Solutions, LLC</b>	1 Eden Ln Flanders, NJ 07836	Household Special Waste
<b>Visy Paper of NY</b>	4435 Victory Blvd Staten Island, NY 10314	Paper
<b>WeCare Organics, LLC</b>	9289 Bonta Bridge Rd Jordan, NY 13080	Composting & Yard Waste

## **ATTACHMENT 4**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 32**

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Introduced by Council Members Eugene and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Crowley, Dickens, Dromm, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose, Nelson, Gennaro, Van Bramer, Levin, White, Chin, Jackson, Garodnick, Mealy, Reyna and Barron

**A LOCAL LAW**

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

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The New York city

[trade waste] *business integrity* commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials. Rules promulgated by the [trade waste] *business integrity* commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the commissioner shall have the authority to issue notices of violation for any violation of such rule and such notices of violation shall be returnable in a civil action brought in the name of the commissioner before the environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.

§2. Section 16-306 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. The department shall complete a study of commercial recycling in the city no later than January first, two thousand twelve. Such commercial recycling study shall focus on the putrescible portion of the commercial waste stream, and shall include, but need not be limited to, the following: (i) an integration of all data on commercial waste in the city collected and transported through transfer stations and recycling processors; (ii) an assessment of current practices, operations and compliance with applicable local laws and rules, consistent with the scope of study set forth in the 2006 Solid Waste Management Plan; (iii) estimates of waste composition and recycling diversion rates from research conducted with respect to other jurisdictions; (iv) a computer-based model to measure the amount and composition of waste*

*generated by different commercial sectors; (v) recommendations of methods to encourage waste prevention, reuse, recycling and composting for each of the commercial sectors studied, including any recommended changes to applicable law; and (vi) an assessment of the efficiency of the transportation of commercial waste within the commercial system by, among other things, mapping and monitoring routes along which commercial waste and recycling trucks travel, including long-haul carriers within and outside the city. Following completion of the commercial recycling study, the commissioner shall determine whether any additional studies are necessary in order to improve commercial recycling practices in the city and shall promptly report such determination to the mayor and the council.*

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 32 of 2010, Council Int. No. 141-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 5**



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 33**

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Introduced by Council Member Ferreras and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Lappin, Mark-Viverito, Palma, Recchia, Reyna, Seabrook, Van Bramer, Williams, Rose, Nelson, Gennaro, Koppell, Levin, White, Chin, Jackson, Barron, Garodnick and Mealy

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to a paint stewardship pilot program.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-310.2 to read as follows:

*§16-310.2 Paint stewardship program. a. Within one year of the effective date of this section, the commissioner shall establish a voluntary paint stewardship program under which manufacturers of architectural paint, in cooperation with distributors of architectural paint and retail establishments that sell, or offer for sale, architectural paint in the city of New York, may establish a collection or other reclamation system to collect architectural paint from consumers for reuse, recycling or environmentally sound disposal.*

*b. The commissioner shall provide assistance or guidance to participating architectural paint manufacturers, distributors and retail establishments in developing and implementing strategies to reduce the quantity of architectural paint in the waste stream, promote the reuse of architectural paint that would otherwise be discarded and disseminate information regarding options to recycle architectural paint including, but not limited to, posting information regarding*

*the voluntary paint stewardship program on the department's website.*

§2. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 33 of 2010, Council Int. No. 142-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 6**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 34**

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Introduced by Council Member Fidler and The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dromm, Ferreras, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Seabrook, Vann, Williams, Rose, Eugene, Jackson, Gennaro, Van Bramer, White, Garodnick, Mealy, Reyna and Sanders Jr. Passed Under a Message of Necessity from the Mayor.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to recycling outreach, education and enforcement; and to repeal subdivisions d and e of section 16-305 and section 16-311 of the administrative code of the city of New York, relating to source separation of recyclable materials and recycling centers.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions d and e of section 16-305 of the administrative code of the city of New York are REPEALED, and new subdivisions d and e are added to read as follows:

*d. The commissioner shall adopt and implement rules establishing procedures requiring the placement of the designated materials at the curbside, in specialized containers, or in any other manner the commissioner determines, to facilitate the collection of such materials in a manner that enables them to be recycled. Under such rules, no person shall be liable for incorrectly placing a non-designated rigid plastic container in the recycling stream.*

*e. Where the department provides solid waste collection services to a building containing at least four and no more than eight dwelling units, the commissioner shall adopt and implement rules requiring the owner, net lessee or person in charge of such building to:*

*1. provide for the residents, where practicable, a designated area and, where*

*appropriate, containers in which to store the source separated or other designated recyclable materials to be collected by the department; and*

*2. inform all residents of the requirements of this chapter and the rules promulgated pursuant thereto by, at a minimum, posting instructions on source separation in or near the designated recycling area and making available to each resident at the inception of a lease, where applicable, a department-issued guide to recycling, which shall be made available to the owner, net lessee or person in charge of such building by the department pursuant to section 16-315 of this chapter in print form or on the department's website, or in an alternative guide containing similar information to the guide required by section 16-315 of this chapter.*

*If reasonably accessible space for the storage of source separated or other designated recyclable materials is not available in such building, and such space is available behind the building's property line, such space behind the property line may be designated as the area for the storage of source separated or other designated recyclable materials. If no such space is available, the owner, net lessee or person in charge of such building shall post instructions on recycling and source separation in or near a designated area that is visible to all residents in the building.*

*With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner, net lessee or person in charge of such building under this chapter shall be limited to those set forth in this subdivision and subdivisions d and g of this section or rules promulgated pursuant to such subdivisions.*

§ 2. Subdivisions f and g of section 16-305 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

f. Where the department provides solid waste collection services to a building

containing nine or more dwelling units, the commissioner shall[, within nine months of the effective date of this chapter,] adopt and implement [regulations]*rules* requiring the owner, net lessee or person in charge of such building to:

1. provide for the residents a designated area and, where appropriate, containers in which to [accumulate]*store* the source separated or other designated recyclable materials to be collected by the department;

2. [notify]*inform* all residents of the requirements of this chapter and the [regulations]*rules* promulgated pursuant thereto by, *at a minimum, posting instructions on source separation in or near the designated recycling area, and making available to each resident at the inception of a lease, a department-issued guide to recycling, which shall be made available to the owner, net lessee or person in charge of such building by the department pursuant to section 16-315 of this chapter in print form or on the department's website, or in an alternative guide containing similar information to the guide required by section 16-315 of this chapter;* and

3. remove non-designated materials from the containers of designated source separated recyclable materials before such containers are placed at the curbside for collection and ensure that the designated materials are placed at the curbside in the manner prescribed by the department.

With respect to solid waste generated by households in the aforesaid buildings, the obligations of an owner [or a], net lessee *or person in charge of such building* under this [local law]*chapter* shall be limited to those set forth in this subdivision and subdivisions [b]*d* and g of this section *or rules promulgated pursuant to such subdivisions.*

g. [Eighteen months from the enactment date of this chapter, the] *The* commissioner shall adopt and implement [regulations]*rules* for any building containing [nine]*four*

or more dwelling units in which the amount of designated materials placed out for collection is significantly less than what can reasonably be expected from such building. These [regulations]*rules* shall require residential generators, including tenants, owners, net lessees or persons in charge of such building to use transparent bags or such other means of disposal the commissioner deems appropriate to dispose of solid waste other than the designated recyclable materials. Upon request of the owner, net lessee or person in charge of such building, and if the commissioner determines that such owner, net lessee or person in charge *of such building* has complied with this subdivision, *subdivision d of this section* and, *as applicable, subdivision e or subdivision f of this section or rules promulgated pursuant to such subdivisions* and that the amount of designated materials placed out for collection remains significantly less than what can reasonably be expected from such building, the department [shall]*may* develop a schedule to conduct random inspections to facilitate compliance with the provisions of this chapter by tenants of such building, provided that lawful inspections may occur at reasonable times without notice to ensure compliance by the tenants, owner, net lessee or person in charge of such building.

§ 3. Section 16-311 of the administrative code of the city of New York is REPEALED and a new section 16-311 is added to read as follows:

*§ 16-311 Recycling outreach and education. a. The department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, in order to improve compliance with the provisions of this chapter.*

*b. The commissioner shall establish a recycling education program that shall include recycling instructional workshops, training curricula and other relevant materials for residential building owners, net lessees or persons in charge of such buildings, and their*

*employees and residents, including an internet-based recycling tutorial. Such program shall also provide instructional workshops, training curricula, and other relevant material to employees of city agencies, including a leaf and yard waste training program for employees of any such agencies that generate significant leaf and yard waste. The commissioner may utilize a private entity or not-for-profit corporation to assist with the establishment or performance of such program.*

§ 4. Section 16-315 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§ 16-315 Notice, education and research programs. a. In addition to the notice requirements of section one thousand forty-three of chapter forty-five of the charter, within thirty days of the effective date of any [regulations]*rules* promulgated pursuant to this chapter, and as frequently thereafter as the commissioner deems necessary, the department shall notify all community boards and persons occupying residential, commercial and industrial premises affected by the [regulations]*rules*, of the requirements of the [regulations]*rules*, by [placing advertisements in newspapers of citywide, borough-wide and community circulation,] posting notices *containing recycling information* in public places where such notices are customarily placed[, and, in the commissioner's discretion, employing any other means of notification deemed necessary and appropriate.

b. *The commissioner shall compile relevant recycling, reuse and composting information, including material available on the department's website, to create and make available a guide to the city's residential recycling program. Such guide shall, at a minimum, summarize and explain the laws and rules governing curbside recycling, list the collection locations and collection dates for non-curbside collected recyclable materials such as household*



*hazardous waste and textiles, and provide detailed information and instructions on how to recycle any materials not collected by the department for which non-city or non-department recycling programs exist. Such guide shall be made available to residential building owners, or the net lessees or persons in charge of such buildings, community boards, not-for-profit organizations, public schools, and other relevant agencies and entities, and shall also be made available on the department website. The commissioner shall update the recycling guide biennially, or as necessary, based on changes to recycling laws, rules or other relevant information to be included therein.*

[Within twelve months of the effective date of this chapter, the]c. The department shall develop and implement an educational program, in conjunction with the [board]department of education, private schools, labor organizations, businesses, neighborhood organizations, community boards, and other interested and affected parties, and using flyers, print and electronic advertising, public events, promotional activities, public service announcements, and such other techniques as the commissioner determines to be useful, to assure the greatest possible level of compliance with the provisions of this chapter. The educational program shall encourage waste reduction, the reuse of materials, the purchase of recyclable products, and participation in city and private recycling activities.

[c]d. The department shall perform such research and development activities, in cooperation with other city agencies, and public and private institutions, as the commissioner determines to be helpful in implementing the city's recycling program. Such research shall include, but not be limited to, investigation into the use of cooperative marketing programs, material recovery facilities, recycling as an economic development tool, export promotion, tax credits and exemptions for market promotion.

§ 5. Section 16-323 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§ 16-323 [Regulations]*Rules* submitted to council. [In addition to the requirements of section one thousand forty-three of chapter forty-five of the charter, no regulations promulgated by the commissioner pursuant to this chapter shall be effective until such regulations are submitted to the council and within thirty days of receipt thereof the council has not voted to disapprove such regulations. If the council votes to disapprove the regulations, it shall forward its reasons for such disapproval to the commissioner and the commissioner shall either amend the regulations or withdraw them from consideration. The amended regulations shall not be effective until the commissioner submits them to the council and within thirty days of receipt thereof the council has not voted to disapprove such amended regulations.] *Rules adopted by the commissioner pursuant to this chapter shall become effective only after filing and publication as prescribed by chapter forty-five of the charter. In addition, notwithstanding the provisions of chapter forty-five of the charter, prior to adoption by the commissioner of a final rule pursuant to subdivision e of section one thousand forty-three of the charter, and after consideration of relevant comments presented pursuant to subdivision d of such section, the commissioner shall submit to the council the text of the final rule proposed to be published in the city record. The council shall have thirty days from the date of such submission to comment upon such text. The final rule may include revisions in response to comments from the council and shall not be published in the city record before the thirty-first day after such submission, unless the speaker of the council authorizes earlier publication.*

§ 6. Subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 40 for the year 2006, is amended to read as follows:

a. [Any]*Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision [h] f of section 16-308 of this chapter or 16-310.1 of this chapter, or any rule [or regulation ]promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board, as follows:*

*1. For residential buildings containing fewer than nine dwelling units, the civil penalty shall be in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation committed on a different day within a period of twelve months, and one hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. [A person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation.]*

*2. For residential buildings containing nine or more dwelling units and commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units or a commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.*

3. For [a ]persistent [violation]*violators* only, [except where such violation occurs at a building of less than nine dwelling units, ]each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the [regulations]*rules* promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any [further notice]*such notices* of [violations]*violation* to a persistent violator [after the fourth violation committed within a period of six months]*on a per bag or per container basis*, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation.

[Any person who violates subdivision h of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation within a period of twelve months from the first violation, and two thousand five hundred dollars for the third or subsequent violation within a period of twelve months from the first violation.]

4. *There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this section reflects the number of dwelling units in the residential building for which the notice of violation was issued. Where such presumption is rebutted, the number of dwelling units on such notice of violation shall be deemed modified accordingly, and in no event shall such notice of violation be dismissed solely on the ground that the number of dwelling units on the original notice of violation was incorrectly stated.*

5. *The commissioner or the commissioner's designee shall establish a recycling training program for owners or employees of residential buildings of nine or more dwelling units*

*for which at least three notices of violation for failing to properly source separate designated recyclable material have been issued within a twelve-month period and which the commissioner determines to be in need of recycling training. Such training program shall require the building owner, or an employee who is primarily responsible for waste disposal and/or janitorial services for any such building, to attend a training program established by the commissioner or the commissioner's designee designed to improve recycling practices at such building and a fee may be imposed on any owner or employee who participates in such training program. Such training program may be held in any location designated by the commissioner or the commissioner's designee, including, in order to facilitate tenant participation, at such building.*

*b. Any person who violates subdivision f of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation committed within a twelve-month period, and two thousand five hundred dollars for the third and each subsequent violation committed within a twelve-month period.*

*c. Any owner or other person responsible for a publicly accessible textile drop-off bin who violates subdivision b of section 16-310.1 of this chapter shall be liable as follows:*

*1. In the event that a publicly accessible textile drop-off bin is impermissibly placed on city property, or property maintained by the city, or on any public sidewalk or roadway, the owner of the publicly accessible textile drop-off bin, if the address of such owner is ascertainable, shall be notified by the department by certified mail, return receipt requested, that such publicly accessible textile drop-off bin must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner or other responsible person is ascertainable, shall also be affixed to the publicly accessible textile drop-off bin. This*

*notice shall state that if the address of the owner or other responsible person is not ascertainable and notice is not mailed by the department, such publicly accessible textile drop-off bin shall be removed within thirty days from the affixing of such notice. This notice shall also state that the failure to remove the publicly accessible textile drop-off bin within the designated time period will result in the removal and disposal of the publicly accessible textile drop-off bin by the department. This notice shall also state that if the owner or other responsible person objects to removal on the grounds that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner or other responsible person may send written objection to the department at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner or other responsible person is not ascertainable and notice is not mailed by the department, within twenty days from the affixing of such notice, with proof that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway. Proof that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified by the record owner of such property.*

*2. Any owner or other person responsible for an impermissibly placed publicly accessible textile drop-off bin that fails to respond within twenty days of receipt of such notice under paragraph one of this subdivision or otherwise fails to establish that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway pursuant to paragraph one of this subdivision, shall be liable for a civil penalty in the amount of one hundred dollars, recoverable in a proceeding returnable before the environmental control board.*

[b]d. Any notice of violation or notice of hearing for a violation issued to the owner [or agent], *net lessee or person in charge* of a premises at which a violation of this chapter or any [regulation]*rule* promulgated pursuant thereto is alleged to have occurred shall be served by delivering a copy of the notice [to the owner or agent ]*thereof* at [both ]the address maintained in the records of the [department of buildings and]*department of housing preservation and development* or the department of finance. The notice of violation or notice of hearing may be served by regular mail *or in accordance with section one thousand forty-nine-a of the charter*.

§ 7. This local law shall take effect one hundred twenty days after enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on .....July 29, 2010..... and approved by the Mayor on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 34 of 2010, Council Int. No. 147-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 7**



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 35**

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Introduced by Council Member Fidler and The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Chin, Comrie, Dickens, Dromm, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Sanders Jr., Seabrook, Vann, Rose, Eugene, Jackson, Gennaro, Van Bramer, Levin, White, Williams, Ferreras, Garodnick, Mealy and Reyna

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the designation of rigid plastic containers as recyclable materials, and to repeal subdivision c of section 16-305 of the administrative code of the city of New York, relating to staggering the source separation and collection of designated recyclable materials.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 16-305 of the administrative code of the city of New York is REPEALED and a new subdivision c is added to read as follows:

*c. 1. Prior to commencing delivery of department-managed recyclable materials to the designated recycling processing facility at the South Brooklyn Marine Terminal, the commissioner shall designate as recyclable materials, and require the source separation of, rigid plastic containers.*

*2. If the commissioner, in his or her discretion, determines that the cost to the city of recycling rigid plastic containers required to be designated as recyclable materials pursuant to paragraph one of this subdivision is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision, the commissioner shall within ten business days notify*

*and provide documentation to the council of the factors relied upon to make such determination and shall not be required to designate any such rigid plastic containers as recyclable materials.*

*3. If the commissioner determines that the cost to the city of recycling rigid plastic containers is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision, the commissioner shall annually reevaluate the cost to the city of designating such rigid plastic containers as recyclable materials, and shall annually make a new determination as to whether the cost of designating such containers as recyclable materials is reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision and shall report such evaluations to the council as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter. The department shall not promulgate rules designating rigid plastic containers as recyclable materials, and need not conduct outreach or education relating thereto if, pursuant to paragraph two of this subdivision, the commissioner determines that the cost to the city of recycling rigid plastic containers is not reasonable in comparison with the cost of recycling only metal, glass and plastic that have been designated as recyclable materials as of the effective date of the local law that added this subdivision.*

*4. Immediately following the promulgation of rules designating rigid plastic containers as recyclable materials, the department shall undertake outreach and education, in cooperation with any other agency or entity designated for that purpose by the commissioner, to inform residents of such new designation and to provide instruction on compliance with the requirements of this subdivision and the rules promulgated pursuant thereto.*

§2. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 35 of 2010, Council Int. No. 148-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 8**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 36**

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Introduced by Council Member James and The Speaker (Council Member Quinn) and Council Members Barron, Chin, Comrie, Dickens, Dromm, Fidler, Gentile, Gonzalez, Koppell, Lander, Lappin, Mark-Viverito, Nelson, Palma, Recchia, Rodriguez, Rose, Vann, Williams, Crowley, Eugene, Jackson, Gennaro, Van Bramer, Levin, Koslowitz, White, Ferreras, Garodnick, Mealy, Reyna and Sanders Jr.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to recycling by city agencies.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-307 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-307 City agency waste. *a. The commissioner shall[, within six months of the effective date of this chapter,] adopt, amend and implement [regulations requiring] rules, as necessary, governing the source separation or post-collection separation, collection, processing, marketing, and sale of designated recyclable materials including, but not limited to, designated metal, glass, plastic and paper generated by [city mayoral and non-mayoral agencies, including the council and the board of estimate] any agency, as such term is defined in section 1-112 of the code.*

*b. Every agency shall, no later than July first, two thousand eleven, prepare and submit to the commissioner for approval, a waste prevention, reuse and recycling plan. Such plan shall provide for the source separation of designated metal, glass, plastic and paper, and*

*such other designated recyclable materials as the commissioner deems appropriate, in all offices and buildings occupied by agencies that receive collection service from the department and, to the extent practicable, in those that receive private carter collection. Such plans shall provide for the source separation of designated recyclable materials in the lobbies of such offices or buildings that receive department collection, unless the placement of bins for the source separation of designated recyclable materials would be in violation of any other provision of law, and, to the extent practicable, in the lobbies of such offices or buildings that receive private carter collection. Each agency shall designate a lead recycling or sustainability coordinator to oversee implementation of such plans. If an agency has offices in more than one city-owned building, then such agency shall designate one assistant coordinator for each building in which such agency has offices, except the building in which the lead coordinator has his or her office, to assist the agency's lead coordinator.*

*c. On or before July first, two thousand twelve and annually thereafter, every lead recycling or sustainability coordinator shall submit a report to the head of his or her respective agency and to the commissioner, summarizing actions taken to implement the waste prevention, reuse and recycling plan for the previous twelve-month reporting period, proposed actions to be taken to implement such plan, and updates or changes to any information included in such plan. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

**§2.** This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

**CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27**

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 36 of 2010, Council Int. No. 156-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 9**



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 37**

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Introduced by Council Members Koslowitz and The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Vann, Crowley, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, White, Recchia, Chin, Williams, Ferreras, Barron, Garodnick, Reyna and Sanders Jr.

**A LOCAL LAW**

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

*Be it enacted by the Council as follows:*

Section 1. Section 16-308 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, subdivisions g and h as amended by local law number 40 for the year 2006, is amended to read as follows:

§16-308 Yard waste. a. [Within eighteen months of the effective date of this chapter, the commissioner shall provide for the source separation, collection and composting of department-collected yard waste, with the exception of yard waste generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contact with the department of parks and recreation or any other city agency, generated within designated areas of the city in which a substantial amount of yard waste is generated from October 15 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities.

b. Within thirty-six] *Except as provided in subdivision b of this section, within twenty-four months*

of the effective date of [this chapter]*the local law that amended this section*, the commissioner shall provide for the source separation, collection and composting of [department-collected]*department-managed* yard waste generated within designated areas of the city in which a substantial amount of yard waste is generated from March 1 to July 31 and September 1 to November 30 of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. [The commissioner may construct and operate one or more composting facilities, or utilize the services of other facilities. c] *In addition, the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city housing authority. There shall be operated by or on behalf of the department one or more yard waste composting facilities through which the department shall compost yard waste collected by or delivered to the department pursuant to this section. In order to comply with this provision, the department may utilize the services of privately-owned or operated facilities. The department shall also work in consultation with the composting facility siting task force established by the 2006 solid waste management plan to identify additional locations to site yard waste composting facilities with the goal of establishing at least one such composting facility in each borough where the department conducts yard waste composting collection.*

b. [Within eighteen months of the effective date of this chapter, the department of parks and recreation or any other] *Any city agency, or person under contract with a city agency,* that generates a substantial amount of yard waste shall, *in coordination with the department,* provide for the source separation, collection and composting of *such* yard waste [generated by the department of parks and recreation, any other city agency that generates a substantial amount of yard waste, or any person under contract with the department of parks and recreation or any other

city agency]. [d. Within eighteen months of the effective date of this chapter, no landfill, incinerator or resource recovery facility owned, operated or used by the department shall accept for final disposal from October 15 to November 30 of each year truckloads primarily composed of yard waste, except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

*e]Unless otherwise provided by law, the department shall accept for composting any city agency yard waste source separated for department collection pursuant to this subdivision.*

c. Within [thirty-six]twenty-four months of the effective date of *the local law that amended this [chapter]section*, no landfill, *waste transfer station, intermodal facility*, incinerator or resource recovery facility owned, operated or used by the department shall accept *truckloads of department-managed waste primarily composed of yard waste* for final disposal from March 1 to July 31 and September 1 to November 30 of each year [truckloads primarily composed of yard waste], except that composted yard waste may be used as part of the final vegetative cover for a department landfill.

[f]d. All city agencies responsible for the maintenance of public lands shall to the maximum extent practicable and feasible give preference to the use of compost materials derived from the city's [solid]yard waste in all land maintenance activities.

[g]e. Generators of yard waste, except those identified in subdivision [h]f of this section, shall separate, tie, bundle, or place into paper bags[,] or *unlined* rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision [b]a of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection

procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

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

*g. Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other compostable waste collected and disposed of by weight at such composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

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

*composting collection. No person residing in a district where the department provides residential yard waste composting collection shall be held liable for a violation of this subdivision during the first year the department provides such residential yard waste composting collection.*

§2. Section 16-309 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-309 Christmas trees. [Within eighteen months of the effective date of this chapter, the] *The* commissioner shall [designate areas and within these designated areas] establish and implement a *curbside* collection system for Christmas trees during [the first three]*a minimum of two* weeks [of]*in* January of each year and provide for the composting or recycling of the Christmas trees the department collects or receives for disposal.

§3. This local law shall take effect one hundred twenty days after enactment except that the commissioner shall take such actions as are necessary for its implementation, including promulgation of rules prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on .....July 29, 2010..... and approved by the Mayor on .....August 16, 2010.....

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

#### CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 37 of 2010, Council Int. No. 157-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 10**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 38**

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Introduced by Council Member Lappin and The Speaker (Council Member Quinn), and Council Members Brewer, Comrie, Dickens, Dromm, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rodriguez, Vann, Williams, Crowley, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, White, Vallone, Chin, Ferreras, Barron, Garodnick, Mealy and Reyna

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to public space recycling and a citywide textile reuse and recycling program, and the repeal and reenactment of section 16-310 of the administrative code of the city of New York, relating to batteries and tires.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-310 of the administrative code of the city of New York is

REPEALED and a new section 16-310 is added to read as follows:

*§16-310 Public space recycling. a. The department shall expand its public space recycling program by increasing the number of public space recycling receptacles for the collection of recyclable materials including, but not limited to, metal, glass, plastic and paper designated as recyclable materials by the commissioner, to a cumulative total of at least five hundred public space recycling receptacles within three years of the effective date of this section, and to a cumulative total of at least one thousand public space recycling receptacles within ten years of the effective date of this section, at public locations in the city, which shall be in or near public parks, transit hubs, or commercial locations with high-pedestrian traffic. As part of such expansion, the department shall place public space recycling receptacles in all business*

*improvement districts that provide public litter basket maintenance. Wherever practicable, public space recycling receptacles placed pursuant to this section shall be placed adjacent to public litter baskets.*

*b. Notwithstanding the provisions of subdivision a of this section, the department shall not be required to expand the public space recycling program beyond existing or newly-established collection routes that can be efficiently serviced by the department. The commissioner shall have the authority to remove any public space recycling receptacle placed pursuant to this section, provided that the department replaces any such public space recycling receptacle, within thirty days of removal, with additional public space recycling receptacles at the same or in a different location on a one-to-one basis.*

*c. No person responsible for removing or transporting recyclable materials placed in public space recycling receptacles shall commingle such recyclable materials with non-recyclable materials or otherwise improperly dispose of such recyclable materials.*

*d. The department shall report the total number of public space recycling receptacles added during the relevant reporting year, and the locations in which they were placed. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

*e. The department may enter into sponsorship or partnership agreements with entities such as for-profit and not-for-profit corporations and district management associations established in accordance with section 25-414 of the code to further the goals of this chapter.*

§2. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-310.1 to read as follows:



*§16-310.1 Textile reuse and recycling program. a. On or before January first, two thousand eleven, the department shall establish a citywide textile reuse and recycling program that shall, at a minimum, provide for the recovery of textiles by placing department-approved publicly accessible textile drop-off bins at appropriate locations on city property or property maintained by the city and organizing public textile reuse and recycling sites throughout the city that provide convenient drop-off locations for all city residents. In addition, the commissioner shall explore opportunities to work cooperatively with private entities, including, but not limited to, not-for-profit corporations and religious institutions, to promote expanded siting of publicly accessible textile drop-off bins on private property throughout the city. The department shall consider using department personnel and/or facilities in order to implement the provisions of this section.*

*b. No publicly accessible textile drop-off bin placed pursuant to this section shall be placed on city property or property maintained by the city, or on a public sidewalk or roadway, unless otherwise authorized by the city. No publicly accessible textile drop-off bin shall be placed on private property without the written permission of the property owner or the property owner's authorized agent. The owner or other person responsible for each such bin shall report at least every three months to the department the amount of textiles collected in such bin by weight. Each publicly accessible textile drop-off bin shall prominently display on the front and on at least one other side of the bin, the name, address and telephone number of the owner or other person responsible for the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this subdivision.*

*c. The department shall report by weight the amount of textiles collected in publicly*

*accessible textile drop-off bins located on city property or property maintained by the city, through public textile reuse and recycling sites pursuant to subdivision a of this section and in publicly accessible textile drop-off bins maintained on private property. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 38 of 2010, Council Int. No. 158-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 11**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 39**

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Introduced by Council Members Mark-Viverito and The Speaker (Council Member Quinn) and Council Members Brewer, Dickens, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Lappin, Palma, Recchia, Rodriguez, Williams, Foster, Rose, Jackson, Nelson, Gennaro, Van Bramer, Levin, Chin, Barron, Garodnick, Mealy and Reyna

**A LOCAL LAW**

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

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-316.3 to read as follows:

*§16-316.3 Household hazardous waste collection. a. No later than July first, two thousand eleven, the commissioner shall establish a citywide program for the diversion of household hazardous waste from department-managed solid waste which shall include, but need not be limited to, at least one annual drop-off collection event at one or more designated sites in each borough.*

*b. The department shall report annually the total amount of household hazardous waste diverted by the program established pursuant to subdivision a of this section. Such report shall specify each category of material and the amount of such material collected at each collection event or site established pursuant to subdivision a of this section. Such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

*c. The commissioner shall study opportunities to establish additional household hazardous waste collection events and sites, as well opportunities to provide for the collection of household hazardous waste at designated sites on a regular basis. The commissioner shall report on such opportunities to the mayor and the council within two years of the effective date of this section, and annually thereafter, and such report shall be included as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

§2. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 39 of 2010, Council Int. No. 162-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 12**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 40**

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Introduced by Council Member Palma and The Speaker (Council Member Quinn) and Council Members Brewer, Dickens, Dromm, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Rodriguez, Seabrook, Vann, Williams, Rose, Eugene, Jackson, Gennaro, Van Bramer, Levin, Koslowitz, Recchia, Chin, Ferreras, Barron, Garodnick, Mealy and Reyna

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to recycling goals, and to repeal section 16-304, subdivisions a and b of section 16-305 and subchapter three of chapter 3 of title 16 of the administrative code of the city of New York, relating to department-disposed of solid waste, department-collected solid waste and a recycling plan.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. The Council finds that, despite the progress that has been made since the enactment of the New York City Recycling Law (Local Law 19 of 1989), there remains a significant amount of recyclable material that could be re-directed from the City's solid waste stream to the recycling stream. The recovery and reuse of such recyclable material will: (1) minimize environmentally unsound solid waste disposal methods; (2) conserve energy and reduce the City's contribution to global warming emissions; (3) reduce the quantity of heavy metals and other harmful substances in the waste stream; (4) reduce the amount of waste materials that must be exported at ever-increasing costs to out-of-state landfills and incinerators; and (5) reduce the costs to the City of handling solid waste.

The Council further finds that according to the Independent Budget Office, the costs per ton for collection and recycling of City solid waste are now similar to the costs per ton for

curbside collection and disposal of non-recycled waste. It is projected that within the next five years, the costs to the City of recycling may actually fall below the costs for out-of-state export of City waste, and thereafter City taxpayers will benefit with each ton of waste that is recycled rather than exported for landfilling or incineration.

Additionally, the Council finds that recycling can benefit the City's economy by creating opportunities for new jobs in industries performing activities related to the recycling of City waste, as is exemplified by the Pratt Industries paper recycling plant on Staten Island and the new Sims Group recycling processing facility that is soon to be constructed at the South Brooklyn Marine Terminal in Sunset Park.

The New York State Solid Waste Management Act of 1988 established a hierarchy that identifies preferred waste management practices to reduce the State's dependency on land burial of solid wastes. The hierarchy, in descending order of preference, is waste prevention, reuse and recycling, followed by incineration and, lastly, landfilling. Pursuant to that law, the City has adopted its own 20-year Comprehensive Solid Waste Management Plan, which was most recently approved by the New York State Department of Environmental Conservation in 2006. Among the highlights of the 2006 Plan are commitments to a 20-year contract for the handling of City recyclables and a commitment to use rail and water-based modes of transportation instead of relying on environmentally harmful truck transportation when exporting our waste outside of the City.

The Council finds that while the City has made substantial progress in the implementation of its citywide recycling program since the passage of the New York City Recycling Law, there remain significant additional opportunities to increase recycling in New York City to the benefit of the City's environment and its economy. In the more than 20 years since



Local Law 19 was enacted, recycling methods, markets and technologies have evolved, and recycling has become a major global industry. This bill revises the City's residential and institutional recycling programs to reflect changes to recycling systems, while also striving to set the course for continuing improvements to the City's recycling program in the future. The Council also expects this bill to ensure that the Department of Sanitation continues to explore improvements to and the expansion of recycling in New York City in the next decade.

Accordingly, the Council finds that two decades after the passage of the landmark New York City Recycling Law, it is necessary to amend that law to enhance its effectiveness and take advantage of new opportunities to move the City's recycling program into the 21<sup>st</sup> century.

§2. Section 16-303 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, subparagraph viii of paragraph 3 of subdivision n, as amended by local law number 75 for the year 1989, is amended to read as follows:

§16-303 Definitions. When used in this chapter:

[a. "Buy-back center" means a recycling center that purchases and may otherwise accept recyclable materials from the public for the purpose of recycling such materials.]

[b. "Department-collected solid waste"]

*"Architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or residential use, but does not include architectural coatings purchased for industrial use or for use in the manufacture of products.*

*"Compostable waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings. Such term may also include disposable plastic food service ware and bags that meet the american society for the testing of materials standard specification for compostable*

*plastics, but shall not include liquids and textiles.*

*"Department-managed solid waste" means all solid waste that the department and its contractors collect [and], all solid waste that the department receives for free disposal, all solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and all solid waste diverted from collection by the department that is accepted through non-department infrastructure for recycling or reuse and counted towards the department's recycling goals as set forth in subdivision h of section 16-305 of this chapter.*

[c. "Department-disposed of solid waste" means all solid waste, including department-collected solid waste, disposed of at a department landfill, incinerator, resource recovery facility or other waste disposal facility owned, operated or used by the department.

d. "Drop-off center" means a recycling center that accepts and may otherwise purchase recyclable materials from the public for the purpose of recycling such materials.

e.] "Household" means a single dwelling or a residential unit within a multiple dwelling, hotel, motel, campsite, ranger station, public or private recreation area, or other residence.

[f.]

*"Household and institutional compostable waste" means any compostable waste, excluding yard waste, in or otherwise destined for any waste stream collected by the department.*

*"Household hazardous waste" means:*

*1. any household waste that is ignitable, corrosive, reactive or toxic and that, but for its point of generation, would be a hazardous waste under part three hundred seventy-one of title six of the New York code, rules and regulations, as may be amended from time to time, and includes all pesticides, as defined in article thirty-three of the environmental conservation law,*

*and hazardous waste, as defined in section 27-0901 of the environmental conservation law, as such laws may be amended from time to time; and*

*2. any other household waste that the commissioner determines, by rule, to be hazardous and require special handling.*

"Post-collection separation" means the dividing of solid waste into some or all of its component parts after the point of collection.

[g.] "Post-consumer material" means [only] those products generated by a business or a consumer which have served their intended end uses, and which have been separated or diverted from solid waste for the purposes of collection, recycling and disposition.

[h.] "Private carter" means any person required to be licensed or permitted pursuant to [subchapter eighteen of chapter two of title twenty] *chapter one of title sixteen-A* of this code.

[i.]

*"Publicly accessible textile drop-off bin" means any enclosed container that allows for members of the public to deposit textiles into such container for reuse or recycling in accordance with the textile reuse and recycling program established by section 16-310.1 of this chapter.*

"Recyclable materials" means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products, including but not limited to, types of metal, glass, paper, plastic, [food waste, tires and] yard waste *and any other solid waste required to be recycled or composted pursuant to this chapter, solid waste collected for recycling or reuse through special events or programs promoted, operated or funded by the department, and solid waste accepted through non-department infrastructure for*

*recycling or reuse.*

[j.] "Recycled" or "recycling" means any process by which recyclable materials are separated, collected, processed, marketed and returned to the economy in the form of raw materials or products.

[k.] "Recycling center" means any facility operated to facilitate the separation, collection, processing or marketing of recyclable materials for reuse or sale.

[l.] "Recycling district" means any borough or smaller geographic area the commissioner deems appropriate for the purpose of implementing this chapter.

[m. "Secondary material" means any material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

n.]

*"Rigid plastic container" means any plastic container having a semi-flexible or inflexible finite shape or form that is capable of maintaining its shape while holding other products and is designed to hold food, beverages, and consumer household products, including, but not limited to, the following types of containers: plastic bottles, plastic jugs, plastic tubs, plastic trays, plastic cups, plastic buckets, plastic crates and plastic flower pots, and any other rigid plastic material that the commissioner may designate by rule, but not including containers made of polystyrene foam.*

"Solid waste" means all putrescible and non-putrescible materials or substances, except as described in paragraph three of this subdivision, that are discarded or rejected as being

spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to, garbage, refuse, industrial and commercial waste, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

1. A material is discarded if it is abandoned by being:

i. disposed of;

ii. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or

iii. accumulated, stored, or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.

2. A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

3. The following are not solid waste for the purpose of this chapter:

i. domestic sewage;

ii. any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except (A) any material that is introduced into such system in order to avoid the provisions of this chapter or the state regulations promulgated to regulate solid waste management facilities pursuant to 6 NYCRR [Part] *part* 360 or (B) *food waste*;

iii. industrial wastewater discharges that are actual point source discharges subject to permits under article seventeen of the environmental conservation law; industrial

wastewaters while they are being collected, stored, or treated before discharge and sludges that are generated by industrial wastewater treatment are solid wastes;

iv. irrigation return flows;

v. radioactive materials that are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.;

vi. materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;

vii. hazardous waste as defined in section 27-0901 of the environmental conservation law; and

viii. regulated medical waste or other medical waste as described in section 16-120.1 of this title.

[o.] "Source separation" means the dividing of solid waste into some or all of its component parts at the point of generation.

[p.] "Yard waste" means leaves, grass clippings, garden debris, and vegetative residue that is recognizable as part of a plant or vegetable, small or chipped branches, and similar material.

§3. Section 16-304 of the administrative code of the city of New York is REPEALED.

§4. The section heading of section 16-305 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

§16-305 [Department-collected] *Recycling of department-managed solid waste.*

§5. Subdivisions a and b of section 16-305 of the administrative code of the city of New York are REPEALED and new subdivisions a and b are added to read as follows:

*a. 1. The following recycling percentage goals are established for the recycling of department-managed solid waste:*

*i. by July first, two thousand eleven, sixteen percent of department-managed solid waste;*

*ii. by July first, two thousand thirteen, nineteen percent of department-managed solid waste;*

*iii. by July first, two thousand fourteen, twenty-one percent of department-managed solid waste;*

*iv. by July first, two thousand sixteen, twenty-four percent of department-managed solid waste;*

*v. by July first, two thousand eighteen, twenty-seven percent of department-managed solid waste;*

*vi. by July first, two thousand nineteen, thirty percent of department-managed solid waste; and*

*vii. by July first, two thousand twenty, thirty-three percent of department-managed solid waste.*

*2. In addition, the following recycling goals are established for curbside and containerized waste collected by the department:*

*i. By July first, two thousand eleven, sixteen percent of curbside and containerized waste collected by the department;*

*ii. By July first, two thousand thirteen, eighteen percent of curbside and containerized waste collected by the department;*

*iii. By July first, two thousand fourteen, nineteen percent of curbside and*

*containerized waste collected by the department;*

*iv. By July first, two thousand sixteen, twenty-one percent of curbside and containerized waste collected by the department;*

*v. By July first, two thousand eighteen, twenty-three percent of curbside and containerized waste collected by the department;*

*vi. By July first, two thousand nineteen, twenty-four percent of curbside and containerized waste collected by the department; and*

*vii. by July first, two thousand twenty, twenty-five percent of curbside and containerized waste collected by the department.*

*b. The commissioner shall adopt and implement rules designating at least six recyclable materials, including plastics to the extent required in subdivision c of this section and yard waste to the extent required in section 16-308 of this chapter, contained in department-managed solid waste and requiring households to source separate such designated materials.*

§6. Section 16-305 of the administrative code of the city of New York is amended by adding new subdivisions h, i, j and k to read as follows:

*h. 1. In calculating the extent to which the department has met the recycling percentage goals set forth in paragraph one of subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions and city agencies, and all recyclable materials collected as part of the public space recycling program pursuant to section 16-310 of this chapter, and may include yard waste collected pursuant to section 16-308 of this chapter and any other material collected for composting pursuant to this chapter, Christmas trees collected*



*pursuant to section 16-309 of this chapter, clothing and textiles donated or collected pursuant to section 16-310.1 of this chapter, household hazardous waste diverted pursuant to section 16-310.3 of this chapter, rechargeable batteries collected pursuant to chapter four of this title, beverage containers returned within the city pursuant to title ten of article twenty-seven of the environmental conservation law, electronic waste collected within the city or otherwise diverted from the city's waste stream, including such waste collected or diverted pursuant to title twenty-six of article twenty-seven of the environmental conservation law, and plastic bags collected within the city or otherwise diverted from the city's waste stream, including such plastic bags collected or diverted pursuant to title twenty seven of article twenty seven of the environmental conservation law. Only recyclable materials specifically enumerated in this paragraph shall be counted for purposes of calculating the extent to which the department has met the recycling percentage goals set forth in paragraph one of subdivision a of this section.*

*2. In calculating the extent to which the department has met the recycling percentage goals set forth in paragraph two of subdivision a of this section, the department shall include in its calculations all curbside and institutional recycling it collects, including materials collected from households, schools, not-for-profit institutions and city agencies, and all recyclable materials collected as part of the public space recycling program pursuant to section 16-310 of this chapter.*

*3. In calculating the extent to which the department has met the recycling percentage goals set forth in paragraphs one and two of subdivision a of this section, the department shall not include recycling of abandoned vehicles or recycling from lot cleaning operations, asphalt and mill tailings, construction and demolition debris or other commercial recycling programs. The commissioner shall not designate any such materials as recyclable*

*materials under this section for purposes of calculating the extent to which the department has met such recycling percentage goals.*

*4. In calculating the percent of the department-managed solid waste stream recycled in connection with the percentage goals set forth in paragraph one of subdivision a of this section, the department shall ensure that any quantity of material counted as recycled must be fully included in the calculation of the city's total department-managed solid waste stream.*

*5. All data used to make calculations pursuant to paragraphs one and two of this subdivision shall be made available on the department's website in raw form disaggregated by material type and using a non-proprietary format on a monthly basis, or, if such data is not generated by the department, within one month from the date that the department receives reports of such information.*

*i. In the event that the department does not meet any recycling percentage goal set forth in paragraphs one or two of subdivision a of this section by the dates specified therein, the department shall, within sixty days of the date for meeting such goal, expand recycling outreach and education and shall take such other appropriate measures including, but not limited to, directing such outreach and education to the neighborhoods and community districts in which recycling diversion rates fall below the median city recycling diversion rate and consulting with the council to explore additional measures to meet the recycling percentage goals set forth in such subdivision. In expanding recycling outreach and education, the department may work with other agencies or entities designated for that purpose by the commissioner.*

*j. In the event that the department is unable to achieve two consecutive recycling percentage goals set forth in paragraphs one and two of subdivision a of this section by the dates specified therein, in addition to the requirements of subdivision i of this section, the commissioner*

*shall retain a special advisor, who shall be selected by the mayor and the speaker, provided that the commissioner need not retain such special advisor more than once every three years. Within one hundred twenty days of such retention, such adviser shall submit a report to the mayor and council recommending additional measures that may be taken by the city following such report in order to meet such recycling percentage goals.*

*k. 1. Beginning on March first, two thousand eleven and annually thereafter, the department shall submit to the mayor and the council and make available on its website, an annual department recycling report which shall include provisions addressing: the extent to which the department has met the recycling percentage goals set forth in paragraphs one and two of subdivision a of this section and including a description of the methodology used to arrive at its recycling percentages; city agency recycling pursuant to section 16-307 of this chapter; department of education recycling pursuant to section 16-307.1 of this chapter; yard waste composting pursuant to section 16-308 of this chapter; Christmas tree composting or recycling pursuant to section 16-309 of this chapter; the public space recycling program pursuant to section 16-310 of this chapter; the clothing and textiles collection program pursuant to section 16-310.1 of this chapter; household hazardous waste collected pursuant to section 16-310.3 of this chapter or otherwise collected by the department; and any composting capacity determinations or food waste composting pilot programs pursuant to section 16-316.2 of this chapter.*

*2. Beginning the year that the department commences delivering department-managed recyclable materials to a designated recycling processing facility, the department shall annually report to the council the cost to the city of designating as recyclable materials any rigid plastic containers not previously designated by the commissioner pursuant to subdivision c of this section, and the then-current market value of any such materials.*

§7. Sections 16-312, 16-313 and 16-314 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

§16-312 Processing recyclable materials. The commissioner shall establish procedures and standards for processing recyclable materials *designated pursuant to section 16-305 of this chapter* in city owned or operated recycling centers, city owned or operated transfer stations or any city owned or operated facility that renders recyclable materials suitable for reuse or marketing and sale. The commissioner shall *annually* review [the]*such* procedures and standards [at least annually] and make any changes necessary to conform to the requirements of the marketplace.

§16-313 Marketing recyclable materials. [a. ]The department shall establish procedures, standards and strategies to market the [department-collected] recyclable materials designated pursuant to section 16-305 of this chapter, including, but not limited to, maintaining a list of prospective buyers, establishing contact with prospective buyers, entering into contracts with buyers, and reviewing and making any necessary changes in collecting or processing the materials to improve their marketability.

[b. Within eighteen months of the effective date of this chapter, the commissioner in conjunction with the office for economic development shall submit to the mayor, the council, the board of estimate, each citizens' board created under section 16-317 of this chapter and the citywide board created under section 16-319 of this chapter a study of existing markets for processing and purchasing recyclable materials, and the potential and the steps necessary to expand these markets. Such study shall also include a proposal developed in conjunction with the department of finance to use, where feasible, the city's tax and finance authority to stimulate recycling and the demand for recycled materials.]

§16-314 Recycling program revisions. [a.] The commissioner shall annually review the recycling program and all rules [and regulations] promulgated [therefor] *thereunder*, and shall make the necessary revisions to improve the efficiency of collecting, processing, marketing and selling the materials recycled pursuant to this chapter. These revisions may include designating additional recyclable materials. The commissioner shall not delete designated materials without designating additional materials so that the total quantity, by weight, of all designated recyclable materials collected, processed, marketed and sold does not decrease. [b. By the end of the fifth year following the enactment date of this chapter, the commissioner shall designate two additional recyclable materials contained in residential or commercial solid waste and provide for the recycling of these materials in accordance with the provisions of this chapter.] *Where the commissioner determines that it is appropriate to delete a designated material, the department shall provide notice of such deletion to the mayor and the council, including the reason for such deletion, and shall provide any relevant data supporting such decision.*

§8. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is REPEALED and a new subchapter 3 is added to read as follows:

*Subchapter 3 - Recycling Studies*

*16-316 - Recycling and composting economic development study*

*16-316.1 - Waste Characterization Study*

*§16-316 Recycling and composting economic development study. Within two years of the effective date of this section, the department, in conjunction with the mayor's office of long-term planning and sustainability and the New York city economic development corporation, shall perform a study on the economics of recycling and composting and the development of recycling*

*and composting-related industries in the city of New York. Such study shall: (i) assess the New York city recycling market including but not limited to a growth forecast for recycling markets and related industries for the next five years; (ii) describe those industries or businesses that would address shortcomings in the city's recycling and composting infrastructure and areas where opportunities for recycling and composting-related job growth in the city appear practical, describing barriers to recycling and composting businesses, and outlining financial and other incentives that might be successful in attracting new recycling and composting-related businesses or encouraging the expansion of existing recycling and composting-related businesses; (iii) examine existing markets for processing and purchasing recyclable materials and the potential and steps necessary to expand these markets; and (iv) look at the city's taxation and finance authority to stimulate recycling and the demand for recycled materials. Sections of such study may be shared with or derived from the composting report required pursuant to section 16-316.2 of this subchapter.*

*§16-316.1 Waste characterization study. a. The commissioner shall complete follow-up studies to the studies performed in two thousand five regarding the characteristics of the city's residential and institutional waste streams for department-managed solid waste on or before January thirty-first, two thousand twelve, and on or before January thirty-first, two thousand eighteen. The results of each such study and an analysis of those results shall be submitted to the council and the mayor within sixty days of their completion.*

*b. On or before January thirty-first, two thousand twenty-four, the commissioner shall complete a detailed, comprehensive citywide multi-season study of the city's residential and institutional waste streams for the purpose of determining the composition of the waste stream characterized by type of material. The results of such study and an analysis of those results shall*

*be submitted to the council and the mayor within sixty days of its completion.*

§9. Sections 16-318 and 16-319 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, are amended to read as follows:

§16-318 Functions of the citizens' board. a. The department shall submit to each borough president the [recycling plans prepared pursuant to section 16-316 of this chapter] *portion of the biennial report addressing the city's recycling program that is prepared pursuant to the city's two thousand six solid waste management plan*, simultaneous with [their] *the submission of such report* to the mayor and the council. Each borough president shall distribute copies of [the plans] *such portion* to each member of the citizens' board in his or her borough. Within ninety days thereafter, each citizens' board shall review [the plans] *such portion*, conduct a public hearing on [the plans] *such portion* and make written recommendations to its borough president, the department and the council with respect to the recycling program within its borough. Each citizens' board shall also annually advise its borough president and the department with respect to the development, promotion and operation of the recycling program in its borough and pursuant to this function shall formulate and recommend:

1. annual recycling [and reduction] goals equal to or greater than those set forth in [sections 16-304 and] *section* 16-305 of this chapter and the methods proposed to achieve such goals;

2. means to encourage community participation in the recycling program; and

3. means to promote the recycling program and educate the public with regard to the program.

b. In each borough, the citizens' board shall assume all the responsibilities and functions of the borough's citizens' advisory committee on resource recovery.

§16-319 Citywide recycling advisory board; membership. [Within nine months of the effective date of this chapter,] *There shall be* a citywide recycling advisory board (the "citywide board") [shall be formed,] consisting of at least one representative from each citizens' board, five members appointed by the council, and five members appointed by the mayor. The membership of the citywide board shall represent community boards, recycling industries, carting industries, environmental organizations, government agencies, labor organizations, business organizations, *real* property owners, tenant organizations and members of the general public. Members shall serve for a term of one year without compensation and shall designate one member to serve as chairperson and one as vice-chairperson.

§10. Subdivision a of section 16-321 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as follows:

a. Whenever a person, other than a public servant, appointed to any advisory board created pursuant to this subchapter, engages in any business dealings with the department, or engages in business dealings with any other agency [which] *that* relate to processing or disposal of solid waste or of waste described in paragraph three of [subdivision m of] *the definition of solid waste in* section 16-303 of this chapter or to recycling, or has an interest in a firm [which] *that* is engaged in such business dealings with the department or with such other agency, such person shall, prior to appointment, disclose the nature of such business dealings to the commissioner and to the body or officer appointing such person, and, after appointment, disclose the nature of such business dealings to the commissioner and to all other members of such board; provided that such person need not disclose the amount of such business dealings.

§11. Paragraph 2 of subdivision b of section 16-321 of the administrative code of the city of New York, as added by local law number 19 for the year 1989, is amended to read as



follows:

2. "Agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the council, the offices of each elected official, the [board] *department* of education, community school boards, community boards, the financial services corporation, the health and hospitals corporation, the public development corporation and the New York city housing authority, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

§12. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 40 of 2010, Council Int. No. 164-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

## **ATTACHMENT 13**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 41**

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Introduced by The Public Advocate (Mr. De Blasio) and The Speaker (Council Member Quinn) and Council Members Barron, Brewer, Dromm, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Palma, Rodriguez, Vann, Williams, Rose, Eugene, Jackson, Nelson, Gennaro, Van Bramer, Levin, Recchia, Chin, Ferreras, Garodnick, Mealy and Reyna

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to recycling in public and private schools.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-307.1 to read as follows:

*§16-307.1 School recycling. a. The chancellor of the department of education shall designate a sustainability director for the department of education, who shall be responsible for (i) setting policies, guidelines and goals to promote waste prevention, reuse and recycling practices, and (ii) coordinating the department of education's waste prevention, reuse and recycling program in all school buildings, charter school locations, office buildings, and any other facilities under the jurisdiction of the department of education that receive department collection service.*

*b. The chancellor of the department of education shall promulgate such rules as may be necessary to require that each school building, charter school location, office building, and any other facility under the jurisdiction of the department of education that receives*

department collection service, develop a site-specific waste prevention, reuse and recycling plan. Each such plan shall be implemented by January first, two thousand eleven. Such plan shall include, at a minimum, a requirement that each classroom maintain a separate receptacle, container or bin for the collection of designated recyclable paper, and that such receptacle, container or bin be appropriately labeled or decorated with recycling information. Such plan shall also provide that separate receptacles, containers or bins for the collection of designated metal, glass and plastic be appropriately labeled or decorated with recycling information and be placed as close as practicable to school entrances, unless the placement of such bins would be in violation of any other provision of law, and in locations within schools where food and beverages are routinely consumed.

c. The principal of each school under the jurisdiction of the department of education shall designate a sustainability coordinator for his or her school who shall be responsible for implementing his or her school's waste prevention, reuse and recycling plan. The principal or the sustainability coordinator shall complete, and submit to the department of education sustainability director and to the chancellor, an annual survey regarding such school's compliance with its waste prevention, reuse and recycling plan.

d. On or before January first, two thousand twelve, the chancellor shall submit a report to the commissioner regarding compliance with the requirements of this section for the period of January first, two thousand eleven through June thirtieth, two thousand eleven, and shall submit an annual compliance report by January first of each year thereafter for the preceding July first through June thirtieth. The department shall include the chancellor's report as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

*e. The department shall distribute a model school waste prevention, reuse and recycling plan to all primary and secondary schools not under the jurisdiction of the department of education that receive department collection service. All such primary and secondary schools shall designate a sustainability coordinator for each such school, and develop a site-specific waste prevention, reuse and recycling plan. Each such plan shall be implemented by January first, two thousand eleven. Such plan shall include, at a minimum, a requirement that each room used primarily as a classroom for students between kindergarten and the twelfth grade maintain a separate receptacle, container or bin for the collection of designated recyclable paper, and that such receptacle, container or bin be appropriately labeled or decorated with recycling information. Such plan shall also provide that separate receptacles, containers or bins for the collection of designated metal, glass and plastic be appropriately labeled or decorated with recycling information and be placed as close as practicable to school entrances, unless the placement of such bins would be in violation of any other provision of law. Such bins shall also be placed in centralized locations within such schools where food and beverages are routinely consumed, other than classrooms, such as cafeterias and lunchrooms, or, if such school lacks a cafeteria or lunchroom, in a location readily accessible to all students in such school.*

§2. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

**CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27**

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 41 of 2010, Council Int. No. 165-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

**JEFFREY D. FRIEDLANDER, Acting Corporation Counsel**

## **ATTACHMENT 14**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2010**

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**No. 42**

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Introduced by Council Members Rose and The Speaker (Council Member Quinn) and Council Members Brewer, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Williams, Jackson, Gennaro, Van Bramer, Levin, Recchia, Ferreras, Barron, Garodnick and Reyna

**A LOCAL LAW**

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

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-316.2 to read as follows:

*§16-316.2. Food waste composting study. The department, in conjunction with the mayor's office of long-term planning and sustainability, shall issue a report by July first, two thousand twelve recommending methods to expand the diversion of compostable waste from the city's waste stream. In preparing such report, the department or the office of long-term planning and sustainability shall (1) study the viability of a curbside collection program for household and institutional compostable waste including, but not limited to, cost considerations and any concerns regarding siting composting facilities to conduct such a curbside collection program; (2) identify existing private and public facilities within three hundred miles of the city that accept compostable waste for composting and determine the available capacity at and cost to deliver compostable waste to such facilities and any siting considerations concerning such facilities; (3) review capacity at putrescible solid waste transfer stations permitted by the city, and putrescible*



*solid waste transfer stations within sixty miles of the city, and determine whether any such transfer stations are capable of accepting source-separated compostable waste for consolidation and transportation, the cost to deliver source-separated compostable waste to such facilities and any siting considerations concerning such facilities; (4) explore opportunities to expand the currently available capacity to compost compostable waste at existing sites within the city or, in conjunction with the study required by section 16-316 of this chapter, explore opportunities to develop one or more new facilities within the city or within sixty miles of the city for the composting of compostable waste, including, but not limited to, opportunities to work with one or more entities to develop such facilities and any siting considerations concerning such a facility; (5) compile a comprehensive list of sites around the city including, but not limited to, city botanical gardens and greenmarkets, that accept household and institutional compostable waste on a voluntary basis, and recommend methods to encourage and expand options for voluntary composting; and (6) provide a plan to study the viability of instituting a food waste composting program for the residential or commercial waste stream, to be completed within two years of the issuance of such report.*

§2. This local law shall take effect on the earlier of (i) ninety days after enactment or (ii) on the same date as a local law for the year 2010 amending the administrative code of the city of New York relating to recycling goals, as proposed in introductory number 164, or as such introductory number may be amended.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York,  
passed by the Council on .....July 29, 2010..... and approved by the Mayor  
on .....August 16, 2010.....

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

**CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27**

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 42 of 2010, Council Int. No. 171-A) contains the correct text and was passed by the New York City Council on July 29, 2010, approved by the Mayor on August 16, 2010 and returned to the City Clerk on August 16, 2010.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel