

**CITY OF NEW YORK  
BILL DE BLASIO  
MAYOR**

**DEPARTMENT OF SANITATION  
EDWARD GRAYSON  
COMMISSIONER**



**SOLID WASTE MANAGEMENT PLAN  
BIENNIAL UPDATE REPORT**

**For the Reporting Period of  
JANUARY 1, 2019 THROUGH DECEMBER 31, 2020**

**May 2021**

**Revised October 2021**

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## **EXECUTIVE SUMMARY**

This seventh Biennial Update Report dated May 2021 (revised October 2021) (Report) prepared by the New York City (City or NYC) Department of Sanitation (DSNY), is submitted to the New York State Department of Environmental Conservation (NYSDEC) in accordance with the provisions of 6 NYCRR.366-5.1. It provides information on the City's progress in implementing its approved Local Solid Waste Management Plan for 2006 through 2026 (SWMP), during the reporting period of January 1, 2019 through December 31, 2020 (Reporting Period).

In accordance with 6 NYCRR 366-5.1, this Report is required to provide summary information on solid waste management planning, solid waste and recyclables data, and to address:

- (i) Changes to the planning unit structure;
- (ii) Actual waste generation, recycling and disposal data and comparisons with and reasons for deviations from projections;
- (iii) Changes to solid waste management practices;
- (iv) Outreach and education activities;
- (v) Efforts to ensure compliance with local recycling laws;
- (vi) Obstacles preventing the planning unit from implementing tasks and/or achieving the goals of the SWMP; and
- (vii) The status of conformance with the implementation schedule, including discussion of reasons for deviating from the implementation schedule.

No changes were made to the Planning Unit structure during the Reporting Period. The solid waste and recyclables data in this Report includes, as required: (i) the names and locations of all known facilities that accepted waste or recyclables from the planning unit during the previous two years; and (ii) for each facility, the quantity and type of waste and recyclables sent to the facility, as well as information on the efforts taken by the City to ensure compliance with local recycling laws in accordance with 6 NYCRR 366-5.1(b)(1)(v) (see Section 3.1.13).

The Report also contains information on USACE dredge projects, drift and floatables collection in the NY/NJ region and processed dredge use at Fresh Kills Landfill (see Attachment 7A) and City biosolids management (see Attachment 7B) and programs to control plastics and floatables (see Attachment 7C). Reporting Period accomplishments are highlighted in this Executive Summary along with information on more recent initiatives.

The City's first SWMP Biennial Update Report discussed implementation during 2007 and 2008. The City's second Report reported on the status of SWMP implementation during 2009 and 2010 and was revised in February 2012 to reflect proposed changes in the milestone implementation schedule. The City's third Report reported on the status of SWMP implementation during 2011 and 2012. The City's fourth Report reported on the status of SWMP implementation during 2013 and 2014. The City's fifth Report reported on the status of SWMP implementation during 2015 and 2016. The City's sixth Report reported on the status of SWMP implementation during 2017 and 2018.

## **SWMP Background**

The SWMP is a twenty-year planning document that was prepared by DSNY with the assistance of the New York City Economic Development Corporation (NYCEDC) and other mayoral agencies, adopted by the City in July 2006. The SWMP was approved by the New York State Department of Environmental Conservation (NYSDEC) on October 27, 2006 and will expire on October 26, 2026. It involved a comprehensive review of the activities undertaken to implement the City's first Solid Waste Management Plan, approved in 1992, as amended, an evaluation of where and how those efforts should be refocused to better meet the City's solid waste management needs, information on the City's on-going solid waste management programs, and an extensive process of consultation with interested parties.

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

issued in November 2013 reflected new permit modifications in connection with a December 2011 Environmental Assessment Statement (EAS) issued to support Review Avenue Transfer Station permit modifications obtained by Waste Management of New York LLC (WM) and the 2013 award of a DSNY 20-year service contract to WM for the transfer, transport by rail and disposal of DSNY-managed waste from Queens Sanitation Districts 1 through 6. An EAS was issued in January 2012 in connection with the award of a DSNY 20-year intergovernmental agreement with the Port Authority of New York and New Jersey for the use of the Essex County Resource Recovery Facility for the disposal of DSNY-managed waste from Manhattan Sanitation Districts 1 – 4, 7, 9, 10 and 12. An EAS was issued in December 2014 in connection with the award of a DSNY 20-year service contract to Covanta Sustainable Solutions for the transfer, transport by rail and disposal of DSNY-managed waste from Queens Sanitation Districts 7 through 14 and Manhattan Sanitation Districts 1, 5, 6, and 8. A Technical Memorandum was issued in January 2017 in connection with the award of a DSNY 20-year service contract to WM for the transfer, transport by rail and disposal of DSNY-managed containerized waste from the Hamilton Avenue and Southwest Brooklyn Marine Transfer Stations. Finally, a Technical Memorandum was issued in April 2019 in connection with the start of operations for the East 91<sup>st</sup> Street Marine Transfer Station.

Since the SWMP was approved by NYSDEC in 2006, DSNY, other City agencies, and related entities have advanced SWMP goals and substantially completed a majority of the projects and initiatives required to be implemented in the SWMP milestones.

## **REPORTING PERIOD ACCOMPLISHMENTS**

### **OneNYC: The Plan for a Strong and Just City**

In 2015, Mayor Bill de Blasio released “OneNYC: The Plan for a Strong and Just City.” As part of the plan, the City committed to a number of solid waste sustainability initiatives to send zero waste to landfills by 2030 (described in the Recycling and Sustainability discussion below and in Section 3.1), reduce greenhouse gas (GHG) emissions and undertake a comprehensive study of commercial waste collection zones to determine if there are substantial inefficiencies in the way waste is collected. DSNY has made great strides in developing programs to achieve these goals and can report that with the opening of the East 91<sup>st</sup> Street Marine Transfer Station in March 2019,



is sending roughly 30% of DSNY-managed waste to energy-from-waste facilities and, having completed a study of commercial waste collection, has put forward an ambitious Commercial Waste Collection Zone plan summarized below. Because organics make up more than a third of the City’s DSNY-managed waste stream, DSNY increased the number of households reached by the Organics Collection Program during the Reporting Period and expanded its platform for recyclable donations - donateNYC – to include food donations. The new website tool matches businesses with extra food to groups who feed hungry New Yorkers, with an eye towards hyper-local donations. See Attachment 1A for more information.

### **Commercial Waste Collection Zones**

To meet the OneNYC commercial waste commitment, in August 2016 DSNY issued an independent Private Carting Study, including a market analysis, cost assessment, benchmarking study, and cost impact study that found that the current open-market commercial waste system generates excess truck traffic, is highly concentrated among a few carters, has little transparency in pricing, and inhibits private carting companies from achieving efficiencies that allow investments in recycling initiatives or cleaner trucks. The Private Carting Study concluded that establishing collection waste zones (CWZs) would reduce truck traffic, associated greenhouse gas emissions and air pollutants and concluded that reducing commercial collection truck traffic would lead to cleaner air, less traffic congestion, safer streets, and quieter nights in neighborhoods across the City.

As a result of the Private Carter Study findings, in November 2018 DSNY released “Commercial Waste Zones: A Plan to Reform, Reroute, and Revitalize Private Carting in New York City”, a detailed roadmap for implementing the new system which appears at [https://dsny.cityofnewyork.us/wp-content/uploads/2018/11/CWZ\\_Plan-1.pdf](https://dsny.cityofnewyork.us/wp-content/uploads/2018/11/CWZ_Plan-1.pdf). A Final Generic Environmental Impact Statement issued in 2019 (FGEIS) disclosed that under the CWZ program, private carting trucks would travel 50 percent fewer miles on an annual basis, leading to a healthier and safer city and that the carting industry’s total operational expenses would be reduced by an estimated \$14 million annually. Diverted recyclables and organics were projected to increase significantly, to 44 percent of the total commercial-sector municipal solid waste stream, up from 25 percent today.

The projected increase in recycling and organics diversion disclosed by the FGEIS derives from the fact that the CWZ program will require that haulers provide recycling collection to every customer they service for refuse collection. Currently, generators are required to recycle but haulers are not required to offer the appropriate collection services, which leads many customers to either not follow the recycling laws or have their separated recyclables collected as refuse. Under the CWZ program, haulers also must provide organics collection to every customer that is required by the City to separate their organic waste; they must also have plans to offer organics collection to customers that are not required by law to divert their organic material but wish to do so voluntarily. Further, under the CWZ program haulers must charge their customers a lower rate for the collection of recycling and organics than they charge for refuse. Also, the CWZ program will give DSNY greater enforcement tools, through contractual mechanisms and in-person field enforcement, to ensure that haulers are not collecting or disposing source-separated recyclables as refuse. Finally, the request for proposals procurement to select haulers for the CWZ program (RFP), will evaluate their plans for outreach, investments, and commitments to furthering the City's zero waste goals, and will give haulers with stronger zero waste plans better scores on the RFP evaluation.

In November 2019, Mayor de Blasio signed Local Law 199 of 2019, which establishes the CWZ program. This program is designed to create a safe and efficient commercial waste collection system that advances the City's Green New Deal (further discussed below) and zero waste goals while providing high-quality, low-cost service to NYC businesses. The CWZ program will divide the city into 20 zones, each served by up to three carters selected through a competitive RFP procurement process. Five citywide contracts will also be awarded for the collection of containerized waste and compactors. This approach will reduce truck traffic associated with commercial waste collection by 50 percent, eliminating millions of heavy-duty truck miles from NYC streets every year, while strengthening service standards and allowing for customer choice. In addition to the projected increase in recycling and organics diversion described above, commercial waste zones will create a new regulatory framework that allows the City to achieve several additional program goals:

- Toward Zero Waste: Reduce commercial waste disposal and incentivize recycling

- Environmental Health: Reduce truck traffic throughout the city to reduce air pollution and improve quality of life
- Pricing: Provide fair, transparent pricing with low prices for businesses
- Customer Service: Strengthen customer service standards and establish accountability
- Health and Safety: Improve training and safety standards to make the industry safer for workers and the public
- Labor and Worker Rights: Improve industry labor standards and uphold worker rights
- Infrastructure and Waste Management: Prioritize investments in clean, modern fleets and facilities that make up a reliable, resilient, and sustainable waste management system
- Robust, Competitive Industry: Create a system that works for carters of all sizes and prevents overreliance on any single company.

The competitive Request for Proposals process for the CWZ contract awards is currently in process, see page ES-15 and Section 3.3.1 of this Report for additional details.

### **Alternative Solid Waste Management Technology - Fleet and Equipment Initiatives**

DSNY's fleet continues to be among the cleanest and "greenest" heavy duty fleets in the world. Since 2005, we have reduced our fleet's overall particulate matter (PM) emissions by greater than 90% and cut Nitrogen Oxide (NOx) emissions by 95%. DSNY trucks acquired since late 2006 meet PM emissions standards that are 98% cleaner than the unregulated diesels of old. Similarly, trucks delivered since 2010 meet the strict USEPA standard for NOx that is 98% cleaner than the old diesels.

DSNY also continues to do pioneering research and development work on cleaner fuels and emissions controls for heavy duty trucks, an effort DSNY started over 20 years ago. Based in part on DSNY's research, in 2006 the USEPA began mandating ultra-low sulfur diesel (ULSD) fuel for heavy diesel trucks nationwide and required new diesels to come equipped with particulate filters starting in 2007. ULSD has a maximum of just 15 parts per million (ppm) of sulfur, compared to the 2500 ppm of sulfur fuel that was the average content of highway fuel prior to 1993. The use of ULSD enabled DSNY to implement our highly effective emissions retrofit program for our pre-

2007 model year trucks with best available retrofit technology (BART) such as diesel particulate filters. (Few such pre-2007 trucks were left in DSNY's fleet in the Reporting Period, due to fleet turnover.)

DSNY has also mandated that commercial waste vehicles operating in the City comply with emissions requirements and employ certain safety features. Specifically, Local Law 145 of 2013 (LL145/2013) requires all commercial carting diesel trucks to implement Best Available Retrofit Technology such as diesel particulate traps or be equipped with a U.S. Environmental Protection Agency-certified 2007 model year or later engine by January 1, 2020. Local Law 56 of 2015 (LL56/2015) requires all licensed waste carting trucks to be equipped with side guards designed to protect pedestrians and cyclists by January 1, 2024.

In accordance with the Local Law 73 of 2013 mandate to further lower fleet emissions, including greenhouse gases, DSNY has been testing out various fuels and the Department currently uses B20 (20% biodiesel made of soybeans) for its trucks citywide. DSNY uses B20 generally from April 15 through November 15, and B5 (5% biodiesel) during the colder months. DSNY is currently conducting a B20 Winter Pilot in 21 district locations. Results have been promising. Finally, DSNY is one of several city agencies participating in the NYC Renewable Diesel (RD) pilot, which utilizes a blend of 99% RD with 1% petroleum diesel. DSNY expanded the pilot program to 17 district garages in all five boroughs, with promising results.

Consistent with OneNYC, DSNY remains committed to making its fleet as environmentally sustainable as possible consistent with its operational needs and available resources and will continue research and development efforts concerning alternative fuels and technologies that minimize emissions of concern that result from its operations. The NYC "Clean Fleet Plan" of 2015 required NYC's municipal fleet to reduce its carbon footprint 80% by 2035 (compared to 2005). DSNY has taken a multifaceted approach to greening its fleet by looking at the entire truck; the engine, transmission, fuel system and body. In February 2020, Mayor Bill de Blasio signed Executive Order #53 requiring the majority of NYC's municipal fleet to switch to all-electric by the year 2040. As a result, DSNY is shifting its focus to fleet electrification. The following summarizes recent DSNY efforts to make its fleet more efficient, safe and sustainable:

- **Power on Demand** - The Power on Demand (POD) system is an advanced body hydraulics control system designed to reduce the parasitic load imposed on the diesel engine to improve fuel economy. All DSNY collection trucks are equipped with “POD” technology;
- **Neutral @ Stop** - Neutral @ Stop technology system improves fuel economy by placing the automatic transmission in a “state-of-neutral” when the truck is in gear, at a stop. All DSNY collection trucks are equipped with Neutral @ Stop technology;
- **Pack @ Idle** - “Pack @ Idle” technology improves fuel economy and minimizes noise by maintaining the engine-speed to an idle during body compaction cycles. All DSNY’s refuse-collection trucks feature “Pack @ Idle” technology;
- **Diesel Exhaust After-treatment** – Through the use of advanced after-treatment technologies, DSNY has reduced (> 90%) emissions of PM and NOx from its fleet;
- **GHG Friendly Diesel Engines** - All 2014 and newer collection trucks are equipped with EPA certified diesel engines with lower Greenhouse Gas emissions;
- **Light-duty fleet** - DSNY’s owns/operates 520 hybrid–electric vehicles (HEV). DSNY’s fleet includes 131 plug-in hybrid electric vehicles (PHEV): 14 Chevrolet Volt sedans, 82 Ford Fusion Energi Plug-in Hybrids, and 35 Mitsubishi Outlander Plug-in SUVs;
- **EV Chargers** - DSNY owns/operates one Level-3 (DC Fast Charger) and 103 Level-2 EV charging stations citywide, which include a total of 158 charging ports;
- **Reduced Fuel Usage** - Based on FY 2020 data, DSNY’s diesel fleet used approximately 8.1 million gallons of diesel fuel - a 26% reduction when compared to FY 2005. In FY 2020, DSNY used 600,000 gallons of unleaded fuel - a 48% reduction when compared to FY 2005;
- **Biodiesel** - Since 2008, DSNY’s fleet has used over 42 million gallons of B20 Biodiesel;
- **Effenco Stop/Start** - To reduce fleet GHG emissions, DSNY is also exploring the use of idle-stop technology designed to reduce/eliminate unnecessary idling. DSNY is currently pilot testing 12 collection trucks equipped with the Effenco Stop/Start technology. 14 additional collection trucks equipped with the Effenco technology will be delivered to DSNY in CY 2021. Effenco’s Active Stop-Start Technology is an electric system using ultracapacitors is designed to shut down the engine and reduce unnecessary idling. Since these vehicles spend a large proportion of their operating time immobile, the Active Stop-Start technology creates value by reducing engine operating hours and corresponding fuel consumption, emissions and maintenance;
- **HEV Street Sweeper** - DSNY operates the world’s first hybrid-electric (HEV) street sweeper and currently owns/operates 27 HEV street sweepers;
- **BEV Street Sweeper** - DSNY is among the first public or private fleets in the US to pilot-test an all-electric BEV street sweeper. Under a Research and Development grant funded by NYS Energy & Research Development Authority, DSNY was awarded \$255,000 towards the incremental cost of an all-electric street sweeper. The DSNY BEV street sweeper is manufactured by Global Environmental Products and is the same “M4” model currently in use by DSNY today. The US Hybrid Corporation designed and built the propulsion on the BEV sweeper. The BEV sweeper incorporates a regenerative braking system designed to capture kinetic energy during braking events when in travel or sweeping modes. Under certain conditions, regenerative braking can help improve the range of BEV. The BEV features a fully integrated electric powertrain with a single traction motor and a 180 kWh battery pack; and

- **BEV Collection Truck** - Under an Agreement with Mack Trucks, and at no cost to the City, DSNY is among the first public or private fleet in the US to pilot an all-electric BEV collection truck. The one-year pilot will allow DSNY to test the BEV collection truck through four seasons and various operating conditions. The DSNY BEV collection truck is the first in its weight class at 72,000 lbs. GVW and features Mack’s fully integrated electric powertrain with twin electric motors and four NMC lithium-ion batteries. A unique regenerative braking system accommodates the truck’s increasing load and helps recapture energy from the hundreds of stops collection trucks make each day. The official launch of the Department’s first BEV collection truck was on November 18, 2020. DSNY’s staff will closely monitor the truck’s performance.

DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts to advance the development of cleaner heavy-duty vehicles. In 2020, DSNY was one of six recipients of the prestigious CALSTART Blue Sky Award, which is presented to companies, organizations or individuals making outstanding contributions to clean air, climate change, and the clean transportation technologies industry. The Blue Sky Award recognized DSNY’s leadership and innovation in sustainable transportation technologies and solutions. A list of DSNY’s fleet-awards follows:

- 2005\_EPA Region 2 “**Environmental Quality Award**”
- 2009\_Fleet Owner Magazine “**Vocational Fleet of the Year**”
- 2010\_Motor Week Magazine “**Clean Cities Success Stories**”
- 2010\_Government Fleet Magazine “**#16 Government Green Fleet**”
- 2013\_U.S. EPA Northeast Diesel Collaborative “**Breath Easy Leadership Award**”
- 2014\_Green Fleet Magazine “**Fleet Sustainability Award**”
- 2020\_CalStart “**Blue Sky Award**”

Detailed reports on DSNY’s green fleet and equipment innovations and environmental improvements during the Reporting Period are provided in Attachment 5. DSNY has also begun pilots and instituted programs that are making its fleet safer as part of Mayor de Blasio’s Vision Zero program, including by training all drivers on defensive driving practices and installing wheel side guards on more than 1600 vehicles (as of August 2020).

### **Fresh Kills Landfill Closure/Post Closure, End Use and Renewable Fuel Initiatives**

Section 1/9, the only landfill section that is still undergoing closure construction at the Fresh Kills Landfill, is on track to be completed by the end of 2021. Landfill leachate, the wastewater that is created when rain percolates through garbage, continues to be generated and treated, but has

declined with the placement of final cover on each of the landfill mounds. Landfill gas is generated as waste decomposes and, typically, the peak of landfill gas generation occurs one to two years after a landfill stops receiving waste, and then decreases over time. As landfill gas generation steadily declines at Fresh Kills Landfill, DSNY continues to manage and maintain the gas collection and passive flaring system, including monitoring and reporting for all four landfill sections.

DSNY has generated revenues by selling Fresh Kills Landfill processed gas (biomethane) to Nation Grid for decades. During the Reporting Period it generated substantially more revenue from the sale of renewable fuel credits generated from Fresh Kills landfill gas through its contract with EM Gas Marketing, LLC (EM Gas). Since 2015, EM Gas has managed the generation, marketing and sale of federal Renewable Fuel Standard (RFS) and California-based Low-Carbon Fuel Standard (LCFS) credits derived from Fresh Kills landfill gas. Through the EM Gas contract, DSNY earned over \$20 million in revenue during the Reporting Period. The contract, which ended in December 2020, made New York City part of efforts by some states and USEPA to foster profitable renewable fuel markets in the U.S.

In addition to closure construction, strides were made during the Reporting Period to advance end use goals for the Landfill. A detailed description of Fresh Kills Landfill closure, post-closure and end use activities is provided in Attachment 6.

## **Sustainability and Recycling**

With respect to its SWMP recycling achievements during 2019 (the Organics Collection Pilot and electronics, special waste and SAFE events were suspended in May 2020), DSNY's Bureau of Recycling and Sustainability undertook significant steps in the areas of:

1. Increased curbside organics collection and recycling in select neighborhoods for residents, public and private schools; and continuation of fall leaf collection in Districts not yet served by the Organics Collection Pilot (OCP).
2. Building enrollment programs, drop-off events, and other mechanisms to promote diversion of electronic wastes and textiles from disposal.

3. Drop-off events and acceptance locations for the SAFE handling of residential special wastes and Household Hazardous Waste in every Borough.
4. Community-based composting opportunities through a range of partner organizations and via food scrap drop-off sites.
5. Promotion of materials reuse through the City's network of nonprofit and for-profit sectors.
6. Promoting recycling of paper, metal, glass and plastic recyclables through the longstanding curbside collection program, and via public space recycling receptacles.
7. Engaging schools, public institutions/agencies (specifically NYCHA), community-based organizations, and New Yorkers throughout the five boroughs with enhanced outreach and communications organized around the goal of Zero Waste by 2030.

### **Disposal of MSW via Long-Term Contracts for Transport and Disposal (“Export”)**

DSNY completed the implementation of the Converted Marine Transfer Stations (MTS) Program, a key component of the SWMP long-term plan for the transport and disposal of DSNY-managed waste from the City, or “export” from 4 MTSs, during the Reporting Period; North Shore MTS (Queens) began operation in March 2015; Hamilton Avenue MTS (Brooklyn) began operation in September 2017; Southwest Brooklyn MTS (Brooklyn) began operation in October 2018; and East 91<sup>st</sup> Street MTS (Manhattan) began operation during the Reporting Period in March 2019.

DSNY advanced other components of the SWMP long-term waste export plan during the Reporting Period. Refurbishment continued at the West 59<sup>th</sup> Street MTS, which is a facility at which Manhattan paper recyclables are transferred by barge to a Staten Island paper mill to make liner board. DSNY began the refurbishment of the MTS to ensure its viability for long-term use. The paper recycling operation is planned to move to the new Gansevoort Marine Transfer Station (described below) in the future so that the West 59<sup>th</sup> Street MTS can be made available for Manhattan commercial waste export by barge.

DSNY's Gansevoort Peninsula facilities (inactive Marine Transfer Station and Incinerator, two District Garages and Salt Shed) were demolished in 2018, in accordance with the Hudson River



Park development. The execution of a Memorandum of Understanding, now in draft, between the City and the State would allow for the construction of a Marine Transfer Station for Manhattan Recyclables and an environmental education center at the site of the former Gansevoort MTS. See Section 3.3.4 of this Report.

### **Neighborhood Rat Reduction Initiative**

In 2017, Mayor de Blasio announced the Neighborhood Rodent Reduction Initiative, a targeted set of initiatives to reduce rat populations in three areas with the highest number of failed rodent inspections. This integrated pest management approach will build on the success of the City's current rat abatement programs and attack environmental factors conducive to rats, which is more effective than poisoning rats alone. By dramatically reducing the available habitats and food sources in targeted areas, both rat reproduction and rat colonies will decline. The City will achieve this by cementing dirt basements in NYCHA, purchasing better waste containers, increasing trash pickup and increasing enforcement of rat-related violations in these areas.

In particular, the plan included additional funding for DSNY to replace street corner litter baskets in the rat mitigation zones with rodent-resistant steel cans and to install rat-proof solar compacting litter baskets in select parks and business improvement districts. In addition, the plan called for increased litter basket service in the rat mitigation zones to ensure daily litter basket collection in the rat mitigation zones.

More broadly, during 2019, DSNY expanded efforts to enroll schools and residential buildings in our curbside organics collection program. Participants in this program separate their food scraps, in addition to yard waste and food-soiled papers and set them out in rigid plastic brown bins with latches for collection. This program reduces rodent access to these food scraps, which otherwise would be mixed with refuse and set out for collection in plastic bags on the curb.

As noted in the discussion of DSNY budget cuts and restorations provided below, litter basket service reductions in the FY 2021 DSNY budget have been restored and other community cleaning initiatives have been implemented to address litter and other conditions that may contribute to rat-related issues.

During the pandemic, with fewer restaurants and other businesses operating, there has been less commercial waste generated and increased complaints about rats. For more information on the City's efforts to reduce rodent populations, please visit this link (<https://www1.nyc.gov/office-of-the-mayor/news/472-17/de-blasio-administration-32-million-neighborhood-rat-reduction-plan#0>), access information about rat inspections provided by the Comptroller's Officer at <https://comptroller.nyc.gov/newsroom/new-york-by-the-numbers-weekly-economic-and-fiscal-outlook-no-46-may-10th-2021/> or contact the New York City Department of Health and Mental Hygiene.

## **PROGRAM CHANGES IN 2020**

### **Response to COVID-19**

New York City was the epicenter of the COVID-19 outbreak in this country for much of the first half of 2020 and has experience additional waves of increased COVID positivity rates throughout 2020 and into 2021. While DSNY has continued to provide essential trash and recycling collection services across the City, the pandemic dramatically upended the lives of all New Yorkers, and the economic fallout has been unprecedented.

### **Fiscal 2021 Budget Cuts**

The Fiscal Year 2021 Executive Budget reflected the new pandemic reality. As with all other city agencies, DSNY was forced to make cuts to programs and initiatives in order to continue core government operations and to devote resources to essential safety, health, and shelter, and food security needs.

The FY21 Executive Budget included \$1.75 billion expense funding for DSNY. Between FY20 and FY21, this plan includes a total of \$106.5 million in savings or cuts, including \$45.2 million in FY21. These savings or cuts included:

- \$21.1 million due to a one-year suspension of the organics collection program (beginning May 4, 2020);
- \$9.3 million from the reduction of litter basket service, collection service related to the rat mitigation initiative, syringe collection and other cleaning programs;
- \$3.5 million from the elimination of the curbside e-waste collection program;
- \$3.5 million from one-year reduction in funding for our NYC Compost Project partners;
- \$2.9 million in reduced annual recycling outreach funding for GrowNYC;
- \$2.2 million from a one-year suspension of special waste and household hazardous waste collection programs; and
- \$1.8 million in lower projected costs for the Fresh Kills landfill closure and post-closure maintenance.

### **Fiscal 2021/2 Budget Restorations**

In April 2021, funding was restored for dedicated litter basket service by more than 100 DSNY trucks per week and for Sunday litter basket service. DSNY has also launched a "Precision Cleaning Initiative" that will include hiring 10,000 workers to make up borough-based teams that will target problem areas of the city plagued by litter. Also, in April 2021, the City announced the restoration schedule for a number of programs suspended during the COVID-19 pandemic.

Specifically, with respect to those residents served by the Organics Composting Program prior to its suspension in May 2020, buildings and residents are encouraged to opt-in to receive free weekly curbside composting service. Enrollment in the program launched in August 2021 with compost collection services beginning in October 2021 for Brooklyn Community District 6, with other Districts to follow as the Program ramps up over time. School Curbside Composting service will also return in the upcoming 2021-2022 school year for nearly 1,000 schools. DSNY's five Special Waste Drop-Off Locations, one in each borough, dedicated to harmful materials that do not belong in household waste, will also reopen in July 2021.

GrowNYC's Greenmarket Composting Program and the NYC Compost Project will receive funding and expansions to support community-based drop-offs, composting, and education. Expansions will include all new Smart Bins. Smart Bins will be a public food scrap drop-off source that is operated through the use of an app, which help prevent cross-contamination and misuse.

The Food Scrap Drop-Off Program will be expanded alongside the other launches. By the fall, there will be over 200 community-based sites as compared to the already existing 100 sites. These sites have collected and diverted nearly 1,300,000 pounds of material. More info on the Food Scrap Drop-Off Program can be found [here](#).

DSNY will again offer Reuse Swap Events to ensure usable items are kept out of landfills and are instead brought to better homes for use.

In addition, SAFE Disposal Events will also resume. These events collect solvents, automotive, flammables, electronics products, and other regulated waste. The Events will expand from two events per borough per year to almost with a total of approximately 60 events per year, with one event per community district. This expansion will help keep dangerous chemical and product waste off of streets, out of waterways, and out of landfills.

### **Commercial Waste Zones (CWZ) Program**

The impact of COVID-19 on the city's businesses has dramatically affected the private carting industry. Businesses of all types have been affected by the pandemic, including many that have been temporarily shuttered. The ripple effects through our economy have not spared the private carting industry, which now faces significant financial and operational disruption. Many carters report that their collections and accounts have decreased by 50 to 90 percent or more. While the City and State have begun to lift some restrictions and will continue to do so over the coming weeks and months, the economic toll of this crisis will continue for quite some time.

As a result, DSNY delayed the issuance of the Request for Proposals for Commercial Waste Zones until fall 2020, preceded by applicable rulemakings and additional stakeholder engagement, but remains firmly committed to implementing this program and fully realizing its benefits for all New

Yorkers. The delay allowed the business community and the carting industry to begin to recover and stabilize before embarking on this transformative effort that will require bold, forward-looking commitments from DSNY partners in the private sector. See ES-4, Section 3.3.1 and the CWZ Plan which appears at [https://dsny.cityofnewyork.us/wp-content/uploads/2018/11/CWZ\\_Plan-1.pdf](https://dsny.cityofnewyork.us/wp-content/uploads/2018/11/CWZ_Plan-1.pdf).

## **NEW INITIATIVES IN 2019**

### **Green New Deal / OneNYC 2050**

In April 2019, Mayor de Blasio issued an updated long-term strategic plan for the City--dubbed a "Green New Deal", known formally as OneNYC 2050--that includes a number of initiatives designed to reduce waste and carbon-intensive consumption in the City. These include a commitment to make organics recycling collection mandatory citywide, expanding the nation's largest organics management program, including curbside pickup, drop-off sites, and support for community composting opportunities. In addition, the Plan references an April 2019 Executive Order that directs city agencies to stop purchasing single-use plastic foodware and replace it with compostable or recyclable alternatives. This Executive Order, which reduces the purchase of single-use plastics by city agencies by an estimated 95%, will also reduce New York City's carbon emissions by approximately 500 tons per year, decrease plastic pollution, and reduce risks to wildlife. Implementation will begin by the end of 2019. Other initiatives with solid waste management implications include that the City commits to a carbon-neutral City fleet by 2040. The Green New Deal, OneNYC 2050 can be accessed through this link: <https://onenyc.cityofnewyork.us/>

### **Ban on Single-Use Foam Products**

Beginning on January 1, 2019, the City banned the use of single-use foam products. This means that food service establishments, stores, and manufacturers may not possess, sell, or offer for use single service Expanded Polystyrene (EPS) foam food service articles or loose fill packaging, such as "packing peanuts" in the City.

Following the dismissal of a lawsuit delaying the ban on EPS foam food service articles and packing peanuts in New York City, DSNY, after consultation with corporations, non-profits, vendors, and other stakeholders, determined that EPS Foam cannot be recycled, and that there currently is no recycling market for post-consumer EPS collected in a curbside metal, glass, and plastic recycling program.

There was a six-month grace period from when the ban went into effect on January 1, 2019 before fines could be imposed. DSNY, the Department of Health and Mental Hygiene, and the Department of Consumer Affairs conducted outreach and education in multiple languages to businesses throughout all five boroughs during this period. Enforcement activity will be discussed in future Reports. See Section 5.1.3 and Attachment 4A for more information on the law.

### **City Requires Some Larger Restaurants, Chain Restaurants and Grocery Stores to Separate their Food Waste from their Trash and put it to Beneficial Use**

On February 15, 2019, DSNY began enforcement of a City law that requires some larger restaurants, chain restaurants and grocery stores to manage their food preparation waste separately from their trash, and ensure it is beneficially reused, not sent to a landfill. The fine for a violation starts at \$250.

When food waste ends up in a landfill, it releases methane, a harmful greenhouse gas and major contributor to climate change. However, that same food waste can be turned into beneficial compost or renewable energy. Some may even be able to be used as a food source. The law, expected to divert about 50,000 tons of food waste from landfills every year, is an expansion of a previous law covering some city stadiums, restaurants in hotels, food manufacturers and food wholesalers and is a critical component of the City's efforts to achieve greenhouse gas emissions reduction goals.

To comply, covered businesses can hire a private carter, self-transport, or process their food scraps onsite for beneficial use, such as for use as compost or in anaerobic digestion, a way of generating renewable energy in the form of biogas. If appropriate, businesses may also donate food to a third-

party charity or food bank, sell or donate the food to a farmer for feedstock, or sell or donate meat by-products to a rendering company.

## **ReFashion Week NYC**

From February 23 to March 1, 2019, DSNY hosted ReFashion Week NYC, the first-of-its-kind event celebrating sustainability and reuse in fashion. The week-long celebration included events across the City, such as a pop-up market, clothing swaps, a mending and upcycling workshop, and a ReFashion show – all focused on reducing textile waste and making fashion sustainable. ReFashion Week NYC 2020 was held during the week of February 22 - 28, 2020.

Every year, New Yorkers send approximately 200,000 tons of clothing, shoes, and accessories to landfills. With fast-fashion wear becoming more popular and accessible, textile waste has the potential of increasing. ReFashion Week NYC connects the fashion world, sustainability experts, the re-use industry and consumers to reduce textile waste.

ReFashion Week NYC was implemented in collaboration with the Foundation for New York's Strongest and members of the [donateNYC Partnership](#) including FABSCRAP, Housing Works, Goodwill, NYC Fair Trade Coalition, and others. In addition to holding events, ReFashion Week NYC issued a [lookbook](#) - a sampling of fashionable outfits styled with secondhand clothing from our donateNYC partners. or a full listing of events, and to view the *ReFashion Week Lookbook*, visit [refashionweek.com](http://refashionweek.com).

## **Foundation for New York's Strongest 2nd Food Waste Fair**

The Foundation for New York's Strongest, Inc. (Foundation), is DSNY's official nonprofit organization. Supported by private funding and in-kind donations, the Foundation leverages non-traditional strategies to promote sustainability and advance the essential services Sanitation employees provide by:

- Emphasizing New York's Strongest as City's emergency responders and highlighting their critical, daily service;

- Forging partnerships with private-sector organizations to move the City toward sending zero waste to landfills by 2030; and
- Working to establish an educational museum dedicated to DSNY’s rich history, current operations and vibrant future.

During Fashion Week in 2016, the Foundation launched a bold, new designer ready-to-wear collection - Uniform - to keep used clothing from decomposing in landfills, and then turned its attention to food waste. City food-related organizations send more than 650,000 tons of usable food to landfills each year, which could be used to feed people or animals, nourish soil, grow healthy food, or create energy.

To help address this issue, the Foundation held its 2<sup>nd</sup> Food Waste Fair on May 23, 2019 in the Brooklyn Navy Yard. The Fair was an interactive experience connecting food, beverage and hospitality professionals with the resources and education they need to reach zero food waste in their businesses. See Attachment 1B and visit <https://www.sanitationfoundation.org/> for more information on Foundation projects.

### **“Trucks of Art” Project**

In February 2019, DSNY announced “Trucks of Art”, an opportunity for artists to put their artwork, focused on sustainability or the DSNY workforce, on a DSNY collection truck. As DSNY leads New Yorkers to send zero waste to landfills, artists used paints that would otherwise be discarded or recycled in their artwork. The “Trucks of Art” competition was open to all artists, professional and amateur. More than 100 applicants submitted short descriptions of their ideas and design mock-ups. DSNY chose 5 finalists and provided paint – from donated household latex paints to spray paints - and access to the trucks for painting in April 2019. The trucks were publicly unveiled in July 2019 and exhibited throughout the summer in Times Square before being placed in regular collection rotation.

### **Single-Use Plastic Bag Ban**

Starting in March 2020, NY State planned to prohibit the distribution of single-use plastic carryout bags, with limited exceptions. This State law also allows counties and municipalities to enact a



five-cent fee on paper carryout bags. In April 2019, the City enacted legislation to authorize this fee when the State plastic bag ban takes effect. See Sections 3.1.12 and 5.1.3 of this Report for more information and Attachment 4E for the 2019 State Budget Bill (plastic bag legislation is in Part H) and new local legislation in Attachment 4A.

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

The Planning Unit for the local Solid Waste Management Plan 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 in 2006. During the Reporting Period, DSNY-managed waste was disposed in facilities located in New York, New Jersey, Virginia, South Carolina and Ohio. See Attachments 2A and 2B for specific disposal facility names and addresses.

The statistical profile of the City in terms of population, however, has changed since the issuance of the SWMP. More specifically, according to 2010 Census-based population information (2020 population results are not yet available) provided on the New York City Department of City Planning (NYCDCP) website at <https://www1.nyc.gov/site/planning/planning-level/nyc-population/nyc-population.page>, the City's population is currently approximately 8,340,000, an increase of 162,000 or 2 percent since April 2010 (the 2010 Census), down slightly from the previous Reporting Period, but below the population projected for FY 2020 (8,979,567) in the SWMP (See Table II 2-1) and below NYCDEP's 2020 population projection (8,550,971) provided in its December 2013 report entitled New York City Population Projections by Age/Sex & Borough which appears at [https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/projections\\_report\\_2010\\_2040.pdf](https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/projections_report_2010_2040.pdf)

### **Waste Generation and Recycling Projections**

Despite the growth in the City's population since 2010, the actual quantity of DSNY-managed waste for export and disposal that was projected in the SWMP for the years 2015 (11,136 tpd) and 2020 (11,469 tpd) is somewhat higher than the amount that DSNY managed during the Reporting Period. The quantity of waste managed by DSNY has slowly increased during the SWMP planning period from an average of 10,592 tpd in 2016, to 10,655 tpd in 2017, 10,753 tpd in 2018, 10,728 tpd in 2019 and 11,058 tpd in 2020. The quantity of recyclables (MGP, organics and paper) handled during the Reporting Period averaged 2,163 tpd in 2017 and 2,255 tpd in 2018, 2,181 tpd

in 2019, and 2,195 tpd in 2020, but is less than the 3,618 tpd that was estimated in the SWMP for 2015, and the 3,820 tpd projected for 2020.

As noted in the last four SWMP Biennial Compliance Reports, the economic circumstances of the City have fluctuated since SWMP approval. Through 2012, the City, still recovering from the economic recession and fiscal crisis, experienced decreased tax revenues. According to the New York City Comptroller's office, New York City's economy continued its slow solid growth during 2019 and despite the financial blows suffered by the City because of COVID-19-related restrictions and budget cuts in 2020, the City's job creation, cash on hand and other economic indicators have improved since 2020. See <https://comptroller.nyc.gov/newsroom/new-york-by-the-numbers-weekly-economic-and-fiscal-outlook-no-46-may-10th-2021/>. While the unemployment rate dropped during the previous Reporting Period and was an estimated 4.0% in January 2020, the New York City unemployment rate rose to a high of 19% in mid-2020 due to the economic effects of COVID-19 restrictions and, according to the most recent US Bureau of Labor Statistics, the unemployment rate was 14% as of January 2021. A detailed look at trends in unemployment, employment, wages, prices, spending and benefits in the City appears at [https://www.bls.gov/regions/new-york-new-jersey/summary/blssummary\\_newyorkcity.pdf](https://www.bls.gov/regions/new-york-new-jersey/summary/blssummary_newyorkcity.pdf). The Department of City Planning provides additional information on the effect of COVID-19 on the City's employment at <https://us8.campaign-archive.com/?u=66416d8ec25efe8a8a82a9945&id=937d444834>.

## SECTION 2 – SWMP MILESTONE ACCOMPLISHMENTS

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

**Table 1:  
Completed Recycling SWMP Milestones**

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

**Table 1:  
Completed Recycling SWMP Milestones**

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

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES</b>			
<b>DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN</b>			
Complete design and permitting	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	See § 3.2	Completed CY 2017
<b>DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41<sup>ST</sup> STREET, BROOKLYN</b>			
Complete design and permitting	2007	See § 3.2	Completed FY 2014
Complete construction and begin facility operation	2017	See § 3.2	Completed CY 2018
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>			
Complete design and permitting.	2007	See § 3.2	Completed FY 2013
Complete construction and begin facility operation	2016	See § 3.2	Completed CY 2019
<b>DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS</b>			
Complete design and permitting	2007	See § 3.2	Completed
Complete construction and begin facility operation	2014	See § 3.2	Completed March 2015
<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 and begin facility operation	2007	See § 3.2	Completed
<b>BROOKLYN LONG-TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed
Complete design, environmental review, permitting and construction and begin facility operation	2009	See § 3.2	Completed
<b>QUEENS LONG-TERM EXPORT PROCUREMENT</b>			
Complete contract negotiations and award contract	2007	See § 3.2	Completed FY 2014
Complete design, environmental review, permitting and construction and begin facility operation	2013	See § 3.2	Completed July 2015

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

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

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

<b>PROGRAM Milestone</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Current Status</b>
<b>ASSESS FEASIBILITY OF USING WEST 59<sup>TH</sup> STREET MTS FOR PROCESSING COMMERCIAL WASTE</b>			
Issue an RFP to solicit private vendors	2007	See §§ 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, but see Section 3.3.4 discussion and Attachment 4B
<b>TRUCK TRAFFIC ANALYSIS</b>			
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2008	See § 4.4	Completed
<b>NYCDEP FOOD WASTE DISPOSAL STUDY</b>			
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City	2008	See § 5.4	Completed
Consultant to complete study	2009	See § 5.4	Completed



### SECTION 3 – SWMP STATUS / IMPLEMENTATION

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

**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>PROPOSED ACTION – RECYCLING FACILITIES AND SERVICES</b>				
<b>MATERIALS PROCESSING FACILITY, 30<sup>TH</sup> STREET PIER AT SBMT</b>				
City and SHN execute 20-year agreement		2007	§ 2.3.1 + 2.4.3	Completed
SHN’s South Brooklyn processing facility to begin receiving paper in addition to MGP	2013	2011	§ 2.3.1 + 2.4.3	Completed CY2013
<b>MANHATTAN “ACCEPTANCE FACILITY” RECYCLABLES TRANSFER STATION</b>				
Finalize site selection and complete design and permitting	2014	2008	§ 2.3.2 + 3.3.4	Delayed; design/approvals/permitting pending MOU execution;
Complete construction and begin facility operation	2017	2011	§ 2.3.2 + 3.3.4	Delayed; construction to begin post MOU execution;
<b>NEW INITIATIVES – RECYCLING</b>				
Propose LL19 amendments to Council, including to replace mandatory tonnage diversion w/percentage goals		2007	§ 2.4.1	Completed
Reach resolution on draft legislation to revise LL19		2008	§ 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>
Electronics recycling Citywide events and mailings		Ongoing	§ 2.4.5	Completed; preempted by State EPR e-waste law enactment
Develop electronics recycling legislative initiative		2007	§ 2.4.5	Completed
<ul style="list-style-type: none"> <li>• Issue Citywide Waste Characterization Study</li> <li>• Final Report</li> </ul>		2007	§ 2.4.2	Completed
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/Curbside/Containerized Diversion Rate increased from 15.4% in FY 2014 to 16.0% in FY2015 to 16.9% in FY 2016 to 17.4% in FY2017 to 18.0% in FY 2018.
Promote restoration of recycling services		Ongoing	Attachment VI, § 1.4.2	Ongoing
Begin recycling re-education of City Agencies and institutions		2007	§ 2.4.0	Ongoing

**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
SHN to Test Feasibility of separating, marketing and recycling plastics 3-7 and if feasible, DSNY to require source separation and educate public		2009-10	§ 2.4,3.1	Completed. Rigid plastics added FY 2013
DSNY/BIC to report on completed study on efficacy of current laws and feasibility of increasing commercial recycling and report and discuss cost-effective ways to improve diversion		2010	§ 2.4.7.5	Completed Report issued August 2016
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	Completed Resumed Fall 2016

**Table 4:  
SWMP Milestones – Recycling**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
Resume compost education and give-back programs in cooperation with the City's Botanical Gardens		2005	Attachment VI, § 1.7.5	Completed
Seek regulation revision to require residents to set out leaves in paper bags, educate public and retailers		2007	§ 2.4.8	Completed
Issue electronic newsletter		Ongoing	§ 2.4.7.2	Completed
NYCDEP to issue RFP to study the feasibility of a food waste disposal pilot		2008	§ 5.4	Completed
NYCDEP to complete food waste disposal feasibility study		2009	§ 5.4	Completed
Issue new HHW reduction publication		2007	§ 2.4.7.4	Completed on-line
Issue RFP for HHW collection days and report to Council on proposal selection		2007-8	§ 2.4.6	Completed
Commence HHW collection contract		2009	§ 2.4.6	Completed
Establish Composting/New Technology Facility Task Force		2008	§ 2.4.8.4	Completed
Resolve feasibility issues regarding development of on-site food composting facility at Hunt's Point Food Center	2014	2007	§ 2.4.8.2	Ongoing by Mayor's Office of Sustainability & NYCEDC
DSNY to support legislation to require composting of landscaping organic waste/subsidize and promote bins		N/A	§ 2.4.8.3	Completed

### **3.1 RECYCLING IMPLEMENTATION**

#### **3.1.1 CURBSIDE RECYCLABLES PROCESSING**

DSNY's adopted budget for the Reporting Period allocated sufficient funds to process paper/cardboard, and commingled metal, glass, plastic and beverage containers (MGPC), which continue to be collected from all 3.5 million New York City households, all public and most private schools, public institutions, and many nonprofit institutions in New York City. For fiscal years corresponding to the Reporting Period, diverted tonnages totaled over 1.28 million tons, reflecting paper/cardboard and MGPC collections from these sources.

Attachment 3A provides a list of the paper/cardboard and MGPC processing vendors that DSNY relied on during the Reporting Period. Attachments 3C and 3D provide details on bulk metal collection that is transferred to Sims Municipal Recycling's yards located in Long Island City, Bronx and Jersey City, NJ. No bulk metal is transferred to Sims' Sunset Park, Brooklyn facility.

#### **3.1.2 RECYCLABLES PROCESSING/ADDITIONAL MATERIALS**

In accordance with Local Law 35 of 2010, DSNY evaluated the recycling of rigid plastic containers, and began to conduct outreach programs once it was determined that these materials would be recycled. In 2013, DSNY added all rigid plastics to its recycling program. The designation of all rigid plastics in commingled metal/glass/plastic/container recycling continued during the Reporting Period. In 2017, DSNY conducted a City-wide waste characterization which assessed the composition of curbside recycling and refuse. Results were reported on DSNY's website at [www.nyc.gov/wastestudy](http://www.nyc.gov/wastestudy), and include detail on additional rigid plastics as a percentage of MGP and refuse collections.

In accordance with Local Law 142 of 2013, the NYC Department of Sanitation determined that expanded polystyrene foam food and beverage containers cannot be recycled in a manner that is economically feasible, environmentally effective, and safe for employees as part of the City's curbside recycling program. For more information, please see Section 5.1.3 of this Report for a

discussion of Local Law 142 of 2013 and the DSNY Determination on the Recyclability of Food-Service Foam.

As of January 1, 2019, New York City stores, food service establishments, and mobile food commissaries may no longer offer, sell or possess single-use foam food containers such as foam takeout clamshells, cups, plates, bowls, trays, and coolers. Additionally, manufacturers and stores may no longer sell or offer for sale loose fill foam packaging (“packing peanuts”) in the city.

### 3.1.3 RESIDENTIAL ORGANICS COLLECTION PROGRAMS (OCP)

In fall 2012, DSNY began offering limited curbside collection of organic waste – including food scraps, food-soiled papers and yard waste – to residents. This service, called for in Local Law 77 of 2013, continued to expand to cover 1-9 unit residences through April 2018 in Community Districts outside of Manhattan, at which time expansion was paused. Enrollment of 10+ Unit residences continued in all Boroughs.

During the Reporting Period, as shown in the tables below, expansion added roughly 21,674 households in 2019 and another 5,839 in 2020 prior to the program’s suspension in May 2020 due to COVID-19-related budget cuts.

**Table 5: Households Added to Curbside Organics Collection Program**

<b>Calendar Year</b>	<b>Households 1-9 Units</b>	<b>Households 10+ Units</b>	<b>Households Total</b>
2017	449,531	36,663	486,194
2018	57,210	34,738	91,948
2019	0	21,674	21,674
2020	0	5,839	5,839
<b>Total</b>	<b>506,741</b>	<b>98,914</b>	<b>605,655</b>

At the end of 2020, more than 913,415 NYC households were covered by organics collection service, as shown below.

**Table 6: Cumulative Households Covered By Curbside Organics Collection Program**

<b>Calendar Year</b>	<b>Households</b>
2013	35,753
2014	113,194
2015	216,932
2016	310,924
2017	797,118
2018	889,066
2019	907,576
2020	913,415

During the Reporting Period, the organics collected were composted at DSNY’s Staten Island Compost facility as well as via contract with processors (see Attachment 3B). Expanded information on facilities and capacity is provided in Attachment 3D. Tonnages collected from residents and schools under the OCP, as well as additional DSNY collections of leaves, Christmas Trees, and DSNY-serviced food scrap drop-off sites, totaled close to 60,000 tons over the fiscal years that correspond to the Reporting Period, prior to the program’s suspension in May 2020 due to COVID-19-related budget cuts.

As part of the Neighborhood Rat Reduction Initiative, participants in both the household and school organics diversion programs separated their food scraps, yard waste and food-soiled papers and set them out in rigid plastic brown bins with latches for collection. This set-out requirement reduced rodent access to these food scraps, which otherwise would be mixed with refuse and set out for collection in plastic bags on the curb. Note that DSNY’s organics diversion programs were suspended for one year beginning in May2020 due to budget cuts resulting from the City’s ongoing response to the COVID-19 pandemic.

### **3.1.4 SCHOOL DIVERSION PROGRAMS**

As of the end of 2020, 833 public schools, and another 69 private schools, were covered by the Organics Collection Pilot (OCP). However, the program was suspended in March 2020 due to COVID-19-related budget cuts. During the Reporting Period, DSNY continued to work closely with the Department of Education (DOE) to address issues of school facility compliance with

recycling of paper/cardboard and MGP recycling schedules and separation requirements, as well as to promote participation in the School Organics Collection Program.

Working with DOE, DSNY continued a strategy of support, training and education to all schools, and enhanced outreach and monitoring 126 schools in Manhattan and Brooklyn chosen as “Zero Waste Schools.” For Zero Waste Schools, as well as (in 2020) for over 190 schools located in the Rat Mitigation Zones, DSNY instituted the School Scorecard system of monthly curbside monitoring and reporting.

In 2017, DSNY completed a Waste Characterization Study that included establishing a baseline composition of school waste citywide. Resulting data has been used to inform ongoing planning to maximize the divertible fractions of school waste. Results were reported on DSNY’s website at [www.nyc.gov/wastestudy](http://www.nyc.gov/wastestudy).

During the Reporting Period, DSNY continued to support the Zero Waste Schools Website as a platform for growing and enhancing diversion of paper, MGP and organics from schools, as well as fostering an educational understanding of the principles of Zero Waste.

### **3.1.5 PUBLIC SPACE RECYCLING**

In accordance with Local Law 38 of 2010, DSNY continues 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. Currently, DSNY has deployed more than 2,018 recycling bins across the City’s five boroughs, with locations posted on the agency’s website. The City’s recycling bins work the same way as the residential recycling program, with public space recycling sites situated throughout all five boroughs, including in many City parks (achieving the Public Space Recycling receptacle goal set forth in Local Law 38 of 2010). The receptacles are bright blue and green, and are placed, in most cases, adjacent to one another alongside a trash receptacle to discourage cross-container contamination. Recycling is required at all NYC street events, including informal block parties and street fairs.



### 3.1.6 CITY AGENCY RECYCLING

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

See the Executive Summary for information on an April 2019 Executive Order that ends City Agency reliance on single use plastics.

### 3.1.7 SPECIAL WASTE AND ELECTRONIC RECYCLING

#### Special Waste

DSNY's Special Waste Programs target the safe disposal of harmful products generated by residents and DSNY-managed institutions, including solvents, automotive materials, flammables and electronics (SAFE materials) as well as other potentially harmful household products, which have increased in the quantity recovered from the prior reporting period.

During 2019, DSNY held ten SAFE events--two per year in each of the five boroughs--attracting almost 28,000 residents dropping off Harmful Products and Pharmaceuticals, in addition to Electronics (described below). Note that due to COVID-19-related budget cuts, Spring 2020 and Fall 2020 SAFE events were suspended.

<b><u>Event Series</u></b>	<b><u>Bronx</u></b>	<b><u>Brooklyn</u></b>	<b><u>Manhattan</u></b>	<b><u>Queens</u></b>	<b><u>Staten Island</u></b>
Spring 2019	Orchard Beach	Prospect Park	Columbia University	Astoria Park	Midland Beach
Fall 2019	Orchard Beach	Floyd Bennett Field	Union Square	Cunningham Park	Midland Beach
Spring 2020	Cancelled	Cancelled	Cancelled	Cancelled	Cancelled
Fall 2020	Cancelled	Cancelled	Cancelled	Cancelled	Cancelled

DSNY also continued to operate Special Waste Dropoff Sites for use by residents in each Borough in 2019; the sites were closed starting May 2020 due to budget cuts related to COVID-19 and are scheduled to re-open in fall 2021. These facilities typically open one day per week to accept both Special Waste (latex paint, used oil, fluorescent tubes and bulbs, batteries, mercury-containing thermostats) and electronic waste from City residents for subsequent off-site recycling, energy recovery or disposal. Additionally, DSNY worked with the NYC Department of Education and other city agencies on its Agency Safe Handling program, which provides guidance in proper handling of fluorescent bulbs, ballasts, batteries, mercury-containing items, and electronics.

<u>Calendar Year</u>	<u>Harmful Products</u>	<u>Pharmaceuticals</u>	<u>Total SAFE Event</u>
2019	451 tons	4.8 tons	28,166 Attendees
2020	N/A	N/A	N/A

Finally, DSNY targeted refrigerants from air conditioners, refrigerators, water coolers, freezers and dehumidifiers for their collection and safe handling and disposal. Refrigerants act as potent greenhouse gases if released into the atmosphere. Local Law 69 of 2013 was enacted to establish a manufacturer-funded program for the recovery of refrigerants from refrigerant-containing appliances that are being disposed of by residential generators in the City of New York. Manufacturers of air conditioners, water coolers, refrigerators, and freezers are responsible for properly recovering and removing ozone-depleting refrigerants when they are thrown away. Manufacturers are billed for their appliances if DSNY collects them through its refrigerant recovery program.

Total tonnages managed through these programs, as well as through DSNY internal garage operations for safe handling of harmful products, totaled nearly 877 tons during the Reporting Period.

DSNY supports the idea of Extended Producer Responsibility (EPR) and follows the movement of legislation in this arena. On January 1, 2015, it became illegal for New Yorkers to dispose of their electronics in the trash. DSNY has created several convenient programs for New Yorkers to responsibly dispose of their electronics including E-cycleNYC (servicing apartment programs),

SAFE Disposal Events, and Special Waste Drop-Off Sites. DSNY will continue to look for new ways to manage harmful household products.

## **Electronic Waste**

During the Reporting Period, DSNY also worked to expand the range of convenient alternatives for New Yorkers to recycle computers, printers, televisions, cell phones, and other electronic/audiovisual equipment, in accordance with the NY State Electronic Equipment Recycling and Reuse Act of 2010. As of the end of CY 2020, nearly 909,800 households in almost 14,800 buildings were enrolled in this program, with an additional 56 Agency/institutional sites also enrolled. Total tonnages managed through these programs totaled nearly 5,570 tons for fiscal years corresponding to the Reporting Period.

DSNY continued its curbside electronics collection pilot in Staten Island, and expanded collections into Brooklyn, Queens, and the Bronx in 2019. DSNY also established a protocol for the separate collection of electronic waste illegally left at curbside and continued accepting year-round drop offs of e-waste at DSNY's Special Waste sites described above. Note that e-waste collection programs were suspended in 2020 due to budget cuts resulting from the City's ongoing response to the COVID-19 pandemic.

The City's E-cycleNYC partner is Electronic Recyclers International (ERI), which is certified with e-stewards and R2/RIOS (Recycling Industry Operating Standards), ensuring that all materials will be handled in an environmentally responsible manner and not landfilled or exported illegally.

In 2019, DSNY continued to conduct extensive outreach to promote enrollment in the E-cycle program and facilitated public donation events in buildings and in public venues. Furthermore, during the Reporting Period, DSNY facilitated e-waste recycling via Take-Back at retailers, mail-back to manufacturers, and donation to nonprofit organizations, publicizing these venues on its website.

## **Other Diversion Programs**

Local Law 38 of 2010 required DSNY to establish a citywide textile reuse and recycling program on City-owned or City-managed property throughout the City, prior to January 1, 2011. DSNY established its citywide program, refashionNYC, for residents of apartment buildings with 10 or more units in 2010. This program provides donation bins for eligible buildings to reuse and recycle unwanted clothing and linens. The Apartment Building Recycling Initiative helps building managers, superintendents, and residents to improve recycling operations through on-site assessments and training.

DSNY's Bureau of Recycling and Sustainability (BRS) continued to expand its refashionNYC program for the recovery and reuse of unwanted clothing and non-clothing textiles, in partnership with the New York City nonprofit Housing Works. Clothing and accessories donated through refashionNYC are sorted out at the Housing Works warehouse in Queens. All proceeds from donations support the charitable mission of Housing Works to end the dual crises of homelessness and AIDS.

The cornerstone of refFashionNYC is the building enrollment program, which places textile donation bins in residential buildings of ten units or more, as well as in office buildings, commercial businesses, schools, and institutions, for on-call collection. By the end of the Reporting Period, refashionNYC was active in nearly 2,300 buildings covering around 203,000 households, plus another 84 institutional/commercial sites. During this time, DSNY conducted extensive outreach throughout New York City to promote refashionNYC. DSNY publicized the program through its website, social media accounts, and participated in a number of events, such as New York Fashion week. DSNY also facilitated donation events in public venues. Total tonnages managed through these programs totaled nearly 4,000 tons for the fiscal years corresponding to the Reporting Period.

Note that Textiles collected through refashionNYC that cannot be reused are sold to textile merchants for recycling or exported to overseas markets. Per contractual language, our contractor is to reuse and/or recycle all textiles collected under the program to the greatest extent possible. They are not permitted to incinerate, landfill, or otherwise dump reusable or recyclable textiles.

### **3.1.8 MATERIALS REUSE**

DSNY has continued to support its <http://nyc.gov/donate> website and mobile app aimed at diverting unwanted goods from landfills through reuse. This program provides a singular platform to make donating and reusing goods easier for all New Yorkers. Residents can use their location to find places to give or find second-hand goods by searching the donateNYC Directory and mobile app, and businesses and nonprofits can use the donateNYC Exchange to donate or receive gently used and surplus commercial goods. DSNY also continued its longstanding donateNYC Partnership program, which encourages the growth and development of the nonprofit reuse sector in NYC by providing a support network for local organizations that accept and distribute second-hand and surplus donated goods. donateNYC partners include over 70 thrift stores, social service providers, and creative arts programs with approximately 4,800 tons collected over the Reporting Period. See the Executive Summary and Attachment 1A for information on the expansion of the platform to include food donations.

During the COVID-19 public health emergency, as businesses and schools temporarily shut down, the donateNYC team helped to coordinate donations of any perishable food to nonprofits. DonateNYC also leveraged its network to provide PPE, clothing, and other supplies to healthcare workers, COVID patients, and other city agencies. donateNYC contributed to the City's emergency food program by coordinating meal deliveries to food rescue nonprofits and by matching food vendors with nonprofit recipients for any unsuccessful meal deliveries. Over 10.7 million meals were distributed through donateNYC's network in 2020.

#### **Community Composting**

To support organic waste recycling in all its forms, DSNY continued its longstanding support of community composting through the New York City Compost Project (NYCCP). In partnership with Brooklyn Botanic Garden, Big Reuse, Earth Matter NY, the Lower East Side Ecology Center, The New York Botanical Garden, Queens Botanical Garden, and the Snug Harbor Cultural Center, DSNY conducted and facilitated the transformation of food scraps into rich, fertile compost to use locally in farming, gardening, and community beautification.

NYC Compost Project partners operated 6 DEC-registered community compost sites in 2019 and 2020. These compost sites processed a total of 2,650.8 tons of material in CY 2019 and 1,461.3 tons of material in CY 2020. Tonnage was lower in 2020 due to COVID-19-related budget cuts. All sites stopped accepting new material in March 2020 and shut down operations from June – August 2020. Sites reopened gradually starting in September 2020.

<b>NYC Compost Project DEC-registered Community Compost Site</b>	<b>Tons of Material Composted in CY 2019</b>	<b>Tons of Material Composted in CY 2020</b>	<b>NYC Compost Project Partner / Operator</b>
Compost Learning Center	695.2	335.6	Earth Matter NY
East River Park Compost Processing Site	785.8	559.3	LES Ecology Center
QBG Farm and Compost Site	154.2	77.0	Queens Botanical Garden
Queensbridge Park Compost Site	657.8	352.4	Big Reuse
Red Hook Community Farm Compost Site	131.8	11.2	Brooklyn Botanic Garden
Salt Lot Community Compost Site	226.1	125.8	Big Reuse
<b>Total</b>	<b>2,650.8</b>	<b>1,461.3</b>	All NYCCP DEC Sites

In 2019 and 2020, DSNY also continued its work with public food scrap drop-off (FSDO) sites throughout the five boroughs. FSDOs are operated by DSNY-funded partners, including the NYC Compost Project and GrowNYC, and an increasing number of sites are completely or partially managed by volunteers at community organizations. DSNY-funded FSDOs ceased operations in March 2020 due to Covid-19 health and safety concerns and remained closed for several months due to budget cuts. Some FSDOs opened starting in August 2020.

FSDOs operated by DSNY-funded partners (NYCCP and GrowNYC) accepted a total of 2,349.0 tons of food scraps in CY 2019 and 940.5 tons in CY 2020. FSDO tonnage data is available from DSNY-funded FSDOs and community managed FSDOs where DSNY partners are hauling. In late 2020, DSNY-funded partners began hauling material from a small number of community managed FSDOs, and this tonnage data is included in the FSDO tonnage. In CY 2019 and January – March 2020, the DSNY Bureau of Cleaning and Collections hauled material from a portion of DSNY-funded FSDOs.

<b>FSDO Tonnage by Destination (tons)</b>	<b>CY 2019</b>	<b>CY 2020</b>
Composted at an NYCCP Community Compost Sites	1,584.8	762.0
Composted at other Non-NYCCP Community Compost Sites (sites not funded by DSNY)	38.6	3.6
Collected by DSNY	725.5	175.0
<b>Total Amount of Material Accepted at FSDOs (tons)</b>	<b>2,349.0</b>	<b>940.5</b>

### **3.1.9 OUTREACH AND COMMUNICATIONS**

As described above, DSNY has undertaken proactive outreach for paper/MGPC recycling, organics recycling, e-waste recycling, textile donations, other reuse donations and exchanges, and SAFE handling of harmful household wastes. DSNY's BRS staff has continued to enhance the existing DSNY-provided web-based resources for residents and building management. All the public education materials are available as downloadable resources which can be printed from the convenience of one's home or workplace. DSNY staff has continued to provide information, decals and brochures through 311 requests and DSNY's various websites. Most materials are also available in Spanish and Chinese, and select materials are available in up to fourteen additional languages. DSNY continues to expand its outreach through the newest forms of electronic communication, including Facebook, Twitter and Instagram.

In 2017 and 2018, DSNY produced and mailed a wide range of different notifications to various audiences, such as schools, commercial businesses, new recipients of organics curbside collection and residents living near our SAFE Disposal Events. In addition to these notifications, a monthly mailing regarding proper recycling and disposal is sent to all residents who have registered to change their address with the United States Postal Service.

To promote recycling diversion, DSNY recycling outreach staff has also continued to assist the City's landlords, building managers, co-op boards and condo associations, and building superintendents requesting DSNY education and assistance to improve their buildings' recycling rates. 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.

Furthermore, DSNY has leveraged strategic partnerships with a wide array of nonprofit agencies, including GrowNYC, NYCCP partners, and others, to supplement field outreach staff and boost the presence of DSNY messaging among the public. Included among these are the NYC City Service Corps, an AmeriCorps program run by NYC Service, which unites a diverse group of professionals to serve full-time at City agency host sites, including DSNY, working to address community needs; and the NYC Summer Internship Program, which provides City government



internships allowing students to make important contributions to the City while participating in a challenging and rewarding work experience.

### **NYCHA Outreach and Communications**

DSNY supported NYCHA in rolling out its recycling program starting in 2015. As part of this effort, DSNY added new recycling pickup locations, trained NYCHA staff, and funded a resident education program. By the end of the fiscal year corresponding to the Reporting Period, all NYCHA developments had been equipped with bins and training. During this period, over 33,000 NYCHA residents and staff were trained.

One innovative feature of this partnership is the Environmental Ambassador program, in which NYCHA residents can volunteer to become community recycling experts. After completing two recycling trainings, Environmental Ambassadors conduct 12 hours of local outreach at their own development, encouraging their neighbors to participate in the NYCHA Recycles! Program.

In 2017, DSNY completed a characterization of NYCHA containerized refuse as part of its Waste Characterization Study and continues to work with NYCHA to promote waste reduction and recycling at NYCHA complexes. Results are posted at [www.nyc.gov/wastestudy](http://www.nyc.gov/wastestudy).

#### **3.1.10 LOW DIVERSION DISTRICTS**

In calendar years 2017 and 2018, DSNY (in partnership with GrowNYC), conducted a wide range of outreach and education efforts to boost recycling participation in community districts with low diversion rates. Target Low Diversion Districts (LDD's) in 2017 and 2018 were community districts with a diversion rate of 10% or less in 2015. The bulk of DSNY's LDD efforts in 2017 and 2018 were centered around recycling outreach to the New York City Housing Authority (NYCHA) as NYCHA did not begin to operationalize recycling at their developments until 2016. Therefore, the presence of NYCHA developments in a district is a recognized rationale for historic low diversion rates. For example, Bronx District 1 had a 5.9% diversion rate in 2015 and 31% of the total population Bronx District 1 population lives in NYCHA housing. Likewise, Brooklyn District 16 had a 7.8% diversion rate in 2015 and 22% of that district's total population is in

NYCHA housing. These statistics are not surprising given that NYCHA residents were unable to participate in the city's recycling infrastructure until 2016 or 2017.

In 2017, DSNY continued to go site by site, meeting with NYCHA building Superintendents and DSNY Collections staff to determine the best locations for DSNY to collect recyclables from each development. DSNY also worked closely with NYCHA to produce decals to go above the refuse chutes on each floor of each development to properly educate residents about recycling. DSNY worked with the NYCHA building management to make sure the decals were applied. DSNY also provided recycling trainings for building staff at each NYCHA development as it began recycling. Simultaneously, either GrowNYC or DSNY conducted a "Recycling Kick-Off" presentation for NYCHA residents once recycling went live at each development. By December 31, 2017, 100% of NYCHA developments started receiving DSNY recycling collection, serving 2,553 NYCHA buildings and over 403,000 residents.

In 2018, DSNY continued to work with GrowNYC to educate NYCHA residents and NYCHA building Superintendents about recycling. GrowNYC crafted special tabling activities on the NYCHA campuses with interactive activities for residents to learn how to properly sort their recyclables. GrowNYC and DSNY attended special events hosted by NYCHA to educate residents about proper recycling protocols. DSNY continued to lead trainings for NYCHA staff and began working with NYCHA to integrate recycling best practices into NYCHA's Superintendent trainings.

In addition, in 2018, DSNY began to craft the *Zero Waste Building Maintenance Training Program, ZWBMT*. The program was originally designed to help building maintenance staff in LDD's run an outstanding apartment building recycling program through a combination of classroom instruction, field trips and practical activities. The trainings would be free and conducted over two days at various locations. Students who successfully completed the program by meeting the course requirements would receive a Zero Waste Building Maintenance Training Certificate. In 2019, 6 cohorts were trained, and 43 attendees successfully graduated from the program. The training was suspended in 2020 due to the restrictions related to COVID-19. Once resumed, it will continue serving building superintendents in both LDDs and non-LDDs.

### 3.1.11 COMMERCIAL RECYCLING

In 2013, Local Law 146 was enacted and mandated that designated covered establishments source-separate organic waste for beneficial use and dispose of organic food preparation waste through one or more of the following methods: private carting, self-hauling, or on-site processing, pursuant to specific regulations for each method of disposal. During the Reporting Period, commercial organics rules were adopted that designated the covered establishments and established the beginning of enforcement for each designation as follows:

#### First Designation (enforcement began January 19, 2017)

- Food service establishments in hotels w/150 or more rooms
- Arenas and stadiums w/seating capacity of at least 15,000 people
- Food manufacturers w/a floor area of at least 25,000 square feet
- Food wholesalers w/a floor area of at least 20,000 square feet

#### Second Designation (enforcement began February 15, 2019)

- Food service establishments with a floor area of at least 15,000 square feet
- Food service establishments that are part of a chain of 100 or more locations in NYC
- Retail food stores with a floor area of at least 25,000 square feet

#### Third Designation (As of July 31, 2020, the warning period was extended for these business until July 31, 2022)

- Food service establishments having 7,000 to 14,999 square feet
- Chain food service establishments of 2 to 99 NYC locations w/combined floor area of 8,000 square feet or more
- Food service establishments in hotels having 100 to 149 guest rooms
- Food service establishments w/combined floor area of 8,000 square feet or more in the same building or location

- Retail food stores having 10,000 to 24,999 square feet
- Chain retail food stores of 3 or more NYC locations w/combined floor area of 10,000 square feet or more
- Food preparation locations having 6,000 square feet or more Catering establishments hosting on-site events to be attended by more than 100 people Temporary public events to be attended by more than 500 people

In 2016, DSNY adopted new business recycling rules pursuant to Local Law 87 of 1992. Generators (businesses) and private carters in New York City are required to recycle designated recyclable materials, including paper, cardboard, metal, glass and plastic. This revision applies the same rules for all businesses. Businesses must contract with a licensed private carter (with minor exceptions) for waste collection. Businesses must post a sign identifying all carters utilized and material collected. In addition, the rules allow all designated recyclable materials, including metal, glass, plastic, paper and cardboard to be collected through one of the following types of recycling collection: source-separation (metal, glass, plastic together in one container/bag, and paper and cardboard in another container/bag), co-collection (source-separated recyclables in separate bags by category, but bags of different categories can be collected in one truck, separate from refuse), or single-stream (recyclables collected mixed together in one bag). The rules prohibit private carters from placing any source-separated recyclables material with refuse in the same compartment of a waste hauling truck. All containers for refuse and recycling must be labeled by material type. Businesses should post and maintain signs in public, staff, and maintenance and waste storage areas describing how recyclables and garbage should be separated. Enforcement of the new commercial recycling rules began on August 1, 2017.

In 2018, DSNY's outreach staff, along with other relevant agency partners, worked to inform the covered businesses of the new rules by conducting some 2,000 site visits and sending multiple mailers to affected businesses. DSNY plans to offer businesses the opportunity to attend semi-monthly trainings, request educational site visits, and watch an educational video series. Further, DSNY hosts off-site group trainings; provides sample signs, labels and electronic copies of notices in multiple languages; produces the DSNY Business Rules and Regulations Guidebook; and hosts workshops with the NYC Department of Small Business Services, Chambers of Commerce, Business Improvements Districts and other organizations to educate businesses in all five

boroughs. Note that DSNY's commercial outreach programs were suspended in 2020 due to COVID-19 social distancing requirements. See also Section 5.1.3 and Attachments 3D and 4B of this Report.

### **3.1.12 PLASTIC BAG LEGISLATION**

Starting in March 2020, NY State will prohibit the distribution of single-use plastic carryout bags, with limited exceptions. Following successful defense of this law in litigation that concluded in August 2020, NY State commenced enforcement in October 2020. This State law also allows counties and municipalities to enact a five-cent fee on paper carryout bags. In April 2019, the City enacted legislation to authorize such a fee at the same time that the State plastic bag ban takes effect. The City legislation requires merchants to charge the 5-cent fee for each paper bag they provide to customers starting on March 1, 2020 (now delayed to September 2020, as noted). Merchants would collect the fees as a tax and remit them to the State quarterly. The State law allows the City to keep 40% of the proceeds to distribute reusable bags to the public, with a focus on low- and fixed-income people, while the rest would go to the State Environmental Protection Fund. New Yorkers making purchases with food stamps or funds from similar programs would be exempt from the fee. The fee's goal is to curtail use of single-use paper and plastic bags. DSNY collects more than 1,700 tons of single-use carryout bags a week on average, or up to 91,000 tons of paper and plastic bags a year. See Section 5.1.3 of this Report for information and Attachment 4E for the 2019 State Budget Bill (plastic bag legislation) and Attachment 4A for new local legislation.

### **3.1.13 COMPLIANCE WITH LOCAL RECYCLING LAWS**

DSNY's efforts to ensure compliance with New York City's Recycling Law includes education and outreach (described in Section 3.1), and enforcement efforts. Over the Reporting Period, DSNY sent up to 190 Enforcement Agents and 63 Sanitation Police into the field over a 24-hour period. These agents and officers are empowered to issue summonses for failure to recycle properly, among other code violations. Recycling regulation enforcement includes both residential and commercial recycling laws. Over the Reporting Period, DSNY issued 90,046 (CY 2017) and 81,924 (CY 2018) recycling summonses, respectively.

Certain other local laws require DSNY to take specified steps concerning various kinds of recycling. These include Local Law 35/2010 (requiring DSNY to designate additional rigid plastic types as recyclables if cost effective); Local Law 39 of 2010 (requiring DSNY to establish at least one household hazardous waste (HHW) collection event per borough annually, and to study additional opportunities for collecting HHW); LL176/2017 (requiring DSNY to establish an online food donation portal to connect businesses interested in donating food to local organizations that feed hungry people); LL49/2017 (requiring DSNY to review voluntary incentive programs that may increase resident recycling participation at NYCHA housing complexes); LL 22/2019 (requiring DSNY to establish a City agency/ institution pilot program for collection of source-separated organic waste); LL 36/2010 (requiring City agencies to submit waste reduction and recycling plans to DSNY for approval); LL37/2010 (requiring DSNY to collect residential yard waste separately in the spring and fall, and work to identify suitable yard waste composting facility sites in each borough); LL38/2010 (requiring DSNY to establish a recycling program for textiles, including drop-off sites); LL40/2010 (establishing certain specified recycling target percentages for DSNY-collected waste that increase over time, and requiring certain reporting and waste characterization studies); LL41/2010 (requiring annual recycling compliance report by City's Schools Chancellor to DSNY); LL42/2010 (requiring a study of potential for food waste composting for the City); LL77/2013 (requiring the City to undertake a pilot program and study for the separate collection of organic wastes); LL146/2013 (requiring certain categories of commercial establishments that generate food waste to keep such waste separate from refuse and compost or otherwise convert it to a beneficial use, provided that sufficient organics conversion capacity exists in the region); LL56/2013 (enhancing the City's ability to limit unlawful scavenging of recyclables); LL57/2013 (enhances City's ability to deter scavenging of recyclables using a motor vehicle); LL67/2014 (enabling DSNY to regulate the placement of private recyclable collection bins on public property). As further discussed elsewhere in this update, DSNY and other City agencies have generally carried out their responsibilities under these various local laws during the Reporting Period, apart from meeting the recycling targets of LL40/2010.

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

**Table 7:  
SWMP Milestones – Facilities & Long-Term Contracts for Waste Transport and Disposal (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	Completed February 2017
Complete design and permitting	2008	2007	See § 3.2	Completed June 2008
Complete construction and begin facility operation Provide Notice to Proceed on Optional Proposal to extract and process organics.	2014	2010	See § 3.2	Completed; facility operation began September 2017. Optional Proposal deadline is May 2022 (see Section 3.2.10)
<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	Completed February 2017
Complete design and permitting	2012	2007	See § 3.2	Completed November 2013
Complete construction and begin facility operation. Provide Notice to Proceed on Optional Proposal to extract and process organics.	2017	2010	See § 3.2	Completed; facility operation began October 2018. Optional Proposal deadline is May 2022 (see Section 3.2.10)
<b>DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN</b>				
Complete procurement and award Transport & Disposal contract	2012	2007	See § 3.2	Completed July 2013
Complete design and permitting.	2012	2007	See § 3.2	Completed July 2012
Complete construction and begin facility operation	2016	2010	See § 3.2	Completed March 2019

**Table 7:  
SWMP Milestones – Facilities & Long-Term Contracts for Waste Transport and Disposal (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	Completed July 2013
Complete design and permitting	2010	2007	See § 3.2	Completed January 2010
Complete construction and begin facility operation	2014	2010	See § 3.2	Completed March 2015
<b>BRONX LONG-TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed July 2007
Complete design permitting and construction, if required, <sup>1</sup> and begin facility operation	2008	2007	See § 3.2	Completed July 2007
<b>BROOKLYN LONG-TERM EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2008	2007	See § 3.2	Completed February 2008
Complete design, environmental review, permitting and construction and begin facility operation		2009	See § 3.2	Completed March 2009
<b>QUEENS LONG TERM-EXPORT PROCUREMENT</b>				
Complete contract negotiations and award contract	2013	2007	See § 3.2	Completed November 2013
Complete design, environmental review, permitting and construction and begin facility operation	2013	2009	See § 3.2	Completed July 2015

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



**Table 7:  
SWMP Milestones – Facilities & Long-Term Contracts for Waste Transport and Disposal (Export)**

<b>PROGRAM Milestone</b>	<b>Revised Scheduled Fiscal Year</b>	<b>Scheduled Fiscal Year</b>	<b>SWMP Section</b>	<b>Status / Implementation</b>
<b>INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY</b>				
Complete contract negotiations, award contract and commence service	2012	2007	See § 3.2	Completed October 2012
<b>STATEN ISLAND TRANSFER STATION</b>				
Complete facility construction		2007	See § 3.1 + Table 3.2-1	Completed 2006
Begin facility operations and implement long term service agreement for container rail transport and disposal		2007	See § 3.1 + Table 3.2-1	Completed November 2006
<b>CONVERTED MTS REPORTING/PERMITTING</b>				
Report to Council on RFP process/permit approvals for MTSs		2008	See § 3.7	Completed
Report to Council if any of the MTS agreements are not finalized by 2010 and recommend (as appropriate) proposed SWMP modification on handling residential solid waste	2012	2010-11	See § 3.7	Completed FY 2012
<b>ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING</b>				
Issue Phase 2 Alternative Technology Evaluation		2007	See § 5.2	Completed
Evaluate development of a pilot project to establish the basis for commercial application	2012	2007	See § 5.2	Completed; RFP Issued March 2012 and Cancelled in FY 2014

## **3.2 WASTE DISPOSAL: LONG-TERM EXPORT IMPLEMENTATION**

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

Project Overview: The Hamilton Avenue Converted MTS (MTS) replaced the former MTS at the same location and serves the same waste shed (Brooklyn Collection Districts 2, 6 - 10, 14 and 16 – 18). The MTS currently accepts an average of 1,100 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week.

The MTS is an enclosed processing building (with ramps) constructed along the Gowanus Canal (the former overwater MTS was demolished). The MTS is a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that are placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers are placed onto rail cars or larger barges for transport to a disposal site. The design of the MTS processing building and ramp allows for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS is a City-owned facility; DSNY accepts waste and loads and lids containers. DSNY awarded a contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to an intermodal facility for trans-loading to rail transport and disposal at an out-of-City disposal facility to Waste Management of New York, LLC (see discussion under CONVERTED MTS REPORTING/PERMITTING provided below).

Permitting: After substantial completion of the final MTS design, and having obtained approval for the project under the City’s Uniform Land Use Review Procedures, NYSDEC issued final State permits (Solid Waste Management, Air State Facility, Tidal Wetlands, Water Quality Certification, Protection of Waters) to operate and construct (including demolition of the existing over-water MTS and construction dredging) the MTS on June 3, 2008 (renewed in 2013 and 2018). The project required an Army Corps of Engineers (USACE) permit for in-water demolition and dredging activities and the construction of a barge fendering system; the USACE nationwide permit was issued for the MTS on May 22, 2008 (renewed in 2010).

Construction: Pursuant to competitive bid procurement, DSNY awarded contracts in 2010, and construction began in May 2010. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS.

Operation: MTS operation began in September 2017; full operations began in September 2018. DSNY awarded a long-term service contract to Waste Management of New York, LLC for the maintenance and operation of the cranes at the MTS barge pier and the receipt of loaded containers at the MTS for transport to and disposal at High Acres Landfill in Perinton, NY and Atlantic Waste Disposal Landfill in Waverly, VA. See Attachments 2A and 2B for information on MTS tonnage disposed during the Reporting Period and for the disposal locations for MTS waste.

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

Project Overview: The Southwest Brooklyn Converted MTS (MTS) was constructed on the site of the demolished Southwest Brooklyn Incinerator to serve the same waste shed as the former MTS (Brooklyn Collection Districts 11 – 13 and 15). The MTS currently accepts an average of 680 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week.

The MTS, including a fully enclosed processing building and ramp structures, was constructed on land on the edge of Gravesend Bay. The MTS is a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers to be placed by an outside gantry crane system onto barges for transport directly to an intermodal facility where the containers are placed onto railcars or larger barges for transport to a disposal site. The design of the MTS processing building and ramp allow for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS is a City-owned facility; DSNY accepts waste and loads and lids containers. DSNY awarded a long-term service contract for the maintenance and operation of the cranes on the facility barge pier and the receipt of loaded containers for transport to an intermodal facility for trans-loading to rail transport and disposal at an out-of-City disposal facility to Waste Management of New York, LLC.

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

The NYSDEC permit process began with a Legislative Hearing in the community on January 15, 2008 that was presided over by the ALJ. Opponents of the project seeking party status were heard at an Issues Conference held at NYSDEC Region 2 offices on January 23, 2008. Briefing opportunities were provided to NYSDEC staff, DSNY and those seeking party status. In July 2009, the ALJ issued Ruling on Issues and Party Status (Rulings) that held that there were no issues to adjudicate, the record was closed and the permit application remanded to NYSDEC staff for processing. An appeal of the Rulings was filed by Assemblyman William Colton on behalf of NY/NJ Baykeeper, Natural Resources Protective Assn., Wake Up and Smell the Garbage, Urban Divers Estuary Conservation and the No Spray Coalition (Appellants). The appeal was denied and NYSDEC issued the above-described State environmental permits in July 2012. Petitioners filed an Article 78 proceeding for the review of the NYSDEC permit decision in August 2013 and the Supreme Court, Kings County, issued an April 2013 decision denying the petition and dismissing the proceeding. An appeal of the Supreme Court decision to the Appellate Division of the Supreme Court of New York was perfected, and briefs were filed by the City and Appellants in 2014. Appellants also sought a stay of construction, which was denied. The appeal of the Supreme Court's decision to deny the petition and dismiss the Article 78 proceeding was dismissed by the Appellate Division in June 2016.

DSNY was issued a permit to construct the Southwest Brooklyn Converted MTS by the U.S. Army Corps of Engineers in November 2013. The ACOE permit is for dredging activities, the construction of a barge fendering system and a king pile wall to protect the adjacent marina and barge staging that will affect littoral and non-littoral zones. The ACOE permit was modified to extend dredging until December 15, 2015 and to modify the storm water outfall and king pile wall protection design.

In accordance with the NYSDEC Part 360 Permit for the MTS, DSNY submitted a Part 360 Permit renewal application to NYSDEC in January 2017 and a permit was issued effective July 31, 2017. NYSDEC natural resources permits were modified and reissued in 2017 to reflect changes in storm water outfall and king pile wall protection designs.

Construction: A construction contract was awarded in 2014 and construction began in December 2014. Construction dredging for the MTS was completed in December 2015 and resulted in the issuance of a Notice of Violation to DSNY for failure to fully close an environmental bucket during dredging in areas where timber debris was being removed as part of the dredging operation. In the aftermath of Super Storm Sandy, basic flood proofing measures were incorporated into the design of the MTS.

Operation: MTS operation began on October 5, 2018. DSNY awarded a long-term service contract to Waste Management of New York, LLC 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 High Acres Landfill in Perinton, NY and Atlantic Waste Disposal Landfill in Waverly, VA. See Attachments 2A and 2B for information on the MTS tonnage disposed during the Reporting Period and for the disposal locations for MTS waste.

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

Project Overview: The East 91<sup>st</sup> Street Converted MTS replaced the preexisting MTS on the site and serves the same waste shed as the former MTS (Manhattan Districts 5, 6, 8 and 11), and was expected to accept an average of 720 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week.

The Converted MTS has an over-water processing building, barge pier, and includes ramp structures that entirely replace the preexisting MTS structure in the East River at the terminus of East 91<sup>st</sup> Street on Manhattan's east side. The Converted MTS is a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers that are placed by an outside gantry crane system onto barges for transport directly to a disposal site or to an intermodal facility where the containers are placed onto rail cars for transport to a disposal site. The design of the processing building and ramp allows for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The Converted MTS is a City-owned facility. DSNY accepts waste and loads and lids containers. DSNY awarded a long-term service contract to Covanta Sustainable Solutions 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 Covanta resource recovery facilities in Niagara, NY and Chester, PA.

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 2 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, and dismissed the petition. In December 2011, the Appellate Court affirmed the dismissal of the challenge.

DSNY filed timely and complete renewal applications for NYSDEC environmental permits for the MTS in April 2014 and the permits were renewed by NYSDEC in 2015.

DSNY applied for a U.S. Army Corps of Engineers permit to construct the E. 91<sup>st</sup> Street Converted MTS to the Army Corps of Engineers in 2008. The project required an ACOE permit for in-water demolition, construction and dredging activities, the construction of a barge fendering system and a pile-supported transformer building and barge staging that will affect littoral and non-littoral zones. ACOE held a public hearing on the application on September 18, 2008 and established a thirty-day comment period on the permit application. DSNY provided ACOE with responses to the comments received. DSNY submitted a Mitigation Plan in June 2011 and thereafter USACE issued a Supplemental Public Notice on July 25, 2011, establishing a 30-day written comment period on the Mitigation Plan. The USACE permit was issued on July 20, 2012.

Legal Actions: The project has been the subject of a number of lawsuits. The first two were brought on the sufficiency of the environmental review: (*The Association for Community Reform Now (ACORN), et al. v. Mayor Michael Bloomberg, et al.*; and *New York State Assemblyman Adam Clayton Powell, IV, et al. v. City of New York (Powell)*). The ACORN lawsuit was unsuccessful at the Supreme Court level. On appeal, the Appellate Division, in June 2008, upheld the lower court's finding that DSNY took the required hard look at the relevant areas of environmental concern for the project and made a reasoned elaboration of the basis for its determination in its Final

Environmental Impact Statement. In the *Powell* lawsuit, the Supreme Court held that the project's environmental review was lawful in all respects; on a parkland issue, in June 2011, the Appellate Court affirmed the lower court decision that the Asphalt Green and Bobby Wagner were not parks entitled to protection under the Public Trust Doctrine and held that even if these properties could be considered parks, the proposed MTS construction would not result in a substantial invasion of parkland that would trigger the Public Trust Doctrine.

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

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

Operation: The facility began operation on March 25, 2019. DSNY awarded a long-term service contract to Covanta Sustainable Solutions (Covanta) for the maintenance and operation of the cranes on the MTS barge pier and the receipt of loaded containers at the MTS for transport to and disposal at an out-of-City disposal facility. MTS waste is being disposed at Covanta resource recovery facilities located in Chester, PA and Niagara, NY.

New MTS and Southbound FDR Entrance Ramps Construction: A new MTS entrance ramp was proposed to be constructed at East 92<sup>nd</sup> Street along with a new southbound entrance to the FDR highway a few blocks north of the new MTS ramp. The design and construction of this project was suspended by the NYC Department of Design & Construction in March 2020.

If the ramp project advances during the SWMP planning period, it would be subject to approval under the City's Uniform Land Use Review Procedure and require an environmental review. DSNY would request a modification of its NYSDEC Part 360 permit for the East 91<sup>st</sup> Street MTS



to construct the ramp project if a Draft Environmental Impact Statement or Negative Declaration is issued for the project. In the meantime, the MTS will operate using the already constructed ramp at the foot of E. 91<sup>st</sup> Street and York Avenue.

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

Project Overview: The North Shore Converted MTS (MTS) replaced the former MTS on the site and serves the same waste shed (Queens Collection Districts 7 -14). The MTS currently accepts an average of 1,530 tons per day of DSNY-managed waste from those communities. The facility operates 24 hours per day, six days a week.

The MTS has an over-water processing building with an over-water barge pier and ramp structures that replaced the demolished former MTS structure in Flushing Bay. The MTS is a three-level facility designed to facilitate the indoor transfer of solid waste from collection vehicles into sealed, leak-proof intermodal containers placed by an outside gantry crane system onto barges for transport to an intermodal facility where the containers are placed onto rail cars or larger barges for transport to a disposal site. The design of the processing building and ramp allows for collection vehicles to queue on the ramp and move quickly through the facility without on-street queuing. The MTS is a City-owned facility operated by DSNY, at which DSNY accepts waste and loads it into containers and lids the containers. 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) is provided for through a long-term service contract with a private vendor.

DSNY contracts for the services of a wildlife biologist for the implementation of an approved integrated wildlife hazard (bird) management program for the MTS, located across Flushing Bay from LaGuardia Airport.

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

Water Quality Certification, Protection of Waters in September 2007 (renewed in 2012). DSNY submitted an application for renewal of its Part 360 Solid Waste Management Facility permit to NYSDEC in March 2017 and a renewal permit was issued effective June 2017.

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

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

Operation: The MTS began operations in March 2015 and reached full operating capacity in fall 2015. DSNY awarded a long-term service contract to Covanta Sustainable Solutions for the maintenance and operation of the cranes on the MTS barge pier and the receipt of loaded containers at the MTS for transport to and disposal at an out-of-City disposal facility. The MTS has experienced some mechanical problems that have resulted in the replacement of portions of the container loading system. Additional work on the MTS floor slabs was expected to be undertaken in summer 2019. Lessons learned from the operation of the MTS were translated into changes that were incorporated into the construction of the Hamilton Avenue, Southwest Brooklyn and East 91<sup>st</sup> Street MTSSs. The DSNY waste accepted pursuant to the Service Contract is disposed at Covanta resource recovery facilities in Chester, PA and Niagara, NY. See Attachments 2A and 2B for information on MTS tonnage disposed during the Reporting Period.

### **3.2.5 BRONX LONG TERM EXPORT PROCUREMENT**

Pursuant to a procurement issued in December 2003, Waste Management of New York, LLC. (“Company”) was awarded a 20-year Service Contract, with two five-year renewals to containerize transport by rail and dispose of an average of 2,100 tons per day of DSNY-managed waste (municipal solid waste, or MSW) from the Bronx, the waste shed historically handled by the South Bronx Marine Transfer Station. The Service Contract terms require the Company to accept, manage, transport and dispose of Bronx long-term Service Contract Waste (“Contract Waste”), delivered by the City to the Company’s Harlem River Yard Transfer Station located at 98 Lincoln Avenue, Bronx. The Service Contract fee formula is made up of several fixed and variable components that are escalated based on various factors. The fixed components are payable regardless of the number of tons of MSW delivered. The variable components are paid based on the number of tons of MSW delivered. DSNY must also pay for certain costs incurred by the Company for Uncontrollable Circumstances, for disposal of unacceptable waste and for acceptance of deliveries on Sundays and certain holidays. Service under the Service Contract began in July 2007. The facility is a rail-only facility; trucking of waste containers would only be permitted in an emergency defined by the facility’s permit. The DSNY processed under the Service Contract is disposed at Atlantic Waste Disposal Landfill in Waverly, VA. See Attachments 2A and 2B for quantities waste accepted and disposed in the Reporting Period.

### **3.2.6 BROOKLYN LONG-TERM EXPORT PROCUREMENT**

Pursuant to a procurement issued in December 2003, Waste Management of New York, LLC (WM) 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 Districts 1, 3, 4 and 5, the Brooklyn waste shed historically handled by the former Greenpoint Marine Transfer Station. The Service Contract terms require WM to accept, manage, transport and dispose of Brooklyn long-term Service Contract waste (“Contract Waste”), delivered by the City to WM’s Varick Transfer Station located at 215 Varick Street, 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 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 Varick 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. The DSNY waste accepted pursuant to the Service Contract is disposed at High Acres Landfill in Perinton, NY. See Attachments 2A and 2B for waste accepted and disposed in the Reporting Period.

### **3.2.7 QUEENS LONG-TERM EXPORT PROCUREMENT**

In November 2013, DSNY awarded to Waste Management of New York, L.L.C. (WM), a long-term Service Contract for the use of Review Avenue Transfer Station (Review Avenue TS or TS), located at 38 - 22 Review Avenue in Maspeth, Queens, to containerize, export by rail and dispose of the approximately 1,200 tons per day generated by Queens Collection Districts 1 - 6 and includes the Queens waste shed formerly served by the Greenpoint MTS. This contract is similar to the 20-year long-term rail export contracts entered into by DSNY for the use of Harlem River Yard Transfer Station for Bronx waste and Varick Transfer Station for a portion of Brooklyn's waste.

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

In September 2013, WM submitted an application to further modify the permit to allow for on-site rail so as to eliminate the proposed dray of containers to and from Review Avenue TS's western entrance and the Blissville Yard, a 100-meter round-trip on Railroad Avenue and to enlarge the existing processing building rather than build a new processing building on another portion of the

site. The permit application was supported by a SWMP FEIS Technical Memorandum. NYSDEC approved the permit modification for the TS in 2014; service began under the Service Contract in July 2015. Up to 451 tons per day of commercial waste could be permitted to be transferred at the TS in the evening hours with DSNY prior authorization. The DSNY waste accepted pursuant to the Service Contract is disposed at High Acres Landfill in Perinton, NY. See Attachments 2A and 2B for waste accepted and disposed in the Reporting Period.

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

DSNY entered into a 20-year Government-to-Government Agreement with the Port Authority of New York (PANYNJ) for the use of its mass-burn Resource Recovery Facility located in Essex County, New Jersey for DSNY-managed waste generated in Manhattan Districts 1 – 4, 7, 9, 10 and 12, the waste sheds historically served by the W. 59th Street and W. 135<sup>th</sup> Street MTSs. The operator of the facility is Covanta Essex County. Service began under the Agreement in October 2012. Pursuant to the Agreement, DSNY currently delivers an average of 1,330 tons per day of DSNY-managed waste in collection vehicles to the mass-burn facility, six days per week. The facility recovers ferrous metal from the waste, generates electricity from the heat recovered from combustion of the waste, and sends the ash residue to a permitted ashfill. See Attachments 2A and 2B for waste accepted and disposal locations in the Reporting Period.

### **3.2.9 STATEN ISLAND TRANSFER STATION**

Pursuant to design and construction projects managed by DSNY, the Staten Island Transfer (SITS), a truck-to-container-to-rail facility operated by DSNY's Bureau of Waste Disposal, began operations in November 2006 and entered into full-scale rail operations in April 2007. The SITS NYSDEC Part 360 solid waste facility permit was issued in March 2002 and was renewed in 2007, 2012 and 2017. The SITS handles only Staten Island DSNY-managed waste, an average of approximately 730 tons per day. See Attachments 2A and 2B for waste accepted and disposal locations in the Reporting Period. 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 Lee

County Landfill in Bishopville, SC. The SITS received the Solid Waste Association of North America's Golden Transfer Station award in 2008 for excellence in facility design and operation.

### **3.2.10 CONVERTED MTS REPORTING/PERMITTING**

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

In 2011, the City met with the leadership of the New York City Council on the revised SWMP implementation schedule following DSNY testimony at City Council hearings in 2009, 2010 and 2011 about delays in the MTS projects. Thereafter, in March 2012, DSNY provided the February 2012 Revised SWMP Compliance Report for the period of 2009 through 2010 to the New York City Council. Finally, in April 2019, DSNY submitted a Report on the Delivery of Commercial Waste to Converted Marine Transfer Stations (see Attachment 8).

### **3.2.11 MTS TRANSPORT AND DISPOSAL CONTRACTS**

As part of the MTS Conversion Program, DSNY negotiated two 20-year Service Contracts (with two five-year renewals) with vendors selected for discussions through a Request for Proposals procurement and Best And Final Offer processes that solicited vendors to accept operate/maintain the gantry cranes and accept loaded containers at the four proposed Converted MTSs and transfer those containers by barge for disposal to an intermodal facility onto rail cars or larger barges for disposal at an out-of-City disposal facility. A contract award to Covanta 4Recovery LP (now Covanta Sustainable Solutions) was made in July 2013 for the North Shore and E. 91<sup>st</sup> Street MTSs. Negotiation of the second award under the procurement for the two Brooklyn MTSs was terminated in November 2014 with the issuance of a new 20-year contract procurement – a Request for Proposals to Transport and Dispose of Containerized Waste from Hamilton Avenue and

Southwest Brooklyn Marine Transfer Stations. The new RFP sought vendor services for Hamilton Avenue MTS within one year of the issuance of a contract notice to proceed and sought optional proposals from vendors to recover additional recyclables, including organics, from the MSW accepted. A long-term service contract with Waste Management of New York, LLC (WM) was registered in 2017; service began at the Hamilton Avenue MTS in September 2017 and at the Southwest Brooklyn MTS in October 2018.

As part of the WM Service Contract for the Hamilton Avenue and Southwest Brooklyn MTSs, DSNY has the option, by May 2022, to issue a notice to proceed to WM to (i) divert DSNY designated recyclables; (ii) construct and operate a 200 ton-per-day pilot mixed waste processing facility (which would use organics extraction equipment); and (iii) arrange for the processing of the recovered organics fraction at participating local waste water treatment plants (the “Optional Proposal”). Proceeding with the pilot at either MTS would require NYSDEC authorization. The parties have the option to expand the pilot to 400 tons per day by adding an additional shift and up to 600 tons per day by also adding a second organics extrusion press. The Optional Proposal would create energy from the organic fraction of the waste and potentially result in other products for beneficial use for the remainder of the contract term.

### **3.2.12 ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING**

Pursuant to SWMP Section 5.2, the New York City Economic Development Corporation was required to issue a Phase 2 Study that followed up its a Phase 1 Report on its Evaluation of New and Emerging Solid Waste Management Technologies that appeared in the SWMP. Based on a review of successful projects outside the United States, the Phase I Study concluded that anaerobic digestion and thermal processing technologies merited further consideration for a potential demonstration project in New York City, the results of which could foster an appropriate basis for commercial application once the project and legal risks were sufficiently defined. The Phase I Study also concluded that hydrolysis technology might also be the subject of a demonstration project and recommended that a focused, detailed review be undertaken in the Phase 2 Study to supplement and verify the information provided for the Phase 1 Study before a final determination was made that any of the three technologies warranted a demonstration project in New York City. Thereafter, NYCEDC issued a Phase 2 Study Report entitled Focused Verification and Validation

of Advanced Solid Waste Management Conversion Technologies conducted by Alternative Resources, Inc.

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

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

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

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



with the work of the Composting/New Technology Facility Siting Task Force was issued in March 2012.

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

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

DSNY has a strong continuing interest in alternative solid waste management technology and continues to evaluate advances in solid waste technologies and new technology and equipment. See Attachment 5.

**ALL COMMERCIAL WASTE MILESTONES**

**Table 8:  
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	Revised SWMP Compliance Report dated February 2012 submitted to Council in March 2012
<b>USE OF CONVERTED MTSs TO CONTAINERIZE COMMERCIAL WASTE</b>				
Assess alternative implementation methods	2013	2009	See § 4.3	Pending
Implement selected method	2014	2010	See § 4.3	Pending
Report on use of MTSs for transport and disposal of commercial waste	2015	2010	See § 4.3	Submitted April 2019 Report to Council
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	Submitted April 2019 Report to Council
<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 2008

**Table 8:  
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	See Section 3.3.5 below and Local Law 152 of 2018 in Attachment 4B.
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	See Section 3.3.5 below and Local Law 152 of 2018 in Attachment 4B.
MTS host district specific and Bronx capacity reductions to occur	2014	2010	See § 4.4	See Section 3.3.5 below and Local Law 152 of 2018 in Attachment 4B.
<b>TRUCK TRAFFIC ANALYSIS</b>				
DSNY and NYCDOT to conduct a traffic study to assess the feasibility of redirecting transfer station truck routes to minimize potential impacts to residential areas	2009	2008	See § 4.4	Completed; study for Brooklyn communities issued in 2008
<b>NYCDEP FOOD WASTE DISPOSAL STUDY</b>				
With support from DSNY and NYCEDC, issue RFP to solicit consultant to conduct study to understand the costs and benefits of the use of commercial food waste disposals in defined areas of the City		2008	See § 5.4	Completed; RFP issued in 2007
Consultant to complete study		2009	See § 5.4	Completed; report issued in 2008

### **3.3 COMMERCIAL WASTE IMPLEMENTATION**

In New York City, DSNY collects waste and recyclables from residential buildings, government agencies, and institutions. Private carting companies, licensed by the Business Integrity Commission (BIC), collect waste and recyclables from commercial establishments, office buildings, and other businesses. The commercial waste market is a highly competitive one, with several hundred firms providing a range of services and service levels to customers.

During the Reporting Period, DSNY advanced the SWMP Commercial Waste Milestones, as follows:

#### **3.3.1 COMMERCIAL WASTE COLLECTION ZONES**

In recent years, cities such as Los Angeles and San Jose have established commercial waste franchise systems with exclusive hauler districts or zones to achieve multiple environmental, economic, and labor-related policy goals in exchange for the right to operate in a given zone.

In April 2015, Mayor Bill de Blasio released “One New York: The Plan for a Strong and Just City”, known as OneNYC. As part of OneNYC, the City committed to conducting a comprehensive study of commercial waste collection zones to determine if there are substantial inefficiencies in the way waste is collected and if so, whether collection zones would reduce those inefficiencies and possibly create ancillary benefits such as improved recycling rates, working conditions, and wages. To meet this commitment, in October 2015, the City commissioned an independent private carting study, including a market analysis, cost assessment, benchmarking study, and cost impact study. The study was completed by a team of consultants led by BuroHappold Engineering.

The study concluded that the current open-market commercial waste system generates excess truck traffic, is highly concentrated among a few carters, has little transparency in pricing, and inhibits private carting companies from achieving efficiencies that allow investments in recycling initiatives or cleaner trucks. Today, commercial waste trucks travel over 23 million miles annually to collect refuse and recycling material from approximately 108,000 businesses.

The study found that collection zones would reduce truck traffic by an estimated 49 to 68 percent as measured in vehicle miles travelled (VMT) along with a 42 to 64 percent reduction in associated greenhouse gas emissions. The study also found that collection zones would reduce other air pollutants resulting from commercial waste trucks, including those most closely linked with asthma and other respiratory illnesses, by between 34 and 62 percent. The study concludes that reducing commercial collection truck traffic will lead to cleaner air, less traffic congestion, safer streets, and quieter nights in neighborhoods across New York City.

With the release of the private carting study, DSNY proposed a multi-year process of transforming the current system into a system of commercial waste zones (CWZ Plan). Since July 2017, DSNY along with a consultant team led by Arcadis has conducted extensive research and outreach in developing a detailed plan for CWZ. DSNY has held over 200 stakeholder meetings on aspects of designing the new system and issued a Final Generic Impact Statement for the CWZ Plan in 2019.

After issuance of the FGEIS, in November 2019, Mayor de Blasio signed Local Law 199 of 2019, which established the CWZ program to create a safe and efficient commercial waste collection system that advances the City's OneNYC environmental and zero waste goals while providing high-quality, low-cost service to NYC businesses. The CWZ program will divide the city into 20 zones, each served by up to three carters selected through a competitive Requests for Proposals process. This procurement process will consider price, capacity and experience as well as the submission of a variety of plans to meet the above-stated goals. Five citywide contracts will also be awarded for the collection of containerized waste and compactors. This approach will reduce truck traffic associated with commercial waste collection by 50 percent, eliminating millions of heavy-duty truck miles from NYC streets every year, while strengthening service standards and allowing for customer choice. In addition, CWZs will result in a new regulatory framework that allows the City to achieve several additional program goals:

- **Move Toward Zero Waste:** Reduce commercial waste disposal and incentivize recycling
- **Environmental Health:** Reduce truck traffic throughout the city to reduce air pollution and improve quality of life
- **Pricing:** Provide fair, transparent pricing with low prices for businesses

- Customer Service: Strengthen customer service standards and establish accountability
- Health and Safety: Improve training and safety standards to make the industry safer for workers and the public
- Labor and Worker Rights: Improve industry labor standards and uphold worker rights
- Infrastructure and Waste Management: Prioritize investments in clean, modern fleets and facilities that make up a reliable, resilient, and sustainable waste management system
- Robust, Competitive Industry: Create a system that works for carters of all sizes and prevents overreliance on any single company.

For organics, in particular, Local Law 199 requires all awardees to provide organics collection service to the more than 10,000 businesses (as of 2020) required to source-separate their organic waste under Local Law 146 of 2013. As the City expands the number of businesses covered by this law, awardees under CWZ will have to provide service to these additional businesses. In addition, proposers seeking contracts to collect commercial waste in a zone will submit Zero Waste Plans detailing their efforts to go above and beyond these minimum requirements and to offer organics collection to as many customers as possible.

To ensure appropriate oversight, the NYC Business Integrity Commission (BIC) will operate in collaboration with DSNY's CWZ program. BIC will be called upon to issue licenses to trade waste haulers based on thorough background checks for integrity, honesty, and good character. Being awarded and keeping a CWZ contract with DSNY will be dependent on being in good standing with BIC. Additional provisions in forthcoming Rules of the City will prevent haulers from exercising in anticompetitive or dishonest behavior with their customers and will provide customers with recourse and back-up service providers should they need to exit a relationship with a problematic hauler.

In February 2020, DSNY adopted final rules designating the boundaries of the 20 commercial waste zones (see Attachment 4D). In the spring of 2020, DSNY paused the planned release of the Request for Proposals and several proposed rules due to economic disruptions to the commercial carting industry caused by the COVID-19 pandemic. In an effort to restart the implementation process while acknowledging the remaining challenges of the pandemic, the RFP was

subsequently divided into two parts, with Part 1 of the RFP being released in November 2020, requesting information regarding companies' licensing status, financial and compliance histories, and staffing. Part 2 of the RFP, requesting the various plans to reach the program goals listed above, will be released in late spring 2021. DSNY proposed rules in December 2020 regarding customer service and operations requirements of awardees under the CWZ program; and proposed further rules in March 2021 regarding public safety requirements for carters operating under the CWZ program.

After the release of Part 2 of the RFP and evaluation of the responses, the CWZ contracts will be negotiated, awarded and registered. The start of the customer transition period will begin thereafter in 2022 and last up to two years. Contracts will be for 10 years with extension options. See Attachment 4C for the CWZ Plan.

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

The West 59<sup>th</sup> Street MTS is a permitted facility that is operated by DSNY seven days per week for the receipt of mixed paper recyclables collected by DSNY. Pursuant to a contract with DSNY, paper is barged by Visy Paper from the MTS to its paper mill located in Staten Island and used to make linerboard. Pursuant to a 2014 permit renewal for the MTS, DSNY relocated the scale from the bottom of the ramp to the top, thus reducing the potential for on-street truck queuing. The scale relocation was completed in 2015.

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 contemplated by SWMP Sections 3.6 and 4.3. DSNY issued a Request for Proposals (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 planned Gansevoort MTS facility for recyclables could be operational, thus replacing the old inactive Gansevoort MTS. Once the Gansevoort MTS 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 plans in compliance with SWMP Section 4.3. Consequently, a report on future Manhattan capacity for commercial waste and West 59<sup>th</sup> Street Marine Transfer Station progress was duly 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 for commercial C&D and DSNY paper recyclables was infeasible. The exclusive use of the MTS as an export facility for the barging of Manhattan commercial waste was deferred until the paper operations can be moved to the new Gansevoort MTS recyclables facility, pending the execution of a Memorandum of Understanding between the City and the State for the funding of the new Gansevoort MTS (described in Future Manhattan Capacity below). The February 2012 Revised SWMP Compliance for the period of 2009 – 2010, submitted to the City Council, contained revised milestone dates for a number of SWMP milestones, including the development of a commercial waste export facility at West 59<sup>th</sup> Street MTS.

DSNY upgraded truck weighing operations at the West 59<sup>th</sup> Street MTS so that there is now both an inbound and outbound scale. The scales have been appropriately located to prevent street queuing of collection vehicles. As part of this project, a deteriorating subsurface structure was replaced under West 59<sup>th</sup> Street directly in front of the MTS and signage and interface was improved between the MTS traffic, pedestrians and Hudson River Park Bikeway users. A refurbishment of the MTS, including in-water work, began in 2016 and continued during the Reporting Period. Part of the scope of work is to fortify the structural integrity of the facility and



ensure that it can support a future use over the next several decades. The refurbishment is expected to be completed by the end of 2020.

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

The four Converted MTSSs, three of which were in operation during the Reporting Period, are capable of accepting commercial waste between the hours of 8 PM and 8 AM, the hours when DSNY collections are limited and when commercial carters typically collect. Commercial waste trucks deliveries would be 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 impacts during the quiet nighttime hours. Commercial waste maximum acceptance per day for the MTSSs is as follows: North Shore – 1,000 tpd; E. 91<sup>st</sup> Street -- 780 tpd; Southwest Brooklyn -- 718 tpd; and Hamilton Avenue -- 494 tpd.

In the next Reporting Period, DSNY will consider a mechanism to attract commercial waste to the MTSSs. Only one of the three MTSSs, North Shore MTS has been operating sufficiently long enough to warrant serious consideration of adding commercial waste delivery at night (between 8pm and 8 am). This effort has been delayed by mechanical and other issues experienced at North Shore MTS that resulted in repairs undertaken in 2016. Projects to replace the processing and tipping floors, which were improperly constructed, and repair and heighten the push walls on the processing floor were completed in 2019.

Pursuant to SWMP Section 4.3, in April 2019, DSNY reported to the New York City Council on the use of the Converted MTSSs, specifically North Shore MTS which reached full operation in October 2015, for the transport and disposal of commercial waste (see Attachment 8). This section requires that, 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 MTSSs.

### **3.3.4 FUTURE MANHATTAN CAPACITY**

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

describes efforts to explore opportunities to increase the collective commercial waste capacity in Manhattan through the ongoing implementation of the Marine Transfer Station on Pier 52 on the Gansevoort Peninsula (Gansevoort MTS) and the West 59<sup>th</sup> Street MTS on Pier 99 (see discussion in Section 3.3.2 above). The Gansevoort MTS is proposed to be a state-of-the-art transfer facility for recyclables, 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 would 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 Manhattan construction and demolition debris under a contract to be procured. As a result, the implementation of the Gansevoort MTS is intended to help to achieve SWMP goals to make each borough responsible, to the extent practicable, for the transfer of its own waste and recyclables.

The Report also describes DSNY's assessment of proposals brought forward by stakeholders, including its review of the Pier 76 Siting Study presented by Friends of Hudson River Park, judged to be excessively expensive in comparison to DSNY's two facilities, West 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's 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 with certain prerequisites 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 draft MOU has not yet been executed. A contract for design was awarded by DDC in 2014 and a pre-schematic design was prepared for the project in 2015. The start of design has been

delayed pending execution of the MOU, which requires approval of various State and City officials and lacks a firm schedule for completion. The design and environmental review of the Gansevoort MTS project would be anticipated to be completed within two years; thereafter, construction would be expected to take three years to complete. DDC completed the demolition of the DSNY facilities on the Gansevoort Peninsula in 2019. Due to budget cuts resulting from the City's COVID-19 response, no projected date can currently be provided for the MOU execution and completion of the Gansevoort MTS design.

### **3.3.5 TRANSFER STATION CAPACITY REDUCTION**

Pursuant to the SWMP, reductions in the permitted capacity of certain transfer stations located in four Community Districts -- Bronx 1 and 2, Brooklyn 1 and Queens 12 -- were required to 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 became operational. In the Bronx, where no MTS was constructed, the reductions were to be achieved within one year after the first MTS became operational.

The SWMP identified factors to determine whether to reduce the lawful permitted putrescible capacity of a transfer station, which included: 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.

To address transfer station capacity in the four listed Community Districts, the City Council enacted Local Law 152 of 2018. This law will reduce the maximum amount of waste that private transfer stations in the four overburdened Community Districts can manage. It also prevents new

transfer stations from opening in any community district that has more than 10% of the City's total capacity.

Specifically, Local Law 152 of 2018 carries out an important policy goal of the SWMP by requiring DSNY to reduce the daily permitted capacity of transfer stations in certain community districts that are overburdened with putrescible transfer stations and construction and demolition debris transfer stations and their associated truck traffic. The law was designed to ensure that the targeted cuts would still leave the City with adequate capacity to manage its commercial and residential waste. LL 152/2018 does not reduce the capacity of any transfer station currently used or planned to be used to manage substantial amounts of residential waste collected by DSNY.

The City conducted a detailed environmental review of the proposed transfer station cuts mandated by LL 152/2018, which found that the cuts would not have a significant adverse impact on the City's management of solid waste or on the solid waste transfer station industry as a whole in the City and region. See Environmental Assessment Statement CEQR No. 18OOM004Y, available online at <https://a002-ceqraccess.nyc.gov/ceqr/> Specifically, with the full implementation of the law, excluding the DSNY marine transfer station and Staten Island transfer station capacity, assuming at least 2% annual growth of waste generation tonnage and subsequent delivery to the affected transfer stations, and without assuming any new capacity developed and permitted in the City, there would be approximately 18,895 tons per day of permitted putrescible waste processing capacity (compared to average daily demand of 10,865 tons for such capacity in the City without the proposed law in 2021) and 15,993 tons per day of permitted C&D waste processing capacity (compared to average daily demand of 9,732 tons for such capacity without the proposed law in 2021). The analysis considered the possibility that certain transfer stations affected by the capacity reductions would close. Even under this worst case "closure scenario" the City would have sufficient capacity to transfer both putrescible waste (leaving an average of 7,894 tons per day of slack capacity) and non-putrescible/C&D waste (leaving an average of 6,009 tpd of slack capacity). Accordingly, LL 152/2018 would leave the City able to handle the projected commercial putrescible and C&D debris waste over the remainder of the SWMP planning period. The City has successfully defended the law against a legal challenge from certain transfer station operators; the matter is currently on appeal. A copy of the law is provided in Attachment 4B.

### **3.3.6 TRUCK TRAFFIC ANALYSIS**

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

### **3.3.7 NYCDEP FOOD WASTE DISPOSAL STUDY**

Pursuant to SWMP Section 5.4, the New York City Department of Environmental Protection (NYCDEP) conducted a Food Waste Disposal Study that analyzed the economic, engineering, and environmental impacts that food waste disposers (FWD) could have on NYCDEP infrastructure and operations and on the 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 2008 Study analyzed 50% penetration of commercial food waste diverted by FWDs from food service establishments likely to use FWDs. The penetration of this food waste (approximately 500 tons per day) represents 4% of total commercial waste and would thus divert only a small percentage of the volume handled by commercial waste transfer stations and trucks.

The Study found that approximately nine trucks would be diverted from City streets by the diversion of food waste; this figure accounts for the reduction of solid waste disposal trucks which would be offset by the additional trucks required by NYCDEP to transport the increased sludge. The Study concluded that use of commercial FWDs at a 50 percent penetration rate would result in the need for investments of \$1.4 to 1.7 billion; should primary tanks be required at Newtown Creek Water Pollution Control Plant, an additional investment of \$1.7 billion would be required

for a total of \$3.1 to 3.4 billion. Annual O&M costs associated with these investments would be between \$34 and 35 million a year. These costs would likely be borne by the City's water and sewer ratepayers at an increase of up to 3-6% per year.

### **3.3.8 REGULATION OF FILL MATERIAL**

Fill material consisting of earth, dirt, rock, concrete gravel, sand and stone is primarily managed by a network of twenty-two (22) fill material transfer stations in the City. All 22 facilities are permitted and regulated by DSNY's Permit and Inspection Unit (PIU). PIU staff are trained to look for unauthorized materials and take enforcement action when necessary.

DSNY fill material transfer station inspections are performed routinely to ensure facilities operate within the standards outlined in Title 16 of the Rules of the City of New York (Rules) and in the regulations governing fill material and fill material transfer stations in Sections 16-130 and -131 of the Administrative Code of the City of New York (Code), including the requirement that only clean materials are received for subsequent transfer to other locations. Fill material is considered "clean" if free of visible contaminants such as wood, plastic, asphalt and other general debris. PIU inspections are performed by a staff of 17 officers and 5 supervising lieutenants who conduct random inspections 24 hours per day and 7 days per week. Title 16 of the Administrative Code and Title 16 of the Rules can be accessed through the following link: [http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:newyork\\_ny](http://library.amlegal.com/nxt/gateway.dll/New%20York/admin/newyorkcityadministrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:newyork_ny).

During an inspection, DSNY Inspectors perform visual inspections of material to determine compliance with standards set forth in the Rules and the Code. Contaminants observed in fill material beyond what is reasonably considered incidental will place the facility in violation for the receipt of unacceptable fill material. DSNY does not require testing of fill material unless an inspector observes material with unusual visual characteristics or odors that warrant further testing.

DSNY's regulatory jurisdiction over fill material also includes the placement of fill material for the purpose of land alteration and improvement. DSNY permits are issued in conjunction with the grading of properties using fill material with routine inspections conducted to ensure only clean

materials are used for such purpose. This process has led to the effective management of fill materials within the City from the processing of materials to their final disposition.

Recent modifications to 6 NYCRR Part 360 regulations by the New York State Department of Environmental Conservation (“NYSDEC”) regarding fill material and its placement at newly NYSDEC permitted Construction Debris Processing and Recovery facilities have prompted DSNY to re-evaluate its Rules and Code regulations governing fill material and the operation of fill material transfer stations in the City. The revised 6 NYCRR Part 360 regulations can be accessed through the following link: <http://www.dec.ny.gov/regulations/81768.html>. See also, NYSDEC’s Enforcement Discretionary Letters at the following link: <https://www.dec.ny.gov/regulations/118777.html>

NYSDEC’s new Construction Debris Processing and Recovery facility regulations are expected to be fully implemented by May 3, 2022. Accordingly, DSNY expects to review and consider a potential amendment to Title 16 of the City’s Administrative Code to allow the newly categorized fill material types to be handled at DSNY-permitted fill material transfer stations in the City, including the acceptance of asphalt for allowable reuse as limited and restricted use fill. DSNY looks forward to continuing to work with NYSDEC to ensure the effective management and final disposition of fill materials in the City and the State of New York.

### **3.3.9 COMMERCIAL WASTE QUANTITIES FOR THE REPORTING PERIOD**

This subsection provides a list of transfer stations operating in the City that process putrescible, non-putrescible and fill material in the City (as defined by DSNY Rules at 4 RCNY 16) and the quantities of material that the facilities accepted during the Reporting Period. See Attachment 9A for CY 2019 and Attachment 9B for CY 2020.

## SECTION 4 – PLANNING UNIT RESOURCES

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

### 4.1 ADOPTED BUDGET HIGHLIGHTS

The City’s budgets provided adequate expense and capital funding during the Reporting Period for recycling, composting, disposal of solid waste and Fresh Kills Landfill closure construction, as well as the continued implementation of the MTS Conversion Program. The Reporting Period and current expense funding for SWMP implementation is set forth in Table 9. FY 2021 Capital Budget information and the proposed FY2022 Capital Budget information on SWMP programs is provided in Table 10 and 11, respectively.

**Table 9:  
Expense Budget OTPS Funding\***

<b>Programs</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Grand Total</b>
<b>Metal, Glass &amp; Plastic Processing</b>	<b>\$ 22,832,842</b>	<b>\$ 22,832,842</b>	<b>\$ 45,665,684</b>
<b>Composting</b>	<b>4,452,490</b>	<b>4,447,880</b>	<b>8,900,370</b>
<b>Public Education &amp; Outreach</b>	<b>5,648,200</b>	<b>6,250,700</b>	<b>11,898,900</b>
<b>(NYC GROW, Printing, Postage, Contracts &amp; Professional Services)</b>	<b>1,150,000</b>	<b>1,100,000</b>	<b>2,250,000</b>
<b>Household Hazard Waste Program</b>	<b>381,000</b>	<b>2,605,502</b>	<b>2,986,502</b>
<b>Export Contractual Cost*</b>	<b>369,441,503</b>	<b>424,443,281</b>	<b>793,884,784</b>
<b>Staten Island Transfer Station</b>	<b>767,869</b>	<b>767,869</b>	<b>1,535,738</b>
<b>Long Term Marine Transfer Station &amp; Hq</b>	<b>3,573,284</b>	<b>3,573,284</b>	<b>7,146,568</b>
<b>Fresh Kills Closure Cost</b>	<b>56,700,000</b>	<b>42,300,000</b>	<b>99,000,000</b>
<b>Long Term Plan (Legal &amp; Engineering)</b>	<b>756,303</b>	<b>756,303</b>	<b>1,512,606</b>
<b>Total</b>	<b>\$ 465,703,491</b>	<b>\$ 509,077,661</b>	<b>\$ 974,781,152</b>

\*Information based on January Budget 2022

\*\* Includes all export contracts – long-term and interim



**Table 10:**  
**Fiscal Year 2021 Adopted Capital Budget**  
**Reporting Period**  
**SWMP - Related Projects**  
**\$ in 000's (as of January Plan 2021)**

<b>Item Description</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Staten Island Transfer Station*</b>	<b>\$2,367</b>	<b>\$0</b>
<b>Composting Remediation**</b>	<b>\$17,247</b>	<b>\$3,057</b>
<b>Long-Term Export</b>	<b>\$5,025</b>	<b>\$6,320</b>
<b>Long-Term Export Design</b>	<b>\$0</b>	<b>\$0</b>
<b>Recycling</b>	<b>\$9,518</b>	<b>\$4,934</b>
<b>Totals</b>	<b>\$34,156</b>	<b>\$14,311</b>

\*Includes \$1 in FEMA funds

\*\*Includes Composting Equipment

**Table 11:**  
**Preliminary Capital Budget**  
**as of January Plan 2021**  
**Current**  
**SWMP - Related Projects**  
**\$ in 000's**

<b>Item Description</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Staten Island Transfer Station*</b>	<b>\$0</b>	<b>\$2,238</b>
<b>Composting Remediation**</b>	<b>\$203</b>	<b>\$1,955</b>
<b>Long-Term Export*</b>	<b>\$8,292</b>	<b>\$24,025</b>
<b>Long-Term Export Design</b>	<b>\$0</b>	<b>\$0</b>
<b>Recycling</b>	<b>\$10,500</b>	<b>\$0</b>
<b>Totals</b>	<b>\$18,995</b>	<b>\$28,218</b>

\*Includes Export Equipment / \*\* Includes Composting Equipment

#### 4.1.1 STAFFING LEVELS

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

**Table 12:  
SWMP Staffing**

<b>Programs</b>	<b>FY 2021*</b>	<b>FY 2022*</b>
Recycling	49	49
Waste Management Eng.	13	13
Export Unit BWD & BCC	62	62
Staten Island Transfer Station	35	35
Long Term Marine Transfer Station & Hq	302	302
Adm. - SWMP IFA	3	3
Legal Affairs - SWMP IFA	1	1
Long Term Export Unit	11	11
<b>Total</b>	<b>476</b>	<b>476</b>

\*January Budget 2022

#### 4.1.2 EVALUATION OF WASTE STREAM FOR ADDITIONAL RECYCLABLES

DSNY conducts ongoing evaluations for additional recyclables, and in 2017, DSNY completed a Waste Characterization Study to inform ongoing planning to maximize the divertible fractions of waste. Results were reported on DSNY's website at [www.nyc.gov/wastestudy](http://www.nyc.gov/wastestudy).

#### 4.1.3 NEW ISSUES

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

## **SECTION 5 – SOLID WASTE AND RECYCLABLES INVENTORIES**

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

Sources for the data collected to provide the information in this Compliance Report include the City’s 2021 Adopted Capital Budget, DSNY’s FY 2022 January Plan, Residential Recycling Diversion Reports and Loads and Tonnage Export Reports for the Reporting Period. The Recycling Diversion Reports derive information on recycling diversion from scale data and from commercial waste recycling from quarterly reports submitted by private transfer stations operating in the City. The Loads and Tonnage Exported Reports reflect the sum of all DSNY-managed tonnage exported for the period based on scale data.

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

The lists of destinations for solid waste generated in the City during the Reporting Period are appended hereto as Attachment 2A (CY 2019) and Attachment 2B (CY 2020), respectively.

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

The Reporting Period list of destinations for recyclables generated in the City is appended hereto as Attachment 3A. Bulk Metal quantities/destination details are provided in Attachment 3C.

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

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

The following local and state legislation on source separation or solid waste management were enacted or revised during the Reporting Period. Copies of the laws or rules are provided in Attachments 4A (2019 Local Laws), 4B (2020 Local Laws), 4D (Rules) and 4E (State Laws).

**LOCAL LEGISLATION** (amends the Administrative Code of the City of New York):

**Table 13:  
Local Laws on Cleaning - Street Cleaning**

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
<b><u>Local Law 3 of 2019</u></b>  12/29/18: City Charter Rule Adopted	In relation to suspending alternate side parking regulations on Three Kings Day.	19-163	Immediately
<b><u>Local Law 5 of 2019</u></b>  12/29/18: City Charter Rule Adopted	In relation to suspending alternate side parking regulations on Lunar New Year's Eve.	19-163	Immediately

**Table 14:  
Local Laws on Cleaning - Misc.**

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
<b><u>Local Law 150 of 2019</u></b>  8/23/19: City Charter Adopted	In relation to allowing pet harbors to be placed on sidewalks in front of commercial establishments. [Dog Parkers]	19-163	"120 days after it become law" i.e. 12/21/19
<b><u>Local Law 191 of 2019</u></b>  11/17/19: City Charter Rule Adopted	In relation to prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year's Day.  [This bill prohibits street vending on certain streets in	17-315	Immediately

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	Dyker Heights beginning on Thanksgiving until New Year's Day. The prohibited streets are bounded on the west by 10th Avenue, on the south by 86th Street, on the east by 13th Avenue and on the north by 81st Street in the borough of Brooklyn. The ban is in effect from 2:00 p.m. until 6:00am the following day.]		

**Table 15:  
Local Laws on Employment/Labor Related**

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
<p><b><u>Local Law 12 of 2019</u></b></p> <p>1/11/19: City Charter Rule Adopted</p>	<p>In relation to creating an office of diversity and inclusion within the department of citywide administrative services.</p> <p>[This bill creates an Office of Diversity and Inclusion within the Department of Citywide Administrative Services. The Office is tasked with compiling and releasing employment statistics related to recruitment, hiring and promotion of city employees, disaggregated by gender, race, civil service title classification, and other categories as appropriate. The Office is also responsible for creating</p>	City Charter Amendment	5/11/2019

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	directives, policies, procedures, and measurable goals that endeavor to diversify the city’s workforce. The Office must also submit an annual report to the Mayor, City Council, the Equal Employment Practices Commission, the City Civil Service Commission, and make such reports available online.]		
<p><b><u>Local Law 13 of 2019</u></b></p> <p>1/11/19: City Charter Rule Adopted</p>	<p>In relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization and adverse impact.</p> <p>[The bill would require the Equal Employment Practices Commission (EEPC) to analyze and report annually on whether agencies are meeting their racial and ethnic affirmative employment goals and, when not, identify the underutilized or adversely impacted groups and provide recommendations on corrective action. The EEPC would also be required to report aggregate, citywide data and provide recommendations to improve diversity in recruitment, selection, retention and promotion of City government employees. The</p>	<p>City Charter Amendment</p>	<p>“The same date as a local law amending the administrative code of the city..., as proposed in introduction number 633-A for the year 2018, takes effect”</p> <p>1/20/2019</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	reporting requirement would be repealed five years after the law takes effect.]		
<p><b><u>Local Law 14 of 2019</u></b></p> <p>1/11/19: City Charter Rule Adopted</p>	<p>In relation to requiring the department of citywide administrative services to review and report annually on the city’s efforts to collect racial and ethnic demographic information, including a review of racial classification categories and employee response rates.</p> <p>[The bill would require that the Department of Citywide Administrative Services (DCAS) include in its annual report an analysis of the city’s efforts to collect racial demographic information of city employees, including a review of the racial classification categories, as well as underutilization rate of racial classification categories by city employees.]</p>	City Charter Amendment	<p>“This local law takes effect on the same date as a local law... proposed in introduction number 752-A [Local Law 12]”</p> <p>5/11/2019</p>
<p><b><u>Local Law 129 of 2019</u></b></p> <p>7/14/19: City Charter Rule Adopted</p>	In relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city’s human rights law.	8-107	11/11/2019
<p><b><u>Local Law 54 of 2019</u></b></p> <p>3/19/19: City Charter Rule Adopted</p>	<p>In relation to the department of citywide administrative services provisional employee reduction plan.</p> <p>[The New York State Legislature has passed a bill</p>	City Charter Amendment	Immediately

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	(A11241/S8837A) that would provide an extension to the City to reduce its number of provisional employees. This bill also requires the Department of Citywide Administrative Services (DCAS) to submit to the state civil service commission for its approval a comprehensive revision of its provisional employee reduction plan. This bill would require DCAS to also submit this plan to the City Council.]		
<p><b><u>Local Law 91 of 2019</u></b></p> <p>5/10/19: City Charter Rule Adopted</p>	<p>In relation to prohibition of drug testing for pre-employment hiring procedures.</p> <p>[This proposed bill would prohibit New York City employers from requiring a prospective employee to submit to testing for the presence of any tetrahydrocannabinols (THC), the active ingredient in marijuana, in such prospective employee’s system as a condition of employment. Exceptions are provided for safety and security sensitive jobs, and those tied to a federal or state contract or grant.]</p>	8-102; 8-107	5/10/20
<p><b><u>Local Law 32 of 2020</u></b></p> <p>2/11/20: Signed by Mayor</p>	<p>In relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York.</p>	12-126	<p>Immediately</p> <p>But with some retroactive effects:</p>



<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
			<p>“provided, however, that the health insurance coverage granted by section 1 of this local law shall be provided to the surviving spouse or domestic partner and children of any city employee who died prior to the effective date of this local law and shall commence prospectively on such effective date; and provided further that the amendments made to subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York shall not affect the continuation of health insurance coverage awarded prior to the effective date of this local law.”</p>
<p><b><u>Local Law 24 of 2020</u></b>  1/19/20: City Charter Rule Adopted</p>	<p>In relation to health insurance benefits for surviving family members of certain deceased employees of the department of sanitation.</p>	<p>12-126</p>	<p>Immediately  But deemed to be in effect from 9/23/2019</p>
<p><b><u>Local Law 56 of 2020</u></b>  5/26/20: Signed by Mayor</p>	<p>In relation to amending the definition of harassment to include threats based on a person having been impacted by COVID-19.</p>	<p>20-2004</p>	<p>Immediately</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	[The bill would amend the definition of harassment in the Housing Maintenance Code to include threats against an individual based on their status as a COVID-19 impacted person, their status as an essential employee, or their receipt of a rental concession or forbearance. Harassment would be punishable by a civil penalty of \$2,000 to \$10,000.]		

**Table 16:  
Locals Laws Related to Enforcement**

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
<p><b><u>Local Law 155 of 2019</u></b></p> <p>8/23/19: City Charter Adopted</p>	<p>In relation to the compilation and online publication of a list of all city laws and rules that apply to small businesses.</p> <p>[This bill would require that the Commissioner of Small Business Services compile all of the rules and laws that apply to small businesses currently operating in the City of New York. The compilation would include descriptions of the rules and laws in plain language. This bill also would require that the Commissioner of Small Business Services update the compilation every 90 days and include language</p>	20-1002	<p>12/21/2019</p> <p>“...except that the department of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such date.”</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	specifying when the compilation was last updated. Finally, this bill would require that the compilation include a disclaimer notifying users that the compilation is not a replacement for legal advice and that they should seek assistance from a lawyer.]		

**Table 17:  
Local Laws Related to Facility & Vehicle (Including Construction)**

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
<p><b><u>Local Law 97 of 2019</u></b></p> <p>5/19/19: City Charter Adopted</p>	<p>In relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050.</p> <p>[This bill would establish the Office of Building Energy Performance as well as greenhouse gas emissions limits for existing buildings. This bill would also expand existing retro-commissioning requirements to certain buildings over 25,000 square feet.]</p>	<p>24-802; Chapter 3 of Title 28 (adding new articles 320 and 321)</p>	<p>11/15/2019</p> <p>“...except that prior to such effective date the department of buildings and the office of long term planning and sustainability may take such measures as are necessary for the implementation of this local law, including the promulgation of rules.”</p>

**Table 18:  
Local Laws Related to Government Operations**

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
<p><b><u>Local Law 37 of 2020</u></b></p> <p>3/13/20: Charter Rule Adopted</p>	<p>In relation to the creation of a database to track capital projects citywide, and to repeal section 18-145 of such administrative code.</p> <p>[This bill would require the establishment of an interagency task force consisting of representatives of at least seven Mayoral agencies and offices to create and implement a public online capital projects database. The database would consist of an interactive and searchable public database (updated on a triannual basis) containing information about capital projects citywide. The bill would also require an advisory board, consisting of representatives from the Mayor’s office, the Council, and the Comptroller, that would advise the task force on the development of the public online capital projects database. To the extent deemed practicable by the task force, the database would include information for each project including the name, location and current phase, as well as information related to the project schedule and cost. Upon publication of the database, this bill would require any</p>	<p>5-108; 18-145 (repealed)</p>	<p>Immediately</p> <p>“...except that section two of this local law expires and is deemed repealed after the publication of the public online capital projects database developed pursuant to such section and section four takes effect upon such publication, provided that such database contains information and data, consistent with the content and format of such database, regarding the capital projects within the jurisdiction of the department of parks and recreation.”</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	agency implementing a capital project for which information or data is published in the database to include a link to the public online capital projects database on that agency's website.]		
<p><b><u>Local Law 29 of 2019</u></b></p> <p>2/9/19: Charter Rule Adopted</p> <p><b>[THE LOCAL LAW SAYS THE LAW WAS RETURNED UNSIGNED BY THE MAYOR ON FEBRUARY 12, 2019]</b></p>	<p>In relation to an online list of required reports. [This bill would require the Department of Records and Information Services, which is currently required to receive and post all reports required to be produced by local law or executive order on its website, to list all required reports, when they were last received and when they are next due. In addition, this bill would require a request for transmission be sent to any agency that does not transmit a required report and would require the posting of such request on the website in lieu of the required report until such report is received.]</p>	<p>City Charter Amendment</p>	<p>6/12/2019</p>
<p><b><u>Local Law 15 of 2019</u></b></p> <p>1/11/19: City Charter Rule Adopted</p>	<p>In relation to the format of data in agency reports. [This bill would require that the data contained within required reports and studies be transmitted in a format that makes such data easily accessible.]</p>	<p>City Charter Amendment</p>	<p>Immediately</p>
<p><b><u>Local Law 184 of 2019</u></b></p>	<p>In relation to requiring the department of citywide administrative services to</p>	<p>City Charter Amendment</p>	<p>Immediately</p>

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
10/26/19: City Charter Rule Adopted	develop an off-hour delivery plan. [This bill would require the New York City Department of Citywide Administrative Services (DCAS) to develop a plan for receiving deliveries of goods, supplies, materials and equipment at buildings and facilities under the jurisdiction of the department between the hours of 7 p.m. and 6 a.m. The bill also requires DCAS to submit the plan to the Mayor and Speaker of the Council.]		
<b><u>Local Law 176 of 2019</u></b>  10/13/19: City Charter Rule Adopted	In relation to minority and women-owned business enterprises.  [This bill would, among other things, require the chief procurement officer, in conjunction with the mayor’s office of minority and women’s-owned businesses, to more frequently update operational protocols for the city’s M/WBE program, as well as facilitate additional agency and contractor training of M/WBE program implementation. The bill would also empower agency chief contracting officers to require contracting agencies to identify MBE, WBE or EBEs that such agencies intend to employ for certain contracts. Lastly, the bill would enable the chief	6-129	Immediately  “...except that that subdivision 9 of this local law takes effect on the effective date of the rules adopted by the department of small business services to implement the requirements of subdivision 9 of this local law.”

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	procurement officer to exempt portions of certain contracts from the M/WBE program in instances where, after an exhaustive search by a contracting agency, it is determined that there are no eligible MBE, WBE or EBE firms eligible to perform the work required.]		
<p><b><u>Local Law 227 of 2019</u></b></p> <p>12/15/19: City Charter Rule Adopted</p>	<p>In relation to proper disposal of deceased animals.</p> <p>[This bill would require the Department of Health and Mental Hygiene to conduct public awareness and education campaigns regarding the proper disposal of deceased animals, including any city resources and services available relating to the proper disposal of deceased animals.]</p>	17-817;	3/14/20
<p><b><u>Local Law 147 of 2019</u></b></p> <p>7/27/19: City Charter Rule Adopted</p>	<p>In relation to greenhouse gas emissions.</p> <p>[This bill would make various technical amendments to Local Law 97 of 2019.]</p>	24-803; 28-320; 28-321; 28-322	11/15/2019
<p><b><u>Local Law 50 of 2020</u></b></p> <p>5/26/20: Signed by Mayor</p>	<p>In relation to license, permit, consent and registration renewal extensions, and requiring at least 45 days' notice for renewal following the COVID-19 emergency.</p> <p>[This bill requires city agencies to publish a list of</p>	25-460	7/1/2020

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	<p>any licenses, permits, consents or registrations that are not covered by the renewal extension provided for by section four of the Mayor’s Emergency Executive Order Number 107 issued on April 14, 2020. This list must be made available on agency websites no later than 14 days after the enactment of this bill. In addition, this bill requires that all renewal deadlines be no earlier than 45 days after section four of the Mayor’s emergency order lapses. For licenses, permits, consents or registrations that expire on or after March 12, 2020 and are for a term of less than 45 days, the renewal extension provided for in this bill shall only be for the original duration of such license, permit, consent or registration.]</p>		
<p><b><u>Local Law 77 of 2020</u></b></p> <p>7/26/20: City Charter Rule Adopted</p>	<p>In relation to temporary space for outdoor dining.</p> <p>This bill requires the City to create an open restaurants program that would allow restaurants to offer outdoor dining to patrons on sidewalks and other approved open space. The Department of Transportation (DOT) is required to create a self-certification process that restaurants owners must</p>	<p>City Charter Amendment</p>	<p>Immediately</p>



<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	<p>complete before offering outdoor dining. Such process would not require DOT approval, however, a self-certification could be suspended or terminated by the Department for non-compliance with requirements of the program or for the protection of health or safety. In addition, the City would be required to identify additional areas where food vendors could temporarily operate. The program will run until at least September 8, 2020, with the possibility of extension, but it shall expire by December 31, 2020.</p>		
<p><b><u>Local Law 114 of 2020</u></b>  11/15/20: City Charter Rule Adopted</p>	<p>In relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program. [The bill would extend the expiration of the City’s current outdoor dining program until September 30, 2021. That program would be replaced by a permanent program to allow for the use of roadway seating as outdoor dining areas. In addition, the bill would allow the use of portable electric and propane heaters in outdoor dining areas,</p>	<p>City Charter Amendment</p>	<p>Immediately</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	subject to guidelines issued by the Fire Department.]		

**Table 19:  
Local Laws on Parking Placards & Residential Parking Permits**

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
<p><b><u>Local Law 2 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to increasing the fine for the use of unauthorized or fraudulent parking permits.</p>	<p>19-166</p>	<p>1/26/20</p>
<p><b><u>Local Law 3 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to creating an electronic tracking system for all city-issued parking permits [This legislation would require the department of transportation to create an electronic database that allows relevant city agencies, including the NYPD, to track all issued city-issued parking permits.]</p>	<p>14-183</p>	<p>12/31/21</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
<p><b><u>Local Law 4 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to the misuse of city-issued parking permits. [This legislation would revoke and prohibit future issuance of city-issued parking permits to individuals who are found guilty of misusing valid parking permits or of creating or using fraudulent parking permits.]</p>	<p>19-166</p>	<p>3/26/2020</p> <p>“...except that the commissioner of transportation, in consultation with the police commissioner as needed, shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.”</p>
<p><b><u>Local Law 5 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits.</p>	<p>19-162</p>	<p>Immediately</p>
<p><b><u>Local Law 6 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to parking enforcement.</p> <p>[This bill would require the Police Department to evaluate at least 50 sites a week based on 311 complaints relating to the misuse of parking permits and obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle. The evaluations would include photographic documentation of vehicles parked at the site and a list of enforcement actions. This information would be submitted the Council, the Mayor, the Department of Transportation, the Department of Investigation</p>	<p>City Charter Amendment</p>	<p>Immediately</p>

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	(DOI). DOI would review these evaluations and analyze their effectiveness. By October 15, 2019, DOI would submit a report with any recommendations on enforcement or the use and issuance of parking permits.]		
<p><b><u>Local Law 7 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant.</p> <p>[This bill would prohibit official City vehicles from blocking a bike lane, bus lane, crosswalk, sidewalk, or fire hydrant unless it is an emergency.]</p>	19-162	1/26/2020
<p><b><u>Local Law 8 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to reporting parking complaints to 311.</p> <p>[This bill would require 311 to accept complaints and photographs related illegal parking and the misuse of parking permits. The City would be required to respond to complaints about a City vehicle blocking a bike lane, bus lane, crosswalk, sidewalk, or fire hydrant and explain why an emergency existed, making such parking permissible.]</p>	23-304 (section added)	Immediately
<p><b><u>Local Law 9 of 2020</u></b></p> <p>12/27/19: City Charter Rule Adopted</p>	<p>In relation to city-issued parking permits.</p> <p>[This bill would create a standardized application process managed by the Department of Transportation</p>	19-162	3/26/2020  “...except that the commissioner of transportation, in consultation and the police commissioner

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	for City-issued parking permits. Applications would be sponsored by City agencies and each applicant would be required to state why a permit would support such agency. Information on the number of permits requested and issued, disaggregated by sponsoring agency, would be posted online.]		may take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.”

**Table 20:  
Local Laws on Recycling/Outreach/Zero Waste/Sustainability**

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
<b><u>Local Law 22 of 2019</u></b>  1/11/19: City Charter Rule Adopted	This bill mandates that city agencies operating in buildings that receive collection service from the department must source separate organics for DSNY to collect.	16-308	Immediately
<b><u>Local Law 100 of 2019</u></b>  5/19/19: City Charter Rule Adopted	In relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction.  [This bill would require certain covered retail vendors who sell certain products subject to New York State sales tax to charge a fee of 5 cents for each paper bag provided to a customer of such vendor. This bill would have the City opt into State law that goes into effect on	Title 16, Chapter 4-F	3/1/2020 “except that the commissioner of sanitation and the commissioner of finance may take such measures as are necessary for its implementation prior to such effective date.”

Local Law	Summary of Provisions	Administrative Code Provision(s) Amended (If other, will be indicated)	Effective Date
	<p>March 1, 2020. It would also exempt residents who use the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, as full or partial payment toward the items purchased in a covered store from paying the bag fee.]</p>		
<p><b><u>Local Law 40 of 2020</u></b>  3/13/20: City Charter Rule Adopted</p>	<p>In relation to requiring the office of food policy to formulate a 10-year food policy plan.</p> <p>[This bill would require the Mayor’s Office of Food Policy (MOFP) to consult with relevant agencies, community-based organizations, community leaders and food system stakeholders that focus on food policy, food equity, food justice and food insecurity. The plan would set goals to reduce hunger, improve nutrition, increase access to healthy food, reduce food waste, develop and improve food and farm economies, and increase urban agriculture and sustainability. The MOFP would also be required to submit to the Mayor, the Speaker of the Council, and post on its website a report assessing the city’s progress toward the identified goals. The assessment would be based on food metrics data gathered in accordance with</p>	<p>City Charter Amendment</p>	<p>7/11/2020</p>

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	section 3-120 of the administrative code.]		
<b><u>Local Law 41 of 2020</u></b>  3/13/20: City Charter Rule Adopted	In relation to the establishment of an office of food policy.  [This bill would establish an Office of Food Policy. The office would be responsible for, among other things, developing and coordinating initiatives to promote access to healthy food in the city; increasing access to and utilization of food support programs; coordinating on the development of the annual food system metrics report with the office of long-term planning and sustainability; and working with the department of health and mental hygiene to update agency food standards.]	City Charter Amendment	7/11/20  “...except that except that the mayor’s office or any agency designated by the mayor shall take such measures as are necessary for the implementation of this local law before such date.”

**Table 21:  
Local Laws on Transfer Stations/ Recycling Facilities /Private Carters and Commercial Waste Zones**

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
<b><u>Local Law 197 of 2019</u></b>  11/20/19: Signed by the Mayor	In relation to requiring GPS in certain waste hauling vehicles.  [This bill would require companies licensed by or registered with the Business Integrity Commission to track location and speed data and	16-515	Immediately

<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	report that data to BIC. This bill would also require BIC to report instances of speeding or other traffic violations to the mayor or the city council.]		
<p><b><u>Local Law 55 of 2019</u></b></p> <p>3/18/19: Signed by the Mayor</p>	<p>In relation to trade waste industry labor unions.</p> <p>[This bill would mandate that BIC issue and establish standards for the registration of labor unions in the trade waste industry.]</p>	<p>16-503; 16-504; 16-505; 15-506; 16-509</p>	<p>7/16/2020</p> <p>“...except that the business integrity commission may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.”</p>
<p><b><u>Local Law 56 of 2019</u></b></p> <p>3/18/19: Signed by the Mayor</p>	<p>In relation to providing information to private sanitation employees.</p> <p>[The proposed legislation would require the Business Integrity Commission (BIC) to provide information about workers’ rights on their website and directly to employees of companies licensed or registered by BIC.]</p>	<p>16-528 (new section)</p>	<p>12/13/2020</p>
<p><b><u>Local Law 57 of 2019</u></b></p> <p>3/18/19: Signed by the Mayor</p>	<p>In relation to referral of labor and wage violations.</p> <p>[The proposed legislation would require the Business Integrity Commission to refer labor and wage violation cases involving private carters to the New York State Attorney General, the United States Department of Labor,</p>	<p>16-527</p>	<p>Immediately</p>



<b>Local Law</b>	<b>Summary of Provisions</b>	<b>Administrative Code Provision(s) Amended (If other, will be indicated)</b>	<b>Effective Date</b>
	and other relevant city, state, or federal law enforcement agencies.]		
<p><b><u>Local Law 198 of 2019</u></b></p> <p>11/20/19: Signed by the Mayor</p>	<p>In relation to regulating the trade waste industry.</p> <p>[This bill would add enforcement of environmental, safety and health standards to the powers and duties of the business integrity commission. Additionally, it would add violation of law relating to the safety of the general public to the reasons a trade waste license could be suspended.]</p>	<p>16-504; 16-506; 16-507; 16-509; 16-513; 16-520; 16-526</p>	<p>Immediately</p>
<p><b><u>Local Law 199 of 2019</u></b></p> <p>11/20/19: Signed by the Mayor</p>	<p>In relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts.</p> <p>[This bill would mandate the establishment of commercial waste zones. The Department of Sanitation would designate commercial waste zones and enter into agreements with private carters to operate in the zones.]</p>	<p>16-116; 16-306; 16-504; 16-509; 16-513; 16-515; 16-519; 16-520; 16-522; 16-523 (repealed); 16-524 (repealed); 16-526; Title 16-B (new title); 24-163;</p>	<p>Immediately “except as otherwise provided in this section...”</p>

**RULES PROMULGATED BY DSNY** (amends Title 16 of the Rules of the City of New York):

**NYC Commercial Organics**

On January 31, 2020, DSNY published a rule to promulgate completion of the final phase-in of expansion of organic waste source separation requirements to the following food generating service establishments (FSEs) in New York City pursuant to Local Law 146 of 2013:

- Any building or premises where FSEs having a total combined floor area of at least 8,000 square feet are located AND where the owner of the building or premises, or its agent, arranges or contracts with a private carter for the removal of waste from such FSEs;
- Food preparation establishments having a floor area of at least 6,000 square feet;
- Catering establishments that are required to provide for the removal of waste pursuant to New York City Administrative Code § [16-116](#) whenever the anticipated attendance for a particular event is greater than 100 persons; and
- Sponsors of a temporary public event with an anticipated attendance of greater than 500 persons per day, excluding activities conducted pursuant to a valid permit for filming, demonstration, parade, or block parties.

The revised rule also changed the criteria of some previously designated covered establishments as follows:

- FSEs in hotels having at least 100 sleeping rooms, which is being lowered from the current requirement of 150 sleeping rooms, and also removing the requirement that the FSE operate under common ownership or control of the hotel and receive waste pick-up from the same private carter that services the hotel;
- Restaurants having a floor area space of at least 7,000 square feet, which is being lowered from the current requirement of 15,000 square feet;
- Restaurants that are part of a chain of 2 or more locations in New York City, which have a combined floor area of at least 8,000 square feet and that (i) operate under common ownership or control; (ii) are individually franchised outlets of a parent business; or (iii) do business under the same corporate name, which will be lowered from the current requirement of a chain of 100 or more locations in the City; and

- Food retailers having a floor area space of at least 10,000 square feet, or any food retailer that is part of a chain of 3 or more retail food stores having a combined floor area space of at least 10,000 square feet, which is being lowered from the current requirement of 25,000 square feet, and that operate under common ownership or control and receive waste collection from the same private carter.

The final rule took effect January 31, 2020 which was to allow for outreach and covered businesses to come into compliance, with a 12-month warning period thereafter before DSNY could begin enforcement. A copy of the rule is provided in Attachment 4D. While the anticipated timeline for summons issuance was to begin at the end of July 2021, DSNY is re-evaluating the enforcement commencement date; enforcement is expected to begin in 2022.

### **Commercial Waste Zones**

Pursuant to Local Law 199, the Sanitation Commissioner promulgated a rule dividing the geographic area of New York City into 20 “commercial waste zones.” The final rule was published in the City Record on February 14, 2020. A copy of the rule is provided in Attachment 4D.

## **OTHER INITIATIVES**

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

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

In a determination dated January 1, 2015, DSNY determined that foam single service articles cannot be recycled in a manner that is economically feasible or environmentally effective. Since DSNY determined that EPS could not be recycled, foam was to become banned on July 1, 2015. However, the determination was challenged by a coalition of plaintiffs representing various New York City and businesses, manufacturers, recyclers and purchasers of EPS products. The determination was subsequently annulled by the New York State Supreme Court, which remanded the determination to DSNY for reconsideration.

DSNY reissued its determination on May 12, 2017. DSNY again concluded that foam single service articles cannot be recycled in a manner that is economically feasible or environmentally effective. Once again, a coalition of plaintiffs representing various New York City and businesses, manufacturers, recyclers and purchasers of EPS products challenged the determination. This time, DSNY’s determination was upheld by the New York State Supreme Court which held that “the 2017 Determination was a painstakingly studied decision and was in no way rendered arbitrarily or capriciously.”

Petitioners appealed the Supreme Court’s decision, however, the Appellate Division held “The Commissioner properly considered the evidence submitted upon remand, as well as reconsidering the evidence in the original record, and, based on that record, rationally concluded that the City’s expanded polystyrene single service articles cannot be recycled in a manner that is environmentally effective and economically feasible.”

As such, NYC instituted its ban on single-service foam items and foam packing peanuts on January 1, 2019. Enforcement of this ban began on July 1, 2019. See Attachment 4A.

**Table 22: State Laws**

<b>Chapter Number</b>	<b>Law Summary</b>	<b>Section Amended</b>	<b>Effective Date</b>
Chapter 58 of 2019 (Part H--enacted as part of budget.)	New York State Bag Waste Reduction Act. Under this law, all plastic carryout bags (other than an exempt bag) became banned from distribution by anyone required to collect New York State sales tax. This law also allowed municipalities to promulgate a law charging a fee for the use of paper bags (NYC has promulgated such a law)	NYS ECL Article 27 Title 28	This law was initially supposed to become effective on March 1, 2020, however due to a lawsuit and the COVID-19 pandemic, the enforcement date was delayed until October 19, 2020.

Chapter Number	Law Summary	Section Amended	Effective Date
Chapter 58 of 2019 (Part SS --enacted as part of budget.)	NYS Food Donation and Food Scraps Recycling Law. This law requires businesses that generate an annual average of two tons of wasted food per week or more must donate excess edible food and recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).	NYS ECL Article 27 Title 21	January 1, 2022. <b>*NOTE: this law specifically exempts NYC since NYC already has a law governing the recycling of commercial organics that became effective July 1, 2015*</b>
Chapter 673 of 2019.	NYS Postconsumer Paint Collection Program. This law requires architectural paint producers, who sell paint in or into NY State, to implement a postconsumer paint collection program, either individually or cooperatively with other producers. Producers, or their collective organization, were required to submit a postconsumer paint collection program plan to NYSDEC by July 1, 2020. The postconsumer paint collection program will be funded by a small fee applied to the price of covered products at the time of purchase.	NYS ECL Article 27 Title 20	Effective July 1, 2020. The paint stewardship plan administered by PaintCare Inc is anticipated to begin November 1, 2021.

Chapter Number	Law Summary	Section Amended	Effective Date
Chapter 58 of 2020 (Part PP --enacted as part of budget.)	NYS Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Ban. Under this law, no covered food service provider or store (retail or wholesale) will be allowed to sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam in New York. In addition, no manufacturer or store will be allowed to sell, offer for sale, or distribute polystyrene loose fill packaging (packing peanuts) in the state.	NYS ECL Article 27 Title 30	January 1, 2022 <b>*NOTE: this law specifically exempts NYC since NYC already has a ban on EPS products effective January 1, 2019*</b>

See Attachment 4E for copies of the above-described State laws enacted during the Reporting Period.

# **ATTACHMENT 1A**

## **donateNYC: Food Donations Portal**

In March 2019, DSNY launched the “food” donation section of the donateNYC website. The new website tool matches businesses with extra food, to groups who feed hungry New Yorkers, with an eye towards hyper-local donations. The new donateNYC food tool will help reduce the large amounts of edible food sent to landfills every year, redirect excess edible food to New Yorkers in need, and help fill the meal gap not yet met by existing food donations. The site also supports recurring hyper-local donations, which increase the positive neighborhood impacts of food donation and works to enhance and support New York City’s robust food rescue infrastructure.

All safe, pre-consumer food is eligible for donation, including packaged, prepared, or bulk foods, such as:

- Whole, cut, canned, or frozen fruits and vegetables
- Cooked or dry grains, rice, and pasta
- Meat or dairy
- Meat and dairy alternatives
- Prepared meals or side dishes
- Baby food
- Pet food (to be distributed to people in need with pets)

Food that is clearly unsuitable for consumption, is from residential sources, or includes any controlled or illegal substances, along with food held or transported outside of food safe temperatures is **not** eligible for donation and will **not** be able to be listed in the portal.

To participate, both potential donors and receivers must first register for an account at [nyc.gov/donate](https://nyc.gov/donate). Groups with available food post a donation listing, specifying the type and amount of food, its packaging and delivery requirements, as well as a pickup/delivery time. A proprietary algorithm matches donations to possible recipients, first by their required criteria (food type, quantity, storage requirements) and then by distance, starting with the closest organization first. Recipients are notified when a donation matches their criteria and they have a limited amount of time to accept, before the algorithm matches a second possible recipient.

Once matched, donors and recipients can message one another to confirm a delivery/pickup time. Upon confirmation of a successful donation, donors will receive automatically-generated tax



receipts. Additionally, after the donation is complete, donors and recipients must rate the transaction in order to assure quality and compliance with User Agreement.

To ensure the integrity of the portal, users and donation listings are monitored and approved by NYC Sanitation staff.

Donors are asked to maintain the safety standards of their donations in storage, packaging, and transit. Recipients should monitor deliveries for food safety and match to donation description. donateNYC staff will provide resource guides for best practices and more information on the City's food safety guidelines. Food donors are protected by Bill Emerson Good Samaritan Act of 1996.

While the website portal is now active, a mobile app for iOS and Android will follow.

The food portal is only available to businesses. Residents wishing to donate their excess food may visit the donateNYC directory at [nyc.gov/donate](http://nyc.gov/donate).

## **ATTACHMENT 1B**

## **THE SANITATION FOUNDATION**

### **ORGANIZATIONAL OVERVIEW**

The Sanitation Foundation is the official non-profit partner of the New York City (NYC) Department of Sanitation (DSNY or Sanitation). Our mission is two-fold: to celebrate and support the essential Sanitation workforce and advance DSNY's ambitious zero-waste agenda. We accomplish this by fostering innovative public/private partnerships between DSNY, businesses, and community organizations. Our public engagement, education, and capacity-building programs support DSNY in achieving our shared vision for a healthier, cleaner, more sustainable NYC.

The NYC's Department of Sanitation is the largest in the world, collecting more than 10,500 tons of residential and institutional garbage and 1,760 tons of recyclables daily, as well as working towards dramatically minimizing our contribution to landfills and curtailing associated greenhouse gas emissions. DSNY's unparalleled environmental leadership has never been more critical: the worst impacts of climate change will likely become irreversible by 2030. By bringing awareness to DSNY's direct contributions to NYC's sustainability, the Sanitation Foundation works to realize the department's ambitious zero-waste vision for NYC now, before it is too late.

2020 has demanded that, in addition to serving as leaders in the global movement for sustainability, our Sanitation workforce also deepen its role as protectors of public health and safety. Sanitation workers have been doubling as frontline healthcare responders for nearly 150 years; around the turn of the 20th Century, DSNY's predecessor agency – the Department of Street Cleaning – protected the city from outbreaks of diseases like cholera and yellow fever that had plagued NYC for centuries. For over a century, Sanitation workers have continued to stand alongside frontline heroes like firefighters and EMTs as essential workers during crises that have defined NYC, from 9/11 to Superstorm Sandy to COVID-19.

Now, as DSNY simultaneously faces the ongoing impacts of the pandemic and the climate crisis, the partnership of the Sanitation Foundation is more critical than ever. By promoting the work, history, and goals of DSNY, and championing its workers as vital on-the-ground stewards of public health and environmental protection, the Sanitation Foundation is creating a stronger, more sustainable future for NYC – today.

### **FOUNDATION WORK**

Since its founding in 2016, the Sanitation Foundation has overseen a slate of diverse initiatives. As many of its programs are based in public-private partnerships, its work has the unique power to galvanize progress towards DSNY's main goals on micro and macro levels simultaneously. The Foundation is proud to inspire millions – from individuals to businesses and government entities – to change their individual and collective behaviors in pursuit of a zero-waste future.

### **DSNY Support**

The Foundation offers responsive direct support for DSNY and its employees to protect their health and safety, ensuring our Sanitation Workers can continue to fight for the well-being of all New Yorkers; and augments the Department's operations by leveraging volunteers from around NYC to aid in litter clean-up and composting.

## **COVID-19 Relief Fund**

In April 2020, the Foundation launched a COVID-19 Emergency Fund to support DSNY's workforce. The essential service the Sanitation workforce provides for NYC has never been clearer than throughout the pandemic: as DSNY works to adjust to NYC's new normal, the workforce remains on the front lines, helping to keep NYC safe and healthy.

The COVID-19 Emergency Fund was created to purchase personal protective equipment and resources to support Sanitation employees and their families during this crisis. To date, the Fund has raised over \$525,000 in contributions and donated goods, allowing it to provide over 38,000 face masks to limit workers' exposure to COVID-19; 2,500 meals; more than 300 gallons of cleaning and disinfecting solution; and over \$20,000 in direct support to the families of DSNY's fallen workers.

## **Volunteer Programs**

The Sanitation Foundation offers numerous opportunities for individuals, non-profit organizations, and corporate groups to engage further with its work through volunteer projects. The projects provide volunteers with hands-on direct service, including compost bagging, community composting, litter cleanups, and street tree care, while also learning how the waste cycle works.

## **PUBLIC ENGAGEMENT**

The Foundation's programs aim to increase understanding about DSNY's rich legacy and service as a vital protector of NYC, championing its role as a leader in both public health and environmentalism – two of the most critical areas for NYC and the world at present.

## **Photoville**

During Fall 2020, the Foundation participated as an exhibitor in Photoville, an annual photo festival featuring over 60 exhibitions citywide of photography from across the world, welcoming more than 500,000 visitors virtually and in-person. From September 17-November 29, 2020, our exhibition Picking Up NYC was on display in Brooklyn Bridge Park, highlighting the heroism of DSNY and the moments throughout history when DSNY workers have served as first responders. Sanitation Worker Charlie Eisenbach served as the primary photographer.

## **DSNY Art Show**

The Foundation created the DSNY Art Show to build bridges between DSNY and the communities it serves by humanizing the Sanitation workforce and celebrating their diverse talents. Due to COVID-19, our 2020 DSNY Art Show was hosted online this fall but will be followed up in Fall 2021 with an in-person exhibit. The Foundation received a host of submissions from across DSNY – from mechanics to Sanitation Workers to policymakers. A group of internal and external experts came together to judge the submissions based on creativity and skill to determine winners amongst the incredible creations of the Sanitation workforce, with each winner receiving a cash prize: 1st Place went to *bluwaveforms* by Bernard Klevickas, 91st Street Marine Transfer Station Machinist, 5 years on the job; 2nd Place was awarded to *Not So Grouchy!* by James Tangredi, Bronx East 11 Sanitation Worker, 16 years on the job; and 3rd Place went to *Snapchat Medusa* by Cody Nelson, Brooklyn 5 Sanitation Worker, 5 years on the job. In addition, our audience came together to vote for the People's Choice Award, which went to retired Sanitation Worker Kenny

Abel, Brooklyn 2 Garage. Kenny had never made art prior to his participation in the Art Show but was moved to do so to commemorate one of his fellow Sanitation Workers, who died on the job.

### **Treasures in the Trash**

Over the course of his 34-year career, now-retired Sanitation Worker Nelson Molina curated a collection of more than 40,000 discarded items. Molina saw clearly that these weren't garbage but vignettes of NYC itself, with the power to remind us of what we do – and don't – value, and the scale of what we throw away. The resulting exhibition, "Treasures in the Trash," is housed in Manhattan 11, an active Sanitation garage servicing East Harlem. The Foundation continues to steward the collection, offering public tours through New York Adventure Club, partnering with other organizations for special showings, and ultimately working to find a permanent home for the collection by establishing a dedicated Sanitation Museum.

In 2019, HELLER Films collaborated with the Foundation to produce a short film about Molina's collection and his career with DSNY. The film explores the intricacies of Molina's collecting, offers unique insights on "Treasures in the Trash," and continues to help raise awareness of the collection.

### **Sanitation Museum**

As noted above, the Foundation is currently in the planning process to establish a full NYC Museum of Sanitation, the first museum dedicated to DSNY's rich legacy of keeping NYC healthy, safe, and clean, with a goal of educating NYC residents and inspiring future generations to build a more sustainable city. The Foundation is currently working with Chora Creative to develop a strategic plan that refines the vision, mission, and goals of the project. This work will help steer the Museum's next steps and offer the Foundation the framework to begin fundraising in 2021.

To provide a glimpse of what the Museum could be, the Foundation will host a pop-up exhibition in partnership with Mack Trucks in the fall of 2021, showcasing art by DSNY employees, work by the award-winning DSNY Artist-in-Residence Mierle Ukeles, and pieces from the "Treasures in the Trash" collection.

### **ReFashion Week**

In February 2021, the Foundation will partner with donateNYC to host its third year of ReFashion Week, an exciting array of events celebrating secondhand and sustainable fashion. The average NYC household throws away about 120 pounds of textiles a year; together, approximately 200,000 tons of textile waste are sent to landfills every year, equivalent to over 4,500 subway cars or nearly 900 Statues of Liberty. ReFashion Week helps NYC residents, nonprofits, and businesses find creative solutions to reduce textile waste and culminates in a one-of-a-kind ReFashion Show, where thrifted stylists and upcycled designers compete in front of expert judges. The Foundation is currently planning an all-virtual 2021 ReFashion Week, including a digital kick-off event, virtual marketplace, and online runway show.

### **Food Waste Fair**

Biennially, the Foundation hosts the Food Waste Fair, NYC's largest expo of food waste solutions with a workshop series and our Zero Food Waste Challenge, which features a dozen of the city's most creative culinary leaders – from soup kitchen cooks to Michelin star chefs. NYC businesses

produce more than 650,000 tons of food waste each year, and when that food decomposes in landfills, it emits methane and contributes to climate change. The Food Waste Fair allows business and individuals alike to take the problem directly into their own hands by offering NY residents critical resources and knowledge to minimize our collective food waste.

The 2019 NYC Food Waste Fair brought together more than 1,000 passionate participants and over 70 exhibitors. The 2021 Fair – currently scheduled for June 2021 – will build on this success, once again empowering New Yorkers to take action to prevent, reduce and recycle food waste at home and at their businesses.

## **EDUCATION**

Lastly, the Sanitation Foundation provides educational opportunities that offer the public the knowledge, resources, and skills necessary to take action and directly contribute to the creation of a zero-waste city.

### **Workshops**

Throughout the year, the Foundation offers an ongoing series in partnership with Zero Waste NYC Workshops. These sessions, currently held online due to COVID-19, aim to engage NYC residents in reducing waste and offer a “how to” guide for living more sustainability. Recent workshops have included: How Can We Make "Zero Waste" More Equitable?; Zero Waste Parenting Webinar; The Holidays: How to Reduce Waste and Buy Less; and Sustainable Food Systems.

In 2021, the Foundation will build on the success of these sessions by beginning to offer zero waste workshops specifically tailored for corporate groups.

### **New York City Zero Waste Academy (NYC ZWA)**

Launching in May 2021, the NYC ZWA is designed to provide NYC residents with free education and training to increase awareness and understanding of waste systems and the environmental, social, and economic impacts of waste management and mismanagement.

The program will consist of approximately nine 45- to 90-minute education and training sessions (virtual for now) developed by a variety of experts on waste; as well as socially distanced field trips to sites of interest. Trainings will employ a systems-level approach to waste reduction by educating participants on topics such as the history of waste management and waste composition in NYC, current waste systems in NYC, social and environmental implications of waste and pollution, waste hierarchies, existing technologies, best practices for living a less wasteful lifestyle, and how to influence others to prevent pollution.

For this initial pilot, the goal is to engage NYC residents who may already have an interest in the waste system (urbanists, environmentalists, etc.) and are current or emerging leaders in their communities, to increase the likelihood they will take action and influence others after completing a NYC PWA session. Once the program has been piloted, outreach is expected to expand to reach the people who live and work in communities that are most adversely affected by waste mismanagement.

Given the Foundation’s position at the nexus of NYC government and the community, it is particularly well suited to launch such a program and to create a dedicated group of citizens who

are empowered to educate and be educated on waste and pollution issues in NYC. This unique position will allow the NYC ZWA to powerfully connect NYC's institutional support and expertise with the broad reach and diverse interests of local community groups and stakeholders.

## **ATTACHMENT 2A**



**DSNY-Managed Waste Tonnage and Transfer/Disposal Sites for CY 2019**

Facility Name/Address	Facility Ownership	Vendor	Contract Type	Average Tons/Day	Delivered Tons/Per Year	Tons/Day by Disposal Site	Disposal Site	Disposal State	Truck Or RR
<b>DSNY STATEN ISLAND TRANSFER STATION</b> 600 W. Service Rd Staten Island, NY	NYC	Republic Services	Long-Term	713	214,740.96	713	Lee County LF	SC	RR
<b>HARLEM RIVER YARD TRANSFER STATION</b> 98 Lincoln Ave Bronx, NY	Private	Waste Management of New York, LLC	Long-Term	1,811	545,012.73	1811	Atlantic Waste Disposal LF	VA	RR
<b>VARICK TRANSFER STATION</b> 215 Varick Ave Brooklyn, NY	Private	Waste Management of New York, LLC	Long-Term	1,025	308,667.30	6	Atlantic Waste Disposal LF	VA	RR
						1012	High Acres LF	NY	RR
						7	Fairless Hills LF	PA	T
<b>WASTE CONNECTIONS</b> 577 Court Street Brooklyn, NY	Private	Waste Connections	Interim	77	23,277.42	32	Bethlehem LF	PA	T
						17	Blue Ridge LF	PA	T
						28	Seneca Meadows LF	NY	T
<b>WASTE CONNECTIONS</b> 110 50th Street Brooklyn, NY	Private	Waste Connections	Interim	6	1,700.46	3	Bethlehem LF	PA	T
						2	Blue Ridge LF	PA	T
						1	Seneca Meadows LF	NY	T
<b>REVIEW AVENUE TRANSFER STATION</b> 38-50 Review Ave Queens, NY	Private	Waste Management of New York, LLC	Long-Term	942	283,441.25	1	Atlantic Waste Disposal LF	VA	RR
						941	High Acres LF	NY	RR
<b>WASTE MANAGEMENT A-1 COMPACTION</b> 325 Yonkers Ave Yonkers, NY 10701	Private	Waste Management of New York, LLC	Interim	173	52,139.96	106	Westchester Resco *	NY	T
						67	Fairless Hills LF	PA	T
<b>TULLY ENVIRONMENTAL</b> 127-30 34th Ave Corona, NY	Private	Tully Environmental	Interim	229	68,976.57	35	Commonwealth Environmental Systems LF	PA	T
						71	Seneca Meadows LF	NY	T
						108	Keystone Sanitary LF	PA	T
						2	Fairless Hills LF	PA	T
<b>REGAL RECYCLING</b> 172-06 Douglas Ave Jamaica, NY 11433	Private	Regal Recycling	Interim	25	7,670.31	25	Covanta Hempstead *	NY	T
						14	Chemung County LF	NY	T
<b>AMERICAN RECYCLING</b> 172-33 Douglas Ave Jamaica, NY	Private	American Recycling	Interim	277	83,371.18	277	Seneca Meadows LF	NY	T
<b>JULIA STREET TRANSFER STATION</b> 864 Julia St Elizabeth, NJ	Private	Waste Management	Interim	14	4,308.77	8	Grows North LF	PA	T
						6	Fairless Hills LF	PA	T
<b>BROAD AVENUE TRANSFER STATION</b> 61 Broad Ave Fairview, NJ	Private	Waste Management	Interim	40	11,949.04	40	Fairless Hills LF	PA	T
<b>INTERSTATE WASTE SERVICES TRANSFER STATION</b> 375 US 1 Truck Rt Jersey City, NJ	Private	Interstate Waste Services	Interim	87	26,036.72	60	Cumberland County LF	PA	T
						15	Fairless Hills LF	PA	T
						11	Apex Environmental. Resources LF	OH	T/RR
<b>DSNY NORTH SHORE MARINE TRANSFER STATION</b> 120-15 31st Ave College Point, NY 11354	NYC	Covanta Sustainable Solutions, LLC	Long-Term	1,391	418,548.63	486	Covanta Delaware Valley *	PA	RR
						879	Covanta Niagara *	NY	RR
						26	Lee County LF	SC	RR
<b>DSNY HAMILTON AVENUE MARINE TRANSFER STATION</b> 500 Hamilton Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	1,407	423,597.84	1010	Maplewood LF	VA	RR
						8	High Acres LF	NY	RR
						389	Atlantic Waste Disposal LF	VA	RR
<b>DSNY EAST 91st ST MARINE TRANSFER STATION</b> East 91st St, East River Drive New York, NY	NYC	Covanta Sustainable Solutions, LLC	Long-Term	392	118,023.89	110	Covanta Delaware Valley *	PA	RR
						276	Covanta Niagara *	NY	RR
						6	Lee County LF	SC	RR
<b>DSNY SW BROOKLYN MARINE TRANSFER STATION</b> Bay 41st Street/25th Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	804	241,980.36	5	High Acres LF	NY	RR
						570	Maplewood LF	VA	RR
						229	Atlantic Waste Disposal LF	VA	RR
<b>ESSEX COUNTY RESOURCE RECOVERY FACILITY*</b> 183 Raymond Blvd Newark, NJ	PANYNJ	PANYNJ (Covanta Essex is Operator)	Long-Term	1,315	395,795.33	1315	Essex County Resource Recovery Facility *	NJ	NA
<b>TOTALS</b>					<b>3,229,238.72</b>	<b>10,728</b>			
							<b>Percent/Year to Waste-to-Energy</b>	<b>30.0%</b>	
							<b>Percent/Year to Landfill</b>	<b>70.0%</b>	
<b>Notes:</b>							<b>6,267 TPD</b> In-city rail	<b>58.4%</b>	
* Denotes waste-to-energy							<b>924 TPD</b> Delivered to truck-based facilities.	<b>8.6%</b>	
All other facilities: Long-haul trucks assumed to haul an average of 22 tons top-loaded with no backhauling.							<b>8,489 TPD</b> Delivered/ drayed to rail	<b>79.1%</b>	

Rail transport from Harlem River Yard TS averages 90 tons/car; from WM/Julia 85 tons/car and WM-Varick Ave 77 tons/car  
 Long-haul trucks to waste-to-energy facilities are included (except DSNY direct haul to Essex County Resource Recovery Facility & Covanta Hempstead)  
 Numbers may not add due to rounding.

Barges from North Shore MTS transport containers to Global Container Terminal in Staten Island (GCT) to be loaded on rail. Avg 80 tons/car.  
 There were 480 barge trips one-way from North Shore MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.  
 Barges from East 91st St MTS transport containers to GCT to be loaded on rail. Avg 80 tons/car.  
 There were 134 barge trips one-way from East 91st St MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.  
 Barges from Hamilton Avenue MTS transport containers to Transflo Intermodal in NJ to be loaded on rail. Avg 80 tons/car.  
 There were 477 barge trips one-way from Hamilton MTS 10.5 nautical miles to Transflo Intermodal in NJ each with 48 containers, plus return of empty containers by barge.  
 Barges from SW Brooklyn MTS transport containers to Transflo Intermodal to be loaded on rail. Avg 80 tons/car.  
 There were 267 barge trips one-way from SW Brooklyn MTS 11 nautical miles to Transflo Intermodal in NJ each with 48 containers, plus return of empty containers by barge.

# Final Disposal Locations

Apex Environmental Resources Landfill	11 Country Road 78	Amsterdam, OH 43903
Atlantic Waste Disposal Landfill	3474 Atlantic Lane	Waverly, VA. 23890
Bethlehem Landfill	2335 Applebutter Road	Bethlehem, PA 18015
Blue Ridge Landfill/ RA Bender	3747 White Church Road	Chambersburg, PA 17201
Chemung County Landfill	1690 Lake Street	Elmira, NY 14901
Commonwealth Environmental Systems Landfill	99 Commonwealth Road	Hegins, PA 17938
Covanta Delaware Valley	10 Highland Street	Chester, PA 19013
Covanta Hempstead	600 Merchants Concourse	Westbury, NY 11590
Covanta Niagara	100 Energy Boulevard	Niagara Falls, NY 14304
Cumberland County Landfill	142 Vaughn Road	Shippensburg, PA 17257
Essex County Resource Recovery Facility	183 Raymond Blvd.	Newark, NJ 07
Fairless Hills Landfill	1000 New Ford Mill Road	Morrisville, PA 19067
Grows North Landfill	1121 Bordentown Road	Morrisville, PA 19067
High Acres Landfill	425 Perinton Parkway	Fairport, NY 14450
Keystone Sanitary Landfill	249 Dunham Drive	Dunmore, PA 18512
Lee County Landfill	1301 Sumpter Highway	Bishopville, SC 29010
Maplewood Landfill	20221 Maplewood Road	Jetersville, VA 23083
Seneca Meadows Landfill	1786 Salomon Road	Waterloo, NY 13165
Westchester Resco	One Charles Point Avenue	Peekskill, NY 10566

## **ATTACHMENT 2B**

**DSNY- Managed Waste Tonnage and Transfer/Disposal Sites for CY 2020**

Facility Name/Address	Facility Ownership	Vendor	Contract Type	Average Tons/Day	Delivered Tons/Per Year	Tons/Day by Disposal Site	Disposal Site	Disposal State	Truck Or RR
<b>DSNY STATEN ISLAND TRANSFER STATION</b> 600 W. Service Rd Staten Island, NY	NYC	Republic Services	Long-Term	762	229,405.05	760	Lee County LF	SC	RR
<b>HARLEM RIVER YARD TRANSFER STATION</b> 98 Lincoln Ave Bronx, NY	Private	Waste Management of New York, LLC	Long-Term	2,060	619,948.81	2053	Atlantic Waste Disposal LF	VA	RR
<b>VARICK TRANSFER STATION</b> 215 Varick Ave Brooklyn, NY	Private	Waste Management of New York, LLC	Long-Term	1,094	329,189.63	13	Atlantic Waste Disposal LF	VA	RR
						1076	High Acres LF	NY	RR
						1	Westchester Resco*	NY	T
<b>REVIEW AVE TRANSFER STATION</b> 38-50 Review Ave Queens, NY	Private	Waste Management of New York, LLC	Long-Term	1,011	304,278.37	11	Atlantic Waste Disposal LF	VA	RR
						997	High Acres LF	NY	RR
<b>WASTE MANAGEMENT A-1 COMPACTION TRANSFER STATION</b> 325 Yonkers Ave Yonkers, NY	Private	Waste Management	Interim	6.8	2,040.33	3	Westchester Resco*	NY	T
						4	Fairless Hills LF	PA	T
<b>TULLY ENVIRONMENTAL TRANSFER STATION</b> 127-30 34th Ave Corona, NY	Private	Tully Environmental	Interim	153	45,982.43	15	Commonwealth Environmental Systems LF	PA	T
						38	Seneca Meadows LF	NY	T
						97	Keystone Sanitary LF	PA	T
						2	Tunnel Hill Reclamation LF	OH	T/RR
<b>REGAL RECYCLING TRANSFER STATION</b> 172-06 Douglas Ave Jamaica, NY	Private	Regal Recycling	Interim	47.3	14,227.20	47	Covanta Hempstead *	NY	T
<b>AMERICAN RECYCLING TRANSFER STATION</b> 172-33 Douglas Ave Jamaica, NY	Private	American Recycling	Interim	227.5	68,496.43	277	Seneca Meadows LF	NY	T
<b>JULIA STREET TRANSFER STATION</b> 864 Julia St Elizabeth, NJ	Private	Waste Management	Interim	20.3	6,106.20	17	Grows North LF	PA	T
						4	Fairless Hills LF	PA	T
<b>INTERSTATE WASTE SERVICES TRANSFER STATION</b> 375 US 1 Truck Rt Jersey City, NJ	Private	Interstate Waste Services	Interim	51.7	15,553.22	20	Cumberland County LF	PA	T
						1	Fairless Hills LF	PA	T
						31	Apex Environmental Resources LF	OH	T/RR
<b>DSNY NORTH SHORE MARINE TRANSFER STATION</b> 120-15 31st Ave College Point, NY	NYC	Covanta Sustainable Solutions, LLC	Long-Term	1,584	476,850.20	519	Covanta Delaware Valley *	PA	RR
						1060	Covanta Niagara *	NY	RR
<b>DSNY HAMILTON AVENUE MARINE TRANSFER STATION</b> 500 Hamilton Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	1,488	448,051.32	1480	Maplewood LF	VA	RR
						4	Atlantic Waste Disposal LF	VA	RR
<b>DSNY EAST 91st ST MARINE TRANSFER STATION</b> East 91st St, East River Drive New York, NY	NYC	Covanta Sustainable Solutions, LLC	Long Term	450	135,411.27	142	Covanta Delaware Valley *	PA	RR
						306	Covanta Niagara *	NY	RR
<b>DSNY SW BROOKLYN MARINE TRANSFER STATION</b> Bay 41st Street/25th Ave Brooklyn, NY	NYC	Waste Management of New York, LLC	Long-Term	852	256,447.47	847	Maplewood LF	VA	RR
						2	Atlantic Waste Disposal LF	VA	RR
<b>ESSEX COUNTY RESOURCE RECOVERY FACILITY</b> 183 Raymond Blvd Newark, NJ	PANYNJ	PANYNJ (Covanta Energy is Operator)	Long-Term	1,235	371,715.54	1231	Essex County Resource Recovery Facility	NJ	NA
<b>TOTALS</b>					<b>3,323,703.47</b>	<b>11,058</b>	<b>Percent/ Year to Waste-to-Energy</b>		<b>30.0%</b>
							<b>Percent/Year to Landfills</b>		<b>70.0%</b>
							<b>6267 TPD In City Rail</b>		<b>58.4%</b>
						<b>924 TPD Delivered to truck-based facilities.</b>		<b>8.6%</b>	
						<b>8489 TPD delivered/drayed to rail</b>		<b>79.1%</b>	

**Notes:**

\* Denotes waste-to-energy

Numbers may not add due to rounding.

All other facilities: Long-haul trucks assumed to haul an average of 22 tons top-loaded with no backhauling.

Rail transport from Harlem River Yard averages 90 tons/car; from WM/Julia 85 tons/car and WM/Varick Ave 77 tons/car.

Long-haul trucks to waste-to-energy facilities are included (except DSNY direct haul to Essex County Resource Recovery Facility & Covanta-Hempstead)

Barges from North Shore MTS transport containers to Global Container Terminal in Staten Island (GCT) to be loaded on rail. Avg 80 tons/car.

There were 546 barge trips one-way from North Shore MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.

Barges from East 91st St MTS transport containers to GCT to be loaded on rail. Avg 80 tons/car.

There were 151 barge trips one-way from East 91st St MTS 21 nautical miles to GCT each with 48 containers, plus return of empty containers by barge.

Barges from Hamilton Avenue MTS transport containers to Elizabeth Transflo Intermodal in NJ (Transflo) to be loaded on rail. Avg 80 tons/car.

There were 512 barge trips one-way from Hamilton Avenue MTS 10.5 nautical miles to Transflo each with 48 containers, plus return of empty containers by barge.

Barges from SW Brooklyn MTS transport containers to Transflo to be loaded on rail. Avg 80 tons/car.

There were 298 barge trips one-way from SW Brooklyn MTS 11 nautical miles to Transflo each with 48 containers, plus return of empty containers by barge.

# Final Disposal Locations

Apex Environmental Resources Landfill	11 Country Road 78	Amsterdam, OH 43903
Atlantic Waste Disposal Landfill	3474 Atlantic Lane	Waverly, VA. 23890
Commonwealth Environmental Systems Landfill	99 Commonwealth Road	Hegins, PA 17938
Covanta Delaware Valley	10 Highland Street	Chester, PA 19013
Covanta Hempstead	600 Merchants Concourse	Westbury, NY 11590
Covanta Niagara	100 Energy Boulevard	Niagara Falls, NY 14304
Cumberland County Landfill	142 Vaughn Road	Shippensburg, PA 17257
Essex County Resource Recovery	184 Raymond Blvd.	Newark, NJ 07105
Fairless Hills Landfill	1000 New Ford Mill Road	Morrisville, PA 19067
Grows North Landfill	1121 Bordentown Road	Morrisville, PA 19067
High Acres Landfill	425 Perinton Parkway	Fairport, NY 14450
Keystone Sanitary Landfill	249 Dunham Drive	Dunmore, PA 18512
Lee County Landfill	1301 Sumpter Highway	Bishopville, SC 29010
Maplewood Landfill	20221 Maplewood Road	Jetersville, VA 23083
Seneca Meadows Landfill	1786 Salomon Road	Waterloo, NY 13165
Tunnel Hill Reclamation Landfill	2500 Township Road 205	New Lexington, OH 43764
Westchester Resco	One Charles Point Avenue	Peekskill, NY 10566

## **ATTACHMENT 3A**

## DSNY Recycling Processors & Tonnage for 2019 & 2020 Calendar Years

Processor	Address	Material Type (s) Processed	Tonnage	
			2019	2020
<b>Sims Municipal Recycling</b>	<b><i>Processing Address:</i></b> One Linden Ave. East Jersey City, NJ 472 2 <sup>nd</sup> Ave. Brooklyn, NY 11200 30-27 Greenpoint Ave. LIC, NY 11101 850 Edgewater Rd. Bronx, NY 10474	Paper	<b>172,577</b>	<b>186,074</b>
		Metal Glass Plastic/Jersey City	<b>56,055</b>	<b>60,959</b>
		Metal Glass Plastic/Brooklyn	<b>70,805</b>	<b>81,488</b>
		Metal Glass Plastic/LIC	<b>84,655</b>	<b>103,714</b>
		Metal Glass Plastic/ Bronx	<b>92,953</b>	<b>105,572</b>
		Bulk Metal Acceptance	<b>2,697</b>	<b>1,906</b>
		Bulk Metal Removal	<b>1,043</b>	<b>792</b>
<b>Visy</b>	4435 Victory Blvd. Staten Island, NY 10314	Paper	<b>155,063</b>	<b>147,795</b>

Material type	MGP	Paper & comingled	Bulk Metal
2019	<b>304,468</b>	<b>172,577</b>	<b>3,740</b>
2020	<b>351,733</b>	<b>186,074</b>	<b>2,698</b>
<i>Total tons calendar years 19/20</i>	<b>656,201</b>	<b>358,651</b>	<b>6,438</b>

## **ATTACHMENT 3B**



## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
873.51	282.21	Seneca Meadows	591.30	Newtown Creek	227.15	67.69%
				Pine Island Farm	364.15	

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1522.30	289.50	High Acres	1232.80	Newtown Creek	1232.80	80.98%

## WeCare - Metropolitan

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
367.47	1.93	Seneca Meadows	365.54	DSNY SI Compost Facility	37.36	99.47%
				Marlborough Composting	120.48	
				Cayuga Digester	207.70	

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Jan Total :      2,763.28      573.64                      2,189.64                                      79.24%

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## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
566.57	181.56	Seneca Meadows	385.01	Newtown Creek	215.38	67.95%
				Pine Island Farm	169.63	

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1222.10	219.90	High Acres	1002.20	Newtown Creek	1002.20	82.01%

## WeCare - Metropolitan

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
250.81	0.00		250.81	Cayuga Digester Facility	250.81	100.00%

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Feb Total :	2,039.48	401.46	1,638.02			80.32%
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## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
707.05	217.73	Seneca Meadows	489.32	Newtown Creek	286.37	69.21%
				Pine Island Farm	202.95	

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1570.50	282.70	High Acres	1287.80	Newtown Creek	1287.80	82.00%

## WeCare - Metropolitan

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
338.63	0.00		338.63	Cayuga Digester Facility	111.38	100.00%
				Marlborough Composting	227.25	

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Mar Total :    2,616.18    500.43                      2,115.75    80.87%

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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1291.92	589.53	Seneca Meadows	702.39	Pine Island Farm	634.07	54.37%
				Newtown Creek	68.32	

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1736.88	302.18	High Acres	1434.70	Newtown Creek	1434.70	82.60%

WeCare - Metropolitan

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
0.00	0.00		0.00		0.00	0.00%

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Apr Total :    3,028.80    891.71                                    2,137.09                                    70.56%

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## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1652.77	773.82	Seneca Meadows	878.95	Pine Island Farm	636.12	53.18%
				Newtown Creek	242.83	

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
2178.34	360.95	High Acres	1817.39	Newtown Creek	1798.41	83.43%
				Reliable Wood	18.98	

## WeCare - Metropolitan

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
0.00	0.00		0.00			0.00%

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May Total :    3,831.11    1,134.77                      2,696.34                                      70.38%

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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1565.04	727.12	Seneca Meadows	837.92	Pine Island Farm	688.05	53.54%
				Newtown Creek	149.87	

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
2027.36	275.14	High Acres	1752.22	Newtown Creek	1740.02	86.43%
				Reliable Wood	12.20	

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Jun Total :      3,592.40    1,002.26                      2,590.14                                      72.10%

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## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1430.21	560.87	Seneca Meadows	869.34	Pine Island Farm	869.34	60.78%

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1298.44	246.33	High Acres	1052.11	Newtown Creek	1043.51	81.03%
				Reliable Wood	8.60	

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<b>Jul Total :</b>	2,728.65	807.20	1,921.45			70.42%
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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1390.92	643.31	Seneca Meadows	747.61	Pine Island Farm	747.61	53.75%

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1329.62	190.83	High Acres	1138.79	Newtown Creek	1126.39	85.65%
				Reliable Wood	12.40	

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Aug Total :      2,720.54      834.14                      1,886.40                                      69.34%

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## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1262.03	560.70	Seneca Meadows	701.33	Pine Island Farm	701.33	55.57%

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1898.47	281.43	High Acres	1617.04	Newtown Creek	1602.24	85.18%
				Reliable Wood	14.80	

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<b>Sep Total :</b>	3,160.50	842.13	2,318.37			73.35%
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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1508.56	648.07	Seneca Meadows	860.49	Pine Island Farm	860.49	57.04%

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
2264.95	448.05	High Acres	1816.91	Newtown Creek	1801.65	80.22%
				Reliable Wood	15.26	

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Oct Total :     3,773.51    1,096.12                                     2,677.40     70.95%

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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
2608.15	1209.73	Seneca Meadows	1398.42	Pine Island Farm	1398.42	53.62%

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
2538.99	427.86	High Acres	2111.13	Newtown Creek	2085.53	83.15%
				Reliable Wood	25.60	

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Nov Total :    5,147.14    1,637.59                                    3,509.55                                    68.18%

---

## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1561.08	640.05	Seneca Meadows	921.03	Pine Island Farm	921.03	59.00%

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1981.94	673.29	High Acres	1308.65	Newtown Creek	1296.22	66.03%
				Reliable Wood	12.43	

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**Dec Total :**    3,543.02    1,313.34                                  2,229.68                                  62.93%

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**Grand Total\* :**    **38,944.61**    **11,034.79**                                  **27,909.83**                                  **71.67%**

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\*Grand total ranges from Jan 2019 - Dec 2019

## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1170.15	502.96	Seneca Meadows	667.19	Pine Island Farm	667.19	57.02%

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1992.18	517.96	High Acres	1474.22	Newtown Creek	1457.84	74.00%
				Reliable Wood	16.38	

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Jan Total :      3,162.33      1,020.92                                  2,141.41                                  67.72%

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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
913.16	337.77	Seneca Meadows	575.39	Pine Island Farm	575.39	63.01%

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1745.41	251.92	High Acres	1493.49	Newtown Creek	1480.66	85.57%
				Reliable Wood	12.83	

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Feb Total :      2,658.57      589.69                      2,068.88                                      77.82%

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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1071.58	431.76	Seneca Meadows	639.82	Pine Island Farm	639.82	59.71%

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1598.71	218.19	High Acres	1380.52	Newtown Creek	1377.25	86.35%
				Reliable Wood	3.27	

---

Mar Total :     2,670.29     649.95                                     2,020.34     75.66%

---

## American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1033.46	411.63	Seneca Meadows	621.83	Pine Island Farm	621.83	60.17%

## Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
1016.02	159.38	High Acres	856.64	Newtown Creek	853.95	84.31%
				Reliable Wood	2.69	

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Apr Total :      2,049.48      571.01                      1,478.47                                      72.14%

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American Recycling

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
131.64	64.24	Seneca Meadows	67.40	Pine Island Farm	67.40	51.20%

Waste Management - Varick Avenue

<i>SSOs Delivered</i>	<i>Waste Disposed</i>	<i>Disposal Site</i>	<i>Recovered for Beneficial Reuse</i>	<i>Beneficial Reuse Facilities</i>	<i>Beneficial Reuse Tons</i>	<i>Percent Recovered</i>
104.98	16.80	High Acres	88.18	Newtown Creek	88.18	84.00%

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May Total :    236.62    81.04                                  155.58                                  65.75%

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Grand Total\* : 10,777.29   2,912.61                                  7,864.68                                  72.97%

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\*Grand total ranges from Jan 2020 - May 2020

# Organics Vendor Addresses

## American Recycling

**Transfer Station:**

172-33 Douglass Ave  
Jamaica, NY 11433

**Disposal Sites:**

Seneca Meadows, 1786 Salcman Rd., Waterloo, NY 13165

**Beneficial Reuse Facilities:**

Newtown Creek Wastewater Treatment Plant, 329 Greenpoint Av., Brooklyn, NY 11222  
Pine Island Farm, 1474 Herwins St., Sheffield, MA 01257

## Waste Management

**Transfer Station:**

221 Varick Ave  
Brooklyn, NY 11237

**Disposal Sites:**

High Acres Landfill, 425 Perinton Pkwy, Fairport, NY 14450

**Beneficial Reuse Facility:**

Reliable Wood Products, Middlesex, NJ 08846  
Newtown Creek Wastewater Treatment Plant, 329 Greenpoint Av., Brooklyn, NY 11222

## We Care Metropolitan

**Transfer Station:**

287 Halleck Ave  
Bronx, NY 10474

**Disposal Site:**

Seneca Meadows Landfill, 1786 Salcman Rd. Waterloo, NY 13165

**Beneficial Reuse Facilities:**

DSNY SI Compost Facility, 600 West Service Rd Staten Island, NY 10314  
Marlborough Composting, 856 Boston Post Rd E, Marlborough, MA 01752  
Cayuga Regional, 7413 Country House Rd., Auburn, NY 13021

# **ATTACHMENT 3C**

**DSNY SWM Beneficial  
Reuse Group Bulk Metal  
Tonnage, 2019 & 2020 \***

<b>2019</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APL</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEPT</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>totals for year</b>
<b>Acceptance</b>	190.61	197.34	191.96	281.06	284.7	236.36	134.92	264.44	258.73	355.46	146.32	155.36	<b>2,697.26</b>
<b>Removal</b>	31.59	112.61	128.25	79	101.39	138.18	81.06	64.69	81.54	100.88	64.18	59.13	<b>1042.5</b>
<b>total tons</b>	222.2	309.95	320.21	360.06	386.09	374.54	215.98	329.13	340.27	456.34	210.5	214.49	<b>3,739.76</b>
<b>2020</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APL</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEPT</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>totals for year</b>
<b>Acceptance</b>	231.44	134.45	212.61	116.28	138.24	232.76	194.35	160.2	143.46	132.07	101	109.62	<b>1,906.48</b>
<b>Removal</b>	94.58	140.85	95.69	53.39	79.61	66.58	64.1	35.25	49.43	54.6	32.44	25.49	<b>792.01</b>
<b>total tons</b>	326.02	275.3	308.3	169.67	217.85	299.34	258.45	195.45	192.89	186.67	133.44	135.11	<b>2,698.49</b>

\*Delivered to Sims' yards in the Bronx, Long Island City, NY and Jersey City, NJ (addresses provided in Attachment 3A )

## **ATTACHMENT 3D**

## 2019 Organics Capacity

Facility Name	Location	Facility Type	If over 100 miles, in-city relationship	Permitted Capacity
Newtown Creek Wastewater Treatment Plant (via WM's Varick TS)	Brooklyn, NY	Wastewater Treatment	w/in 100 miles	90,000-156,000 TPY*
Ag Choice, LLC	Andover, NJ	Composting - Turned windrows (regular turning and management)	w/in 100 miles	22,800 TPY
Trenton Biogas	Trenton, NJ	Anaerobic Digestion	w/in 100 miles	124,000 TPY
New Milford Farms	New Milford, CT	Composting - Turned windrows Composting - Aerated static pile (ASP)	w/in 100 miles	30,000 TPY
American Biosoils & Compost, LLC - Easton	Easton, PA	Composting - Aerated static pile (ASP)	w/in 100 miles	8,000 TPY
McEnroe Organic Farm	Millerton, NY	Composting - Turned windrows	w/in 100 miles	20,000 TPY
American Biosoils & Compost, LLC - Douglassville	Douglassville, PA	Composting - Aerated static pile (ASP)	w/in 100 miles	8,000 TPY
Quantum Biopower	Southington, CT	Anaerobic Digestion – High Solids (Wet) Composting - Turned windrows	w/in 100 miles	40,000 TPY
New England Compost	Danbury, CT	Composting - Aerated static pile (ASP)	w/in 100 miles	5,000 TPY
Greenway Topsoil	Clintondale, NY	Composting - Turned windrows Composting - Aerated static pile (ASP)	w/in 100 miles	5,000 TPY
Town of New Paltz Compost Facility	New Paltz, NY	Composting - Passive piles	w/in 100 miles	1,350 TPY
Gromax Organic Recycling	Hudson, NY	Composting - Aerated static pile (ASP)	w/in 100 miles	500 TPY
Pine Island Farms	Sheffield, MA	Anaerobic Digestion – High Solids (Wet) Anaerobic Digestion – Low Solids	Has arrangement with NYC Transfer Station	36,500 TPY
Cayuga Digester	Auburn, NY	Anaerobic Digestion	Has arrangement with NYC Transfer Station	50,000 TPY**
Natural Soil Products	Tremont, PA	Composting - Turned windrows (regular turning and management)	Has arrangement with NYC Transfer Station	93,900 TPY
WeCare Environmental - Marlborough Compost Facility	Marlborough, MA	Composting - in-vessel / bioreactor	Has arrangement with NYC Transfer Station	54,000 TPY
<b>Totals</b>				<b>589,050-655,050 TPY</b>

### Notes & Findings

\*WM's Varick Street TS, which sends source-separated organics (SSO) to the Newtown Creek facility, has the permitted capacity for 156,000 TPY of SSO but currently chooses to accept 90,000 TPY.

\*\*For the Cayuga Digester, this is the approximate tonnage capacity converted from gallons per year.

1. DSNY's analysis included site visits, phone calls, and emails to the above regional facilities.
2. DSNY outreach also included multiple discussions with operators that plan to open new facilities in the region.
3. Under LL146/2013's mandate, DSNY designated commercial establishments in 2015 and 2017; both designations are currently effective.
4. Since the 2015/2017 designations, DSNY has refined its estimate of the number of businesses covered by the first two designations, resulting in a reduction of over 100 in the estimated number of businesses covered by the prior designations.
5. NYC Transfer Stations, which receive a majority of the SSO from NYC commercial generators prior to its transfer to regional processing facilities, reported SSO tonnages in 2018 that were lower than the generation estimates forecasted by DSNY for the 2015 and 2017 designations. Accordingly, based on this data, DSNY has reduced the estimated tonnages of organics generated by commercial establishments.
6. Several transfer stations notified DSNY in April 2019 per LL152/2018 of their intention to dedicate some of their permitted capacity to SSO when LL152 becomes effective. Capacity to handle SSO at these transfer stations in NYC will increase.
7. As a result of outreach with regional processing facilities, DSNY estimates that the combined available capacity at facilities indicating that they would accept SSO from NYC commercial generators is 285,000 TPY, accounting for their estimates of commitments to other generators.
8. Existing capacity in the region is sufficient to support additional designations of cohorts.
9. **Some** organics processing facilities indicated that they plan to come in 2020. DSNY will continue to monitor progress.

# **ATTACHMENT 4A**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 3**

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Introduced by Council Members Salamanca, Holden, Diaz, Menchaca, Dromm, Koo, Reynoso, Adams, Cabrera, Deutsch, Miller, Lander, Rivera, Powers, Ayala, Grodenchik, Rosenthal, Yeger, Espinal, Kallos, Levin, Rodriguez.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Three Kings' Day**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by local law number 103 for the year 2005, is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *Three Kings' Day*, and all state and national holidays.

§ 2. This local law takes 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 November 28, 2018 and returned unsigned by the Mayor on January 2, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 3 of 2019, Council Int. No. 370-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 5**

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Introduced by Council Members Koo, Chin, Yeger, Holden, Salamanca, Rosenthal, Miller, Kallos, Levin, Rodriguez, Deutsch and Menchaca.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Lunar New Year's Eve**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by a local law amending the administrative code of the city of New York, relating to suspending alternate side parking regulations on Three Kings' Day, as proposed in introduction number 370-A for the year 2018, is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, *the day before Lunar New Year*, [Asian] Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, Three Kings' Day, and all state and national holidays.

§ 2. Subdivision c of section 19-163 of the administrative code of the city of New York, as added by local law number 32 for the year 2002, is amended to read as follows

c. The date of the [Asian] Lunar New Year shall be the first day of the second lunar month after the winter solstice in the preceding calendar year.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to suspending alternate side parking regulations on Three Kings' Day, as proposed in introduction number 370-A for the year 2018, takes effect.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 28, 2018 and returned unsigned by the Mayor on January 2, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 5 of 2019, Council Int. No. 497-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 12**

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Introduced by Council Members Cumbo, Brannan, Kallos, Rosenthal and Levin.

**A LOCAL LAW**

**In relation to amending the New York city charter, to create an office of diversity and inclusion within the department of citywide administrative services**

*Be it enacted by the Council as follows:*

Section 1. Section 814 of the New York city charter, as amended by local law 59 for the year 1996, subparagraph a of paragraph 13 of subdivision a as amended by local law 75 for the year 2001, is amended to read as follows:

§ 814 Personnel management; powers and duties of the commissioner. a. The commissioner shall have the following powers and duties in addition to the powers and duties of a municipal civil service commission provided in the civil service law, and those vested in the commissioner as head of the department, except where any specific power or duty is assigned to the mayor, heads of city agencies or the civil service commission pursuant to this chapter:

- (1) To recruit personnel;
- (2) To make studies in regard to the grading and classifying of positions in the civil service, establish criteria and guidelines for allocating positions to an existing class of positions, and grade and establish classes of positions;
- (3) To schedule and conduct examinations for positions in the civil service;

(4) To establish, promulgate and certify eligible lists in the manner provided in the civil service law, and the rules of the commissioner;

(5) To determine the appropriateness of eligible lists for the filing of vacancies in the manner provided in the civil service law and the rules of the commissioner;

(6) To investigate applicants for positions in the civil service; to review their qualifications, and to revoke or rescind any certification or appointment by reason of the disqualification of the applicant or appointee under the provisions of the civil service law, and the rules of the commissioner or any other law;

(7) To review any appointment of persons as provisional employees within sixty days after appointment to assure compliance with this chapter, the civil service law, and any rule or regulation issued pursuant to this charter or civil service law;

(8) To certify payrolls in accordance with the provisions of the civil service law and the rules of the commissioner;

(9) To keep records regarding candidates for appointment to the civil service and officers and employees in the civil service;

(10) To develop and recommend to the mayor standard rules governing working conditions, vacations and leaves of absence; and career, salary and wage plans providing for the creation, abolition and modification of positions and grades and fixing salaries of persons paid from the city treasury, subject to the provisions of this charter, the civil service law, other applicable statutes and collective bargaining agreements;

(11) To administer the city-wide safety incentive, training and development, and other such personnel programs of the city[;].

[(12) To establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunity plan for equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such procedures shall include a time schedule for the development of such plans which provides for the preparation by each agency of a draft plan, the review of such draft plan by the department of citywide administrative services, the equal employment practices commission, and such other agency as the mayor requires, and the consideration by the agency of any comments received on such draft plans prior to the adoption of a final plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;

(13) To establish a uniform format to be utilized by all city agencies in the preparation of the quarterly reports required by subdivision i of section eight hundred fifteen. Such format shall provide for the presentation of statistical information regarding total employment, including provisional, seasonal, per-diem and part-time employees, new hiring and promotions in a manner which facilitates understanding of an agency's efforts to provide fair and effective equal opportunity employment for minority group members, women and members of other groups who are employed by, or who seek employment with, city agencies;

(14) To develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; and

(15) To provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women

benefit, to the maximum extent possible, from city employment and educational assistance programs.]

b. The commissioner shall have the following powers and duties with respect to the personnel management functions assigned to city agencies pursuant to subdivisions a, b, c, and d of section eight hundred fifteen.

(1) To aid in the development of effective and efficient personnel programs and professional personnel staffs in the agencies of the city; and to convene the personnel officers of the agencies from time to time as a personnel council to consider personnel matters of inter-agency or of city-wide concern;

(2) To approve agency plans and programs pursuant to paragraphs seven, nine and thirteen of subdivision a of section eight hundred fifteen;

(3) To establish and enforce standards, guidelines and criteria for the personnel management functions assigned to the agencies and to audit performance by the agencies of such personnel functions;

(4) To reverse or rescind any agency personnel action or decision pursuant to an assignment or delegation of authority in this chapter, upon a finding of abuse after notification to the agency and an opportunity to be heard;

(5) To hear and determine appeals by any person aggrieved by any action or determination of the head of an agency made pursuant to paragraphs three, five, seven and eleven of subdivision a of section eight hundred fifteen, subject to review by the civil service commission as provided in subdivision c of section eight hundred thirteen;

(6) To delegate to the head of an agency personnel management functions assigned to the commissioner where such delegation is not otherwise prohibited by the civil service law, and pursuant to terms and conditions prescribed by the commissioner;

(7) To administer personnel programs of a city-wide nature or common to two or more departments where administration by separate agencies would be impracticable and uneconomical[;].

[(8) To annually publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of citywide administrative services and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the commissioner deems appropriate.]

c. The commissioner shall promulgate rules and regulations relating to the personnel policies, programs and activities of city government in furtherance of and consistent with the state civil service law and this chapter. The commissioner shall transmit to the state civil service commission each proposed rule which must be submitted to such commission, including any which establishes



or reclassifies titles in the non-competitive or exempt class, within sixty days after the public hearing has been held on such rule.

d. The commissioner shall, at the time requested by the city civil service commission or the equal employment practices commission, provide each commission with all the information which such commission deems necessary to fulfill the duties assigned to it by the charter. The provisions of this subdivision shall not apply to any information which is required by law to be kept confidential or which is protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation.

e. The commissioner shall submit a quarterly report to the mayor, the council, the civil service commission and the equal employment practices commission. Such report shall specify, by agency and by title, including temporary titles:

(1) the number of provisional employees at the end of the second month of the quarter;

(2) the length of time such provisional employees have served in their positions; and

(3) the actions taken by the city to reduce the number of such provisional employees and the length of their service in such positions. Such reports shall be submitted by the last day of March, June, September, and December of each year.

§ 2. Chapter 35 of the New York city charter is amended by adding a new section 814.1 to read as follows:

*§ 814.1 Office of diversity and inclusion. a. Definitions.*

*Chief. The term “chief” means the director of the office of diversity and inclusion.*

*Office. The term “office” means the office of diversity and inclusion.*

*b. The commissioner shall establish an office of diversity and inclusion. Such office shall be headed by a chief who shall be appointed by the commissioner.*

*c. Powers and duties. The commissioner, acting through the office, shall have the power to:*

*(1) Compile and report on statistics relating to hiring, salary, and promotion for all city agencies disaggregated by race, gender, civil service classification, and other categories as appropriate, and make such reports publicly available online on an annual basis.*

*(2) Establish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunities for minority group members and women who are employed by, or who seek employment with, city agencies. Such procedures shall include a time schedule for the development of such plans which provides for the preparation by each agency of a draft plan, the review of such draft plan by the department of citywide administrative services, the equal employment practices commission, and such other agency as the mayor requires, and the consideration by the agency of any comments received on such draft plans prior to the adoption of a final plan as required by paragraph nineteen of subdivision a of section eight hundred fifteen;*

*(3) Establish a uniform format to be utilized by all city agencies in the preparation of the quarterly reports required by subdivision i of section eight hundred fifteen. Such format shall provide for the presentation of statistical information regarding total employment, including provisional, seasonal, per-diem and part-time employees, new hiring and promotions in a manner that facilitates understanding of an agency's efforts to provide fair and effective equal*

*opportunity employment for minority group members, women and members of other groups who are employed by, or who seek employment with, city agencies;*

*(4) Ensure accountability by evaluating each city agency in accordance with the procedures and standards set by the office pursuant to paragraph 1 of this subdivision. The office shall ensure that each evaluation shall include, but not be limited to, the following: (i) a determination for each city agency of whether such agency is compliant with such procedures and standards; (ii) an analysis of whether and how such procedures and standards should be expanded or modified for the next annual reporting period, with a view towards improving upon prior benchmarks; and (iii) any other information the office deems relevant. The evaluations shall be compiled and included in the annual report to the mayor, the city council, the equal employment practices commission and the city civil service commission pursuant to paragraph 8 of this subdivision. Such report shall be made publicly available on the city's website.*

*(5) Develop, in conjunction with other city agencies, a clearinghouse for information on employment and educational programs and services for minority group members and women; and*

*(6) Provide assistance to minority group members and women employed by, or interested in being employed by, city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.*

*(7) Develop policies and best practices to ensure that adequate support, training and mentorship is made available to underrepresented city employees to assist with career advancement in the civil service.*

*(8) Develop recruitment, hiring, and career advancement procedures that address unconscious biases and systemic barriers to achieve greater diversity in the recruitment and career advancement of city employees, and provide trainings for city agency employees responsible for recruitment, discretionary hiring, and career advancement.*

*(9) No later than September 30, 2020, and no later than September 30 annually thereafter, publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of citywide administrative services and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification except where a civil service exam was the basis of appointment; statistics relating to hiring, salary and promotion for all city agencies disaggregated by race, gender, and civil service classification and other categories as appropriate; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the commissioner deems appropriate.*

§ 3. Paragraph 19 of subdivision a of section 815, as amended by local law 59 for the year 1996, is amended to read as follows:

(19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection. *In carrying out duties related to this paragraph, the heads of city agencies shall cooperate fully with the department of citywide administrative services' office of diversity and inclusion in accordance with section 814.1; and*

§ 4. This local law takes effect 120 days after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2018 and returned unsigned by the Mayor on January 11, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 12 of 2019, Council Int. No. 752-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 13**

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Introduced by Council Members Eugene, Kallos, Rosenthal, Chin, Cumbo and Levin.

**A LOCAL LAW**

**In relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization**

*Be it enacted by the Council as follows:*

Section 1. City agency racial and ethnic underutilization assessment and reporting. a. In furtherance of local, state and federal equal employment requirements and objectives, the equal employment practices commission shall conduct a citywide analysis of racial and ethnic classification underutilization and submit to the mayor and the speaker of the council, and to make available to the public, a report containing its findings and recommendations.

b. Data collection. The commission shall obtain from the office of data analytics the report it shall publish pursuant to subchapter 7 of chapter 1 of title 3 of the administrative code of the city of New York, as well as directly from city agencies, including the department of citywide administrative services, any information necessary to comply with the assessment and reporting requirements of this section, other than information that is required by law to be kept confidential, or is privileged as attorney-client communications, attorney work product or material prepared for litigation.

c. Reporting. The commission shall issue a report to the mayor and the speaker of the council no later than February 15, 2021, and no later than February 15 annually thereafter, and shall make such report available to the public. Such report shall include, but not be limited to the following:

(1) information identifying the racial and ethnic groups underutilized, disaggregated by agency, and aggregate, citywide results. If a racial or ethnic category to be reported with respect to a job category in an agency contains between 0 and 5 individuals, or contains an amount that would allow another category that contains between 0 and 5 individuals to be deduced, the number shall be replaced with a symbol, or shall be subject to some other form of data suppression;

(2) information regarding previously issued correction action plans or determinations of non-compliance related to underutilization;

(3) recommendations for correcting underutilization, disaggregated by agency and by underutilized group;

(4) recommendations regarding how the collection of racial and ethnic classification data of city employees, based on a review of the city's racial and ethnic classification categories and an assessment of whether such categories accurately capture the racial and ethnic composition of the city's government workforce, including a review of employee response rates to racial and ethnic classification questions;

(5) recommendations for strengthening agency affirmative employment plan oversight and enforcement, including funding recommendations; and

(6) recommendations for citywide corrective actions, including legislative, regulatory and budgetary changes, to address:

(a) chronic or systemic underutilization;

(b) reach citywide affirmative employment objectives; and

(c) increase diversity in the recruitment, selection, retention and promotion of city employees.

d. All city agencies shall cooperate with the commission and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of employee information.

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York in relation to reporting of pay and employment equity data, as proposed in introduction number 633-A for the year 2018, takes effect, and is deemed repealed ten years after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2018 and returned unsigned by the Mayor on January 11, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 13 of 2019, Council Int. No. 755-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 14**

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Introduced by Council Members Eugene, Kallos, Rosenthal, Chin, Cumbo and Levin.

**A LOCAL LAW**

**To amend the New York city charter, in relation to requiring the department of citywide administrative services to review and report annually on the city's efforts to collect racial and ethnic demographic information, including a review of racial classification categories and employee response rates**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 9 of subdivision c of section 814.1 of the New York city charter is amended to read as follows:

(9) No later than September 30, 2020, and no later than September 30 annually thereafter, publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of citywide administrative services and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification except where a civil service exam was the basis of appointment; statistics relating to hiring, salary and promotion for all city agencies disaggregated by race, gender, and civil service classification and other categories as appropriate; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective

affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; *an analysis of employee response rates to efforts to collect demographic information over time, and whether changes in the racial and ethnic classification categories used to collect demographic information have had an impact on employee response rates; a review of racial and ethnic classification categories used to collect demographic information and recommendations for how to improve the use of such categories to reflect the city government workforce;* and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the commissioner deems appropriate.

§ 2. This local law takes effect on the same date as a local law amending the New York city charter, relating to creating an office of diversity and inclusion within the department of citywide administrative services, as proposed in introduction number 752-A for the year 2018, takes effect.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2018 and returned unsigned by the Mayor on January 11, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 14 of 2019, Council Int. No. 756-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 15**

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Introduced by Council Member Koo, Holden, Yeger, Kallos, Rosenthal, Lander and Levin.

**A LOCAL LAW**

**To amend the New York city charter, in relation to the format of data in agency reports**

*Be it enacted by the Council as follows:*

Section 1. Section 1134 of the New York city charter is amended to read as follows:

§ 1134. The head of each agency shall promptly transmit to the council copies of all final reports or studies which the charter or other law requires the agency or any official thereof to prepare. *After July 1, 2019, for every such report or study that contains data in a list, table, graph, chart or other non-narrative form, the head of each agency shall also transmit such data to the council in a non-proprietary format that permits automated processing.* The head of each agency shall also promptly transmit to the council copies of all final audits, audit reports and evaluations of such agency prepared by state or federal officials or by private parties.

§ 2. This local law takes effect immediately.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2018 and returned unsigned by the Mayor on January 11, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 15 of 2019, Council Int. No. 986-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 22**

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Introduced by The Public Advocate (Ms. James) and Council Members Holden, Kallos, Levin, Constantinides, Rosenthal and Rivera.

**A LOCAL LAW**

**In relation to an organic waste curbside collection pilot program**

*Be it enacted by the Council as follows:*

Section 1. As used in this law, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of sanitation.

Department. The term “department” means the department of sanitation.

Institution. The term “institution” means a not-for-profit corporation receiving department collection service.

Organic waste. The term “organic waste” means organic waste as defined in section 16-303 of the administrative code of the city of New York.

Pilot program. The term “pilot program” means a program established pursuant to this law by the commissioner for the curbside collection of organic waste from selected buildings wholly occupied by one or more city agencies and institutional special use buildings.

Special use building. The term “special use building” means any premise or structure during the period in which any such premise or structure is exempt from real estate taxation by the city.

§ 2. No later than July 1, 2019, the department shall establish a pilot program, in consultation with the department of citywide administrative services, in no fewer than three boroughs. Such

pilot program shall include a total of no fewer than 15 buildings wholly occupied by one or more city agencies. Such 15 buildings shall include no fewer than 10 city-owned buildings containing the administrative offices of one or more city agencies. Such pilot program may also include institutional special use buildings. Such pilot program shall continue through at least June 30, 2021.

§ 3. The commissioner shall have the authority, during the duration of the pilot program, to discontinue curbside collection of organic waste to a building wholly occupied by a city agency or an institutional special use building, provided, however, that the commissioner may select a replacement building wholly occupied by one or more city agencies or an institutional special use building to receive organic waste curbside collection service within 60 days of any such discontinuation. If any such discontinuation results in fewer than 15 buildings wholly occupied by one or more city agencies or fewer than 10 city-owned buildings containing the administrative offices of one or more city agencies being included in the pilot program, the commissioner shall select a replacement building of the same type as the building that was removed from the pilot program.

§ 4. The department shall conduct outreach and education to occupants of buildings participating in the pilot program. Such outreach and education shall include, but need not be limited to, instructions on how to properly source separate organic waste for curbside collection and the environmental benefits of reducing and composting organic waste. The department shall also provide any necessary equipment, including separate bins for the disposal of organic waste, to occupants of buildings participating in such pilot program.

§ 5. No later than October 31, 2021, the commissioner shall submit a report to the mayor and the speaker of the city council on the pilot program, which shall include, but need not be limited to,

information on: (i) the number of buildings participating in the pilot program, disaggregated by buildings wholly occupied by one or more city agencies, institutional special use buildings, and city-owned buildings containing the administrative offices of one or more city agencies; (ii) amount of organic waste diverted; (iii) outreach and education conducted, including number of trainings and number of individuals who have participated in such trainings, if applicable, and materials provided; (iv) the costs associated with the pilot program, including costs for outreach, bins and labor; (v) feedback from occupants of buildings participating in the pilot program concerning such pilot program, including the adequacy of the receptacles used for such pilot program and any other issues of concern; (vi) a list of buildings that had organics collection discontinued during the pilot program and the reason for such discontinuation; and (vii) a list of buildings that were considered for the pilot program and, if applicable, the reasons such buildings were not included. The department shall disaggregate such information by agency, building address, and borough, block and lot. Such report shall include recommendations as to whether the pilot program should be expanded and, if so, a schedule for expanding such pilot program.

§ 6. This local law takes effect immediately and shall expire and be deemed repealed upon receipt of the report due pursuant to section five of this local law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 20, 2018 and returned unsigned by the Mayor on January 24, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 22 of 2019, Council Int. No. 1075-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 29**

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Introduced by Council Members Cabrera, Kallos, Holden, Vallone, Levin and Rivera.

**A LOCAL LAW**

**To amend the New York city charter, in relation to an online list of required reports**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b, c and d of section 1133 of the New York city charter are relettered subdivision f, g and h, respectively.

§ 2. Subdivision a of section 1133 of the New York city charter is amended, and new subdivisions b, c, d and e are added, to read as follows:

a. The head of each agency shall transmit to the municipal reference and research library [at least four copies of each report, document, study or publication of such agency immediately after the same shall have been published or issued. The head of each agency shall also transmit to the department of records and information services or its successor agency], in electronic format each report, document, study and publication required by local law, executive order, or mayoral directive to be published, issued or transmitted to the council or mayor, *together with metadata identified by the department of records and information services*, within ten business days of such publication, issuance or transmittal to the council or mayor, which materials shall be made available to the public on or through the department's website, or its successor agency's website, within ten business days of such publication, issuance or transmittal to the council or mayor. The

agency shall further transmit [to the municipal reference and research center four copies of each report, document, study or publication prepared by consultants, or other independent contractors, as soon as such report or study is released, and shall further transmit] within ten business days of release by the agency, in electronic format, to the department of records and information services each [such] report, document or study prepared by consultants or other independent contractors, *together with metadata identified by the department of records and information services*. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of release by the agency. Where practicable, each agency shall also transmit, in electronic format, to the department of records and information services or its successor agency *all other published material and any report, document, study and publication required to be published by any state or federal law, rule or regulation, together with metadata identified by the department of records and information services*. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of such publication.

*b. Effective July 1, 2019, the department of records and information services, or its successor agency, shall maintain a list on its website of all reports, documents, studies and publications required by local law, executive order, or mayoral directive to be published, issued, or transmitted to the council or mayor. Such list shall provide:*

- 1. the title of each such report, document, study or publication;*
- 2. the agency or agencies primarily responsible for preparing such report, document, study or publication;*
- 3. the frequency with which such report, document, study or publication is required to be published, issued or transmitted;*

*4. the date on which the last such report, document, study or publication was published by the agency; and*

*5. effective January 1, 2020, for each such report, document, study or publication listed pursuant to this subdivision, a link to the location of every instance of such report, document, study or publication, as received and posted pursuant to subdivisions a and c, and every request for such report, document, study or publication, as posted pursuant to subdivision d, provided that if such link is to a searchable portal then such link shall automatically execute the relevant search for the user.*

*c. For every instance of a report, document, study or publication listed pursuant to subdivision b and received by the department of records and information services, such website shall provide:*

*1. access to a copy of such report, document, study or publication;*

*2. a citation to any local law number, section of the charter, section of the administrative code, or section of any other law to which such report, document, study or publication is intended to be responsive, as provided pursuant to section 1134, if any;*

*3. the agency or agencies that prepared such report, document, study or publication; and*

*4. the date or reporting period for which such report, document, study or publication is intended to be responsive, if any.*

*d. The department of records and information services, or its successor agency, shall request the transmission pursuant to the requirements of this section of any report, document, study or publication required by local law, executive order, or mayoral directive to be published, issued, or transmitted to the council or mayor that is not received by the department, or its successor agency, within ten business days of the due date for such report, document, study or publication pursuant to the local law, executive order, or mayoral directive that requires the publishing, issuance or*

*transmittal of such report, document, study or publication. The department, or its successor agency, shall make such request available on or through its website in place of the report, document, study or publication that has not been received.*

*e. By January 31 of each calendar year, the department of records and information services or its successor agency shall notify each agency of the reports that the department expects to receive from the agency during that calendar year.*

§ 3. Section 1134 of the New York city charter, as amended by a local law amending the administrative code of the city of New York in relation to the format of data in agency reports, is amended to read as follows:

§ 1134. The head of each agency shall promptly transmit to the council copies of all final reports or studies which the charter or other law requires the agency or any official thereof to prepare. After July 1, 2019, for every such report or study that contains data in a list, table, graph, chart or other non-narrative form, the head of each agency shall also transmit such data to the council in a non-proprietary format that permits automated processing. The head of each agency shall also promptly transmit to the council copies of all final audits, audit reports and evaluations of such agency prepared by state or federal officials or by private parties. *For every report, study, audit or evaluation that the charter, code or other local law requires an agency or official to prepare there shall be included in a conspicuous location a list of the sections of the charter or code, or the local law number and year if unconsolidated, whose requirements are fulfilled by such report, study, audit or evaluation, whether in full or in part, provided that if such section or local law contains requirements to be fulfilled by different reports then the relevant subdivision or other part of such law shall be included, and further provided that this requirement shall not apply if*

*such report, study, audit or evaluation was placed in the charter or code by a state law and is required to be provided solely to a state agency.*

§ 4. This local law takes effect 120 days after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 9, 2019 and returned unsigned by the Mayor on February 12, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 29 of 2019, Council Int. No. 828-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 54**

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Introduced by Council Members Miller, Cabrera and Kallos.

**A LOCAL LAW**

**In relation to the department of citywide administrative services provisional employee reduction plan**

*Be it enacted by the Council as follows:*

Section 1. On or before April 1, 2019, the department of citywide administrative services shall submit to the speaker of the council its comprehensive plan revision for provisional employees required pursuant to paragraph c-4 of subdivision 5 of section 65 of the civil service law. Such department shall notify the speaker of the council of the final decision, including any recommended changes to the plan, by the state civil service commission within 30 days of such decision.

§ 2. This local law takes effect immediately and is deemed repealed on December 31, 2021.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 13, 2019 and returned unsigned by the Mayor on March 19, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 54 of 2019, Council Int. No. 1235-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 55**

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Introduced by Council Members Reynoso, Lancman, Menchaca, Rosenthal and Kallos.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to trade waste industry labor unions**

*Be it enacted by the Council as follows:*

Section 1. Section 16-503 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste [and], trade waste brokers, *and labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, transportation or disposal of trade waste.*

§ 2. Section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended by adding a new subdivision j to read as follows:

*j. To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.*

§ 3. Subdivision c of section 16-505 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is relettered subdivision e.



§ 4. Section 16-505 of the administrative code of the city of New York is amended by adding new subdivisions c and d to read as follows:

*c. A labor union or labor organization representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of waste shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29 U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission; and provided further that this section shall not apply (i) to a labor union or labor organization representing or seeking to represent clerical or other office workers, or (ii) to affiliated national or international labor unions of local labor unions that are required to register pursuant to this provision.*

*d. Each officer of a labor union or labor organization required to register with the commission pursuant to subdivision c of this section shall inform the commission, on a form prescribed by the commission, of:*

- (i) all criminal convictions, in any jurisdiction, of such officer;*
- (ii) any pending civil or criminal actions to which such officer is a party; and*
- (iii) any criminal or civil investigation by a federal, state, or local prosecutorial agency, investigative agency or regulatory agency, in the five-year period preceding the date of registration pursuant to subdivision c of this section and at any time subsequent to such*

*registration, wherein such officer has (A) been the subject of such investigation, or (B) received a subpoena requiring the production of documents or information in connection with such investigation. Any material change in the information reported pursuant to this subdivision shall be reported to the commission within 10 business days thereof. If the commission has reasonable cause to believe that such an officer lacks good character, honesty and integrity, it may require that such officer be fingerprinted by a person designated by the commission for such purpose and pay a fee to be submitted to the division of criminal justice services and/or the federal bureau of investigation for the purpose of obtaining criminal history records.*

§ 5. Section 16-506 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-506 Term and fee for license or registration. a. [A] *Except as provided in subdivision b of this section, a license or registration issued pursuant to this chapter shall be valid for a period of two years.*

*b. A labor union or labor organization registration issued pursuant to this chapter shall be valid for a period of five years.*

*c. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will transport waste pursuant to such license and for each such vehicle operated pursuant to such registration.*

§ 6. Section 16-509 of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended by adding new subdivisions g, h, i, j, and k to read as follows:

*g. The commission may, after notice and the opportunity to be heard, disqualify an officer of a labor union or labor organization from holding office when such person: (i) has failed, by the date prescribed by the commission, to be fingerprinted or to provide truthful information in connection with the reporting requirements of subdivisions c and d of section 16-505; (ii) is the subject of a pending indictment or criminal action against such officer for a crime which bears a direct relationship to the trade waste industry, in which case the commission may defer a determination until a decision has been reached by the court before which such action is pending; (iii) has been convicted of a crime which, under the standards set forth in article 23-A of the correction law, bears a direct relationship to the trade waste industry, in which case the commission shall also consider the bearing, if any, that the criminal offense or offenses will have on the fitness of the officer to perform his or her responsibilities, the time which has elapsed since the occurrence of the criminal offense or offenses; the seriousness of the offense or offenses, and any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation or good conduct; (iv) has been convicted of a racketeering activity or associated with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961, et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, when the officer knew or should have known of such conviction; or (v) has associated with any member or associate of an organized crime group, as identified by a federal, state or city law enforcement or investigative agency, when the officer knew or should have known of the organized crime associations of such person. An officer required to disclose information pursuant to subdivisions*

*c and d of section 16-505 may submit to the commission any material or explanation which such officer believes demonstrates that such information does not reflect adversely upon the officer's good character, honesty and integrity. If the commission determines pursuant to this subdivision that there are sufficient grounds to disqualify a person from holding office in a labor union or labor organization, the commission shall suspend such person from holding office pending a final determination and, in the event such person is disqualified, such suspension shall continue pending resignation or vacatur of or removal from office.*

*h. Upon written request of a person suspended pursuant to subdivision g of this section within 10 business days of the commission's determination, the director of the office of collective bargaining shall prepare a list of the names of the first fifteen arbitrators selected at random from the roster of arbitrators approved by the office of collective bargaining and present the first five names on such list to the suspended person and the commission. Within alternating periods of five business days the suspended person and then the commission shall each strike a name from the list of selected arbitrators. If the parties cannot within two additional business days jointly appoint an arbitrator from those remaining on the list, the suspended person and then the commission shall within alternating periods of two business days each strike an additional name from the list. The remaining arbitrator shall then be appointed as the arbitrator for that proceeding and shall establish a schedule for such proceeding. In the event that such arbitrator declines the appointment or for any reason is unable to accept the appointment, then the director of the office of collective bargaining shall within five business days present to the suspended person and the commission the next five names on the list of arbitrators previously selected at random and the procedures set forth in this subdivision for appointing an arbitrator shall be*

*applied to this second group. In the event that the arbitrator appointed from this second group declines the appointment or for any reason is unable to accept the appointment, then the director of the office of collective bargaining shall present the remaining five names from the list of arbitrators selected at random and the suspended person shall select an arbitrator from such group. Such arbitrator shall make a final report and recommendations in writing concerning the disqualification. The commission shall accept such report and recommendations and issue its final determination consistent with such report and recommendations. In the event that the suspended person does not make a request for arbitration within the ten business-day period, he or she shall be disqualified from holding office.*

*i. Upon receiving a final determination from the commission pursuant to subdivision h disqualifying a person from holding office in a labor union or labor organization, such person shall resign or vacate such office within fourteen business days or, if such person fails to resign or vacate such office within such time period, such union or organization shall remove such person forthwith from such office. Failure of such a person to resign or vacate office within such time period shall subject such person to the penalties set forth in section 16-515. Nothing in this section shall be construed to authorize the commission to disqualify a labor union or labor organization from representing or seeking to represent employees of a business required to be licensed or registered pursuant to section 16-505.*

*j. In reaching a determination to fingerprint an officer of a labor union or labor organization pursuant to subdivision d of section 16-505 or to suspend or disqualify such an officer pursuant to subdivisions g and h of this section, the commission shall give substantial weight to the results of any investigation conducted by an independent investigator, monitor, trustee or other person or*

*body charged with the investigation or oversight of such labor union or labor organization, including whether such investigation has failed to return charges against such officer.*

*k. Notwithstanding any other provision of this chapter to the contrary, the provisions of this section shall apply to any labor union or labor organization representing or seeking to represent employees of businesses required to be licensed or registered pursuant to this chapter.*

§ 7. This local law takes effect 120 days after it becomes law, except that the business integrity commission may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such 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 February 28, 2019 and approved by the Mayor on March 18, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 55 of 2019, Council Int. No. 1329-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 56**

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Introduced by Council Members Moya, Rosenthal and Kallos.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to providing information to private sanitation employees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-528 to read as follows:

*§ 16-528 Workers' rights information. a. The commission shall require trade waste licensees and registrants to disseminate directly to their employees engaged in operating vehicles or handling waste, and post conspicuously, the following information:*

*(i) the maximum number of hours such employees are permitted to work in a twenty-four hour period;*

*(ii) the minimum wage such employees must be paid;*

*(iii) any required worker safety trainings for such employees;*

*(iv) information regarding what safety equipment must be provided by employers;*

*(v) a description of how to contact the commission to lodge a complaint; and*

*(vi) a list of additional government agencies that accept complaints about violations of workers' rights, including the New York state attorney general, the New York state department of labor, and the United States department of labor, and contact information for such agencies.*

*b. Additionally, the commission shall post the above information on its website, and shall include descriptions and examples of violations of workers' rights under city, state and federal law that the commission is aware of having occurred in the trade waste industry.*

§ 2. This local law takes effect 270 days after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 28, 2019 and approved by the Mayor on March 18, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 56 of 2019, Council Int. No. 1368-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 57**

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Introduced by Council Members Reynoso, Lander, Richards, Rosenthal and Kallos.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to referral of labor and wage violations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-527 to read as follows:

*§ 16-527 Labor and Wage Violations. Where the chair has reasonable cause to believe that a trade waste licensee or registrant has engaged in or is engaging in actions (i) involving egregious or habitual nonpayment or underpayment of wages or (ii) that constitute a significant violation of city, state or federal labor or employment law, the chair shall inform the New York state attorney general, the New York state department of labor, the United States department of labor or other relevant city, state or federal law enforcement agency of such actions.*

§ 2. This local law takes effect immediately.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 28, 2019 and approved by the Mayor on March 19, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 57 of 2019, Council Int. No. 1373-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 91**

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Introduced by The Public Advocate (Mr. Williams) and Council Members Cumbo, Rivera, Lander, Kallos, Rosenthal, Lancman, Ayala and Miller.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to prohibition of drug testing for pre-employment hiring procedures**

*Be it enacted by the Council as follows:*

Section 1. Section 8-102 of title 8 of the administrative code of the city of New York is amended by adding new definitions of “marijuana” and “tetrahydrocannabinols” in alphabetical order, to read as follows:

*Marijuana. The term “marijuana” has the same meaning as the term “marihuana” as such term is defined in subdivision 21 of section 3302 of the public health law.*

*Tetrahydrocannabinols. The term “tetrahydrocannabinols” has the same meaning as such term is defined in paragraph 21 of subdivision d of section 3306 of the public health law.*

§ 2. Section 8-107 of title 8 of the administrative code of the city of New York is amended by adding a new subdivision 31 to read as follows:

*31. Employment; pre-employment drug testing policy. (a) Prohibition. Except as otherwise provided by law, it shall be an unlawful discriminatory practice for an employer, labor organization, employment agency, or agent thereof to require a prospective employee to submit to testing for the presence of any tetrahydrocannabinols or marijuana in such prospective employee’s system as a condition of employment.*

*(b) Exceptions. (1) The provisions of this subdivision shall not apply to persons applying to work:*

*(A) As police officers or peace officers, as those terms are defined in subdivisions 33 and 34 of section 1.20 of the criminal procedure law, respectively, or in a position with a law enforcement or investigative function at the department of investigation;*

*(B) In any position requiring compliance with section 3321 of the New York city building code or section 220-h of the labor law;*

*(C) In any position requiring a commercial driver's license;*

*(D) In any position requiring the supervision or care of children, medical patients or vulnerable persons as defined in paragraph 15 of section 488 of the social services law; or*

*(E) In any position with the potential to significantly impact the health or safety of employees or members of the public, as determined by: (i) the commissioner of citywide administrative services for the classified service of the city of New York, and identified on the website of the department of citywide administrative services or (ii) the chairperson, and identified in regulations promulgated by the commission.*

*(2) The provisions of this subdivision shall not apply to drug testing required pursuant to:*

*(A) Any regulation promulgated by the federal department of transportation that requires testing of a prospective employee in accordance with 49 CFR 40 or any rule promulgated by the departments of transportation of this state or city adopting such regulation for purposes of enforcing the requirements of that regulation with respect to intrastate commerce;*

*(B) Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;*

*(C) Any federal or state statute, regulation, or order that requires drug testing of prospective employees for purposes of safety or security; or*

*(D) Any applicants whose prospective employer is a party to a valid collective bargaining agreement that specifically addresses the pre-employment drug testing of such applicants.*

*(c) Rules. The commission shall promulgate rules for the implementation of this subdivision.*

§ 3. This local law takes effect 1 year after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 9, 2019 and returned unsigned by the Mayor on May 9, 2019.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 91 of 2019, Council Int. No. 1445-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 97**

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Introduced by Council Members Constantinides, The Speaker (Council Member Johnson) and Council Members Torres, Kallos, Rosenthal, Levin, Rivera, Koo, Powers, Levine, Reynoso, Richards, Salamanca, Menchaca, Chin, Lander, Ampry-Samuel, Ayala, Cumbo, Rose, Brannan, the Public Advocate (Mr. Williams), Espinal, Rodriguez, Lancman, Dromm, Gibson, Treyger, Cornegy, Van Bramer, Moya, Holden, Cohen, Eugene, Barron, Adams, Koslowitz, Cabrera and King.

**A LOCAL LAW**

**To amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050**

*Be it enacted by the Council as follows:*

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 651 to read as follows:

*§ 651. Office of building energy and emissions performance. a. There shall be in the department an office of building energy and emissions performance. The office shall be headed by a director, who is a registered design professional, who shall be appointed by and shall report to the commissioner. The duties of the office shall include, but not be limited to:*

- 1. Overseeing implementation of building energy and emissions performance laws and policies for existing buildings, new construction and major renovations;*
- 2. Establishing or administering protocols for assessing annual energy use in buildings;*
- 3. Monitoring buildings' energy use and emissions, and reviewing building emissions assessment methodologies, building emissions limits, goals and timeframes to further the goal of*

*achieving a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030, relative to such emissions for the calendar year 2005;*

*4. Creating an online portal for the submission of annual building emissions assessments by owners;*

*5. Receiving and validating annual building emissions assessments;*

*6. Auditing building emissions assessments and inspecting covered buildings, as necessary, to ensure proper reporting;*

*7. Determining recommended penalties, including minimum penalties, for buildings that are noncompliant with applicable emissions limits;*

*8. Reviewing applications for alternative methods of compliance with building emissions limits, including adjustments of emissions limits, deductions for the purchase of greenhouse gas offsets or renewable energy credits, deductions for the use of distributed energy resources, and adjustments for special categories of buildings or for special use and occupancies;*

*9. Working in close coordination with the mayor's office of long-term planning and sustainability; receiving advice and recommendations, as applicable, from the advisory board established pursuant to section 28-320.2 of the administrative code; and*

*10. Ensuring the participation and cooperation of agencies, including but not limited to the department of environmental protection, the department of housing preservation and development and the department of citywide administrative services. Such participation and cooperation shall include, but not be limited to, detailing agency staff to assist office staff consistent with agency and office functions and reporting to the office on building energy performance issues and related enforcement efforts.*

§ 2. Subdivision e of section 24-802 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

e. "City government operations" means [operations described in the Government Inventory Methodology and the Government Inventory Results sections of the Inventory of New York City Greenhouse Gas Emissions, dated April 2007] *operations, facilities, and other assets that are owned or leased by the city for which the city pays all or part of the annual energy bills.*

§ 3. Paragraph (1) of subdivision a of section 24-803 of the administrative code of the city of New York, as amended by local law number 66 for the year 2014, is amended to read as follows:

(1) Reduction of emissions citywide. There shall be, at minimum, a [thirty] *40* percent reduction in citywide emissions by calendar year 2030, and an [eighty] *80* percent reduction in citywide emissions by calendar year 2050, relative to such emissions for the base year for citywide emissions.

§ 4. Subdivision b of section 24-803 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

b. (1) Reduction of emissions from city government operations. There shall be, at minimum, a [thirty] *40* percent reduction in city government emissions by [calendar] *fiscal* year [2017] *2025*, *and a 50 percent reduction in city government emissions by calendar year 2030*, relative to such emissions for the base year for city government emissions.

(2) The emissions reduction required by paragraph [one] *1* of this subdivision shall be achieved through the applicable policies, programs and actions included in PlaNYC, *energy efficiency retrofits*, and any additional policies, programs and actions to reduce greenhouse gas emissions that contribute to global warming, *including methods to ensure equitable investment in environmental justice communities that preserve a minimum level of benefits for all communities*



*and do not result in any localized increases in pollution.* If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.

*(3) Reduction of emissions by the New York city housing authority. The New York city housing authority shall make efforts to reduce greenhouse gas emissions by 40 percent by the year 2030 and 80 percent by the year 2050, relative to such emissions for calendar year 2005, for the portfolio of buildings owned or operated by the New York city housing authority. If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.*

§ 5. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 320 to read as follows:

#### **ARTICLE 320**

##### **BUILDING ENERGY AND EMISSIONS LIMITS**

**§ 28-320.1 Definitions.** *As used in this article, the following terms shall have the following meanings:*

**BUILDING EMISSIONS.** *The term “building emissions” means greenhouse gas emissions as expressed in metric tons of carbon dioxide equivalent emitted as a result of operating a covered building and calculated in accordance with rules promulgated by the department in consultation with the mayor’s office of long term planning and sustainability. The term “building emissions” shall not include greenhouse gas emissions emitted during a local state of emergency declared by the mayor pursuant to section 24 of the executive law or a state of emergency declared by the governor pursuant to sections 28 of the executive law, where such local or state emergency has an impact on building emissions.*

**BUILDING EMISSIONS INTENSITY.** *The term “building emissions intensity” means, for a covered building, the number obtained by dividing the building emissions by the gross floor area for such building, expressed in metric tons of carbon dioxide equivalent per square foot per year.*

**CARBON DIOXIDE EQUIVALENT.** *The term “carbon dioxide equivalent” means the metric used to compare the emissions of various greenhouse gases based upon their global warming potential as defined in the Intergovernmental Panel on Climate Change Fifth Assessment Report (2014).*

**CITY BUILDING.** *The term “city building” means a building that is owned by the city or for which the city regularly pays all of the annual energy bills.*

**Exception:** *The term “city building” shall not include any senior college in the city university of New York system.*

**CLEAN DISTRIBUTED ENERGY RESOURCE.** *The term “clean distributed energy resource” means a distributed energy resource that (i) uses any of the following sources to generate electricity: hydropower, solar photovoltaics, geothermal wells or loops, tidal action, waves or water currents, and wind; or (ii) is designed and operated to store energy, including, but not limited to, batteries, thermal systems, mechanical systems, compressed air, and superconducting equipment.*

**COVERED BUILDING.** *The term “covered building” means, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet (9290 m<sup>2</sup>).*

**Exceptions:**

1. *An industrial facility primarily used for the generation of electric power or steam.*
2. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*
3. *A city building.*
4. *A housing development or building on land owned by the New York city housing authority*
5. *A rent regulated accommodation.*
6. *The real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship.*

7. *Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law.*

**DISTRIBUTED ENERGY RESOURCE.** *The term “a distributed energy resource” means a resource comprised of one or multiple units capable of generating or storing electricity, all at a single location that is directly or indirectly connected to an electric utility distribution system. The resource may serve all or part of the electric load of one or more customers at the same location, and it may simultaneously or alternatively transmit all or part of the electricity it generates or stores onto the electric distribution system for sale to or use by other customers at other locations.*

**GREENHOUSE GAS.** *The term “greenhouse gas” means a unit of greenhouse gas, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>).*

**GREENHOUSE GAS OFFSET.** *The term “greenhouse gas offset” means a credit representing one metric ton of carbon dioxide equivalent emissions reduced, avoided, or sequestered by a project from a measured baseline of emissions and which has been verified by an independent, qualified third party in accordance with offset standards referenced by rules of the department.*

**FINANCIAL HARDSHIP (OF A BUILDING).** *The term “financial hardship (of a building)” means a building shall be considered to be subject to financial hardship where, for the combined two years prior to the application for an adjustment to annual building emissions limit pursuant to section 28-320.7, the building:*

1. *Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list;*

2. *Is exempt from real property taxes pursuant to sections 420-a, 420-b, 446 or 462 of the real property tax law and applicable local law and the owner had negative revenue less expenses as certified to the department by a certified public accountant, or by affidavit under penalties of perjury; or*

3. *Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list.*

**METRIC TONS OF CARBON DIOXIDE EQUIVALENT.** *The term “metric tons of carbon dioxide equivalent” means the global standard unit in carbon accounting to quantify greenhouse gas emissions, also expressed as tCO<sub>2</sub>e.*

**RENEWABLE ENERGY CREDIT.** *The term “renewable energy credit” means a certificate representing the environmental, social and other non-power attributes of one megawatt-hour of electricity generated from a renewable energy resource, which certificate is recognized and*

*tradable or transferable within national renewable energy markets or the New York generation attribute tracking system. This term also means the environmental, social, and other non-power attributes of one megawatt-hour of electricity generated from a hydropower resource that does not trade or transfer renewable energy certificates for those hydropower resources in any renewable energy market or via the New York generation attribute tracking system, provided that the hydropower resource owner certifies the amount of energy produced in each reporting year and that it has not sold the non-power attributes equal to its energy production more than once.*

**RENT REGULATED ACCOMMODATION.** *The term “rent regulated accommodation” means a building (i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code.*

**§ 28-320.2 Advisory board.** *There shall be an advisory board convened, by the office of building energy and emissions performance upon the effective date of this article, in January of 2029 and in January of 2039, to provide advice and recommendations to the commissioner and to the mayor’s office of long term planning and sustainability relating to effectively reducing greenhouse gas emissions from buildings. Such recommendations shall include, but not be limited to:*

- 1. A report to be delivered to the mayor and 1. A report and recommendations to be delivered to the mayor and the speaker of the city council no later than January 1, 2023 for additional or improved approaches to assessing building energy performance. Such report shall include, but not be limited to:*
  - 1.1. An approach for buildings to submit energy use or greenhouse gas emissions and other information for the purpose of assessing energy performance of covered buildings;*
  - 1.2. A methodology that includes the metric of measure, adjustments to the metric, the approach to comparing the output to a benchmark, alternative compliance paths, credit for beneficial electrification and distributed energy resources, and an approach for a trading mechanism as described in section 28-320.11;*
  - 1.3. Recommendations for addressing tenant-controlled energy usage;*
  - 1.4. Recommendations for amendments to the audit required under section 28-308.2 of the administrative code, including consideration of whether such audit should be replaced by a capital plan;*
  - 1.5 Recommendations for reducing building emissions from rent regulated accommodations;*

- 1.6 *Recommendations for allowing additional time to comply with the emissions limits for buildings converting to a new occupancy group or use with lower emissions limits or some other change in status that would affect applicability of the provisions of this article;*
- 1.7 *An evaluation of the extent to which the mayor's 80x50 energy infrastructure pathways study is incorporated and addressed within the recommendations made pursuant to items 1.1 through 1.6 of this section; and*
- 1.8 *A reference guide to delineate the responsibilities of the building designer and owners to comply with emissions limits.*
2. *A report to be delivered to the mayor and the speaker of the city council no later than January 1, 2023, providing an analysis of, and any recommendations for improving, energy and emissions performance requirements for covered buildings. Such recommendations shall be targeted to achieve at least a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030 relative to such emissions for the calendar year 2005. Such report shall include, but not be limited to assessments of:*
  - 2.1. *Incentives for reduction of peak energy demand;*
  - 2.2. *Methods to allow for staggered reporting cycles for compliance with energy and emissions performance improvements;*
  - 2.3. *Methods for calculating penalties for non-compliance;*
  - 2.4. *Estimated emissions reductions associated with any recommended energy performance requirements;*
  - 2.5. *The economic impact, including benefits, of achieving the energy and emissions performance requirements;*
  - 2.6. *Methods for achieving earlier or larger reductions from city-owned buildings;*
  - 2.7 *Separate improvement targets for base building energy systems and tenant-controlled energy systems;*
  - 2.8 *Methods for achieving emissions reductions from manufacturing and industrial processes; and*
  - 2.9 *Methods for achieving emissions reductions from hospitals while maintaining critical care for human health and safety.*

**§ 28-320.2.1 Advisory board composition.** *Such advisory board shall be staffed with registered design professionals and be composed of 16 members including the chairperson, 8 of the members*

*of such advisory board shall be appointed by the mayor or the mayor's designee, and 8 of the members of such advisory board shall be appointed by the speaker of the council. The mayor shall appoint one architect, one operating engineer, one building owner or manager, one public utility industry representative, one environmental justice representative, one business sector representative, one residential tenant representative, and one environmental advocacy organization representative. The speaker shall appoint one architect, one stationary engineer, one construction trades representative, one green energy industry representative, one residential tenant representative, one environmental justice organization representative, one environmental advocacy representative and one not for profit organization representative. The director of such office, or the designee of such director, shall serve as chairperson of the advisory board. The advisory board may convene in working groups. Such working groups may include individuals not on such advisory board to address the recommendations required by this article. The mayor shall invite the appropriate federal, state and local agencies and authorities to participate, including but not limited to the New York state energy research and development authority. Such advisory board shall convene a working group on hospitals that shall be composed of engineers, architects, and hospital industry representatives.*

**§ 28-320.3 Building emissions limits.** *Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, 2024 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building.*

**§ 28-320.3.1 Annual building emissions limits 2024-2029.** *For calendar years 2024 through 2029 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space.*

- 1. For spaces classified as occupancy group A: multiply the building emissions intensity limit of 0.01074 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 2. For spaces classified as occupancy group B other than as described in item 6: multiply the building emissions intensity limit of 0.00846 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 3. For spaces classified as occupancy groups E and I-4: multiply the building emissions intensity limit of 0.00758 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 4. For spaces classified as occupancy group I-1: multiply the building emissions intensity limit of 0.01138 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*

5. *For spaces classified as occupancy group F: multiply the building emissions intensity limit of 0.00574 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
6. *For spaces classified as occupancy groups B civic administrative facility for emergency response services, B non-production laboratory, Group B ambulatory health care facility, H, I-2 and I-3: multiply the building emissions intensity limit of 0.02381 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
7. *For spaces classified as occupancy group M: multiply the building emissions intensity limit of 0.01181 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
8. *For spaces classified as occupancy group R-1: multiply the building emissions intensity limit of 0.00987 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
9. *For spaces classified as occupancy group R-2: multiply the building emissions intensity limit of 0.00675 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
10. *For spaces classified as occupancy groups S and U: multiply the building emissions intensity limit of 0.00426 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf).*

**§ 28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years 2024 through 2029.** *The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years 2024 through 2029:*

1. *Utility electricity consumed on the premises of a covered building that is delivered to the building via the electric grid shall be calculated as generating 0.000288962 tCO<sub>2</sub>e per kilowatt hour, provided, however, that the department, in consultation with the office of long term planning and sustainability, shall promulgate rules governing the calculation of greenhouse gas emissions for campus-style electric systems that share on-site generation but make use of the utility distribution system and for buildings that are not connected to the utility distribution system.*
2. *Natural gas combusted on the premises of a covered building shall be calculated as generating 0.00005311 tCO<sub>2</sub>e per kbtu.*
3. *#2 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007421 tCO<sub>2</sub>e per kbtu.*
4. *#4 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007529 tCO<sub>2</sub>e per kbtu.*
5. *District steam consumed on the premises of a covered building shall be calculated as generating 0.00004493tCO<sub>2</sub>e per kbtu.*

6. *The amount of greenhouse gas emissions attributable to other energy sources, including but not limited to distributed energy resources, shall be determined by the commissioner and promulgated into rules of the department.*

**§ 28-320.3.2 Building emissions limits for calendar years 2030 through 2034.** *For calendar years 2030 through 2034 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space. The department may establish different limits, set forth in the rules of the department, where the department determines that different limits are feasible and in the public interest. Where such limits are set by rule, the average emission limits for all covered buildings shall not be less restrictive than the average emissions impact of the building emissions limits outlined in items 1 through 10 of this section. The advisory board and the office of long term planning and sustainability shall provide advice and recommendation regarding such limits.*

1. *For spaces classified as occupancy group A: multiply the building emissions intensity limit of 0.00420 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
2. *For spaces classified as occupancy group B other than as described in item 6: multiply the building emissions intensity limit of 0.00453 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
3. *For spaces classified as occupancy groups E and I-4: multiply the building emissions intensity limit of 0.00344 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
4. *For spaces classified as occupancy group I-1: multiply the building emissions intensity limit of 0.00598 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
5. *For spaces classified as occupancy group F: multiply the building emissions intensity limit of 0.00167 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
6. *For spaces classified as occupancy groups B civic administrative facility for emergency response services, B non-production laboratory, Group B ambulatory health care facility, H, I-2 or I-3: multiply the building emissions intensity limit of 0.01193 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
7. *For spaces classified as occupancy group M: multiply the building emissions intensity limit of 0.00403 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*



8. *For spaces classified as occupancy group R-1: multiply the building emissions intensity limit of 0.00526 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
9. *For spaces classified as occupancy groups R-2: multiply the building emissions intensity limit of 0.00407 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
10. *For spaces classified as occupancy groups S and U: multiply the building emissions intensity limit of 0.00110 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf).*

**§ 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years 2030 through 2034.** *For the purposes of calculating the annual building emissions of a covered building in accordance with this section, the amount of greenhouse gas emissions attributed to particular energy sources shall be determined by the commissioner and promulgated into rules of the department by no later than January 1, 2023. The commissioner shall consult with the advisory board required by this article to develop such greenhouse gas coefficients for utility electricity consumption. When developing such coefficient, the commissioner shall consider factors including, but not limited to, the best available New York state energy research and development authority and State Energy Plan forecasts for Zone J for the end of the compliance period and beneficial electrification.*

**§ 28-320.3.4 Building emissions limits for calendar years 2035 through 2050.** *No later than January 1, 2023, the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years 2035 through 2039 and building emissions limits and building emissions intensity limits applicable for calendar years 2040 through 2049. Such limits shall be set to achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO<sub>2</sub>e/sf/yr by 2050.*

**§ 28-320.3.5 Building emissions limits on and after calendar year 2050.** *No later than January 1, 2023 the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years commencing on and after January 1, 2050. Such limits shall achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO<sub>2</sub>e/sf/yr.*

**§ 28-320.3.6 Deductions from reported annual building emissions.** *The department may authorize a deduction from the annual building emissions required to be reported by an owner pursuant to section 28-320.3 where the owner demonstrates the purchase of greenhouse gas offsets or renewable energy credits, or the use of clean distributed energy resources, in accordance with this section.*

**§ 28-320.6.1 Deductions from reported annual building emissions for renewable energy credits.** *A deduction from the reported annual building emissions shall be authorized equal to the number of renewable energy credits purchased by or on behalf of a building owner, provided (i) the renewable energy resource that is the source of the renewable energy credits is considered by the New York independent system operator to be a capacity resource located in or directly deliverable*

into zone J load zone for the reporting calendar year; (ii) the renewable energy credits are solely owned and retired by, or on behalf of, the building owner; (iii) the renewable energy credits are from the same year as the reporting year; and (iv) the building that hosts the system producing the energy does not receive a deduction under § 28-320.6.3. Covered buildings claiming deductions for renewable energy credits under this section must provide the department with the geographic location of the renewable energy resource that created the renewable energy credits. The department, in consultation with the mayor's office of long term planning and sustainability, shall promulgate rules to implement this deduction.

**§ 28-320.3.6.2 Deductions from reported annual building emissions for purchased greenhouse gas offsets.** For calendar years 2024 through 2029, a deduction shall be authorized for up to 10 percent of the annual building emissions limit. Such a deduction shall be authorized only where within the reporting calendar year, greenhouse gas offsets equivalent to the size of the deduction as measured in metric tons of carbon dioxide equivalent and generated within the reporting calendar year have been (i) purchased by or on behalf of the owner in accordance with an offset standard referenced by rules of the department, (ii) publicly registered in accordance with such offset standard, and (iii) retired or designated to the department for retirement. Such greenhouse gas offsets must exhibit environmental integrity principles, including additionality, in accordance with rules promulgated by the department in consultation with the office of long term planning and sustainability. For the purposes of this section, additionality means a requirement that an offset project is not already required by local, national or international regulations. Prior to the department promulgation of rules, the department shall consult the advisory board on environmental justice as established in local law 64 of 2017.

**§ 28-320.3.6.3 Deductions from reported annual building emissions for clean distributed energy resources.** For calendar years 2024 through 2029, a deduction from the reported annual building emissions shall be authorized based upon the calculated output of a clean distributed energy resource located at, on, in, or directly connected to the building subject to the report. The department shall promulgate rules to set forth how such deduction shall be calculated, in accordance with the following:

1. For a clean distributed energy resource that generates electricity, the department shall establish separate calculations for each type of commercially available clean distributed energy resource, which shall not be revised more frequently than once every three years.
2. For a clean distributed energy resource that stores electricity, the deduction shall be based on the size of the resource and its ability to reduce greenhouse gas emissions during designated peak periods.

**§ 28-320.3.7 Reports.** By May 1, 2025, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:

1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or

2. *Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.*

**§ 28-320.3.7.1 Extension of time to file report.** *An owner may apply for an extension of time to file an annual report required by section 28-320.3.7 in accordance with this section and the rules of the department. An extension may be granted where the owner is unable to file the certified report by the scheduled due date despite such owner's good faith efforts, as documented in such application. An extension granted pursuant to this section shall not modify the owner's obligation to comply with the applicable emission limits for such calendar year.*

**§ 28-320.3.8 Continuing requirements.** *In 2055, the office of building energy and emissions performance shall prepare and submit to the mayor and the speaker of the council recommendations whether to repeal or amend any of the requirements of this article.*

**§ 28-320.3.9 Extension for certain income-restricted housing.** *This section is applicable to covered buildings that are owned by a limited-profit housing company organized under article 2 of the private housing finance law, or contain one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant thereof as a condition of a loan, grant, tax exemption, or conveyance of property from any state or local governmental agency or instrumentality pursuant to the private housing finance law, the general municipal law, or section 420-c of the real property tax law. Such buildings are exempted from the annual building emissions limits set forth in section 28-320.3.1 and 28-320.3.2 and from any applicable reporting requirements.*

**§ 28-320.3.10 Changes in building status.** *The department may establish by rule procedures for a building to apply for additional time to comply with the emissions limits when such building converts to a new occupancy group or use with lower emissions limits, or undergoes a change affecting the applicability of this article to such building.*

**§ 28-320.4 Assistance.** *The office of building energy and emissions performance shall establish and maintain a program for assisting owners of covered buildings in complying with this article, as well as expand existing programs established to assist owners in making energy efficiency and renewable energy improvements. These programs shall be made available to assist building owners without adequate financial resources or technical expertise.*

**§ 28-320.5 Outreach and education.** *The office of building energy and emissions performance shall establish and engage in outreach and education efforts to inform building owners about building emissions limits, building emissions intensity limits and compliance with this article. The materials developed for such outreach and education shall be made available on the office's website. Such outreach shall include a list of city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which buildings reasonably could be eligible. The office of building energy and emissions performance shall also provide outreach, education, and training opportunities for buildings' maintenance and operations staff.*

**§ 28-320.6 Penalties.** *An owner of a covered building who has submitted a report pursuant to section 28-320.3.7 which indicates that such building has exceeded its annual building emissions limit shall be liable for a civil penalty of not more than an amount equal to the difference between the building emissions limit for such year and the reported building emissions for such year, multiplied by \$268.*

**§ 28-320.6.1 Determination of penalty.** *In considering the amount of the civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to aggravating or mitigating factors including:*

- 1. The respondent's good faith efforts to comply with the requirements of this article, including investments in energy efficiency and greenhouse gas emissions reductions before the effective date of this article;*
- 2. The respondent's history of compliance with this article;*
- 3. The respondent's compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;*
- 4. Whether the non-compliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;*
- 5. The respondent's access to financial resources; and 6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety .*

**§ 28-320.6.2 Civil penalty for failure to file report.** *It shall be unlawful for the owner of a covered building to fail to submit an annual report as required by section 28-320.3.7 on or before the applicable due date. An owner of a covered building subject to a violation for failure to file a report shall be liable for a penalty of not more than an amount equal to the gross floor area of such covered building, multiplied by \$0.50, for each month that the violation is not corrected within the 12 months following the reporting deadline; provided, however, that an owner shall not be liable for a penalty for a report demonstrating compliance with the requirements of this article if such report is filed within 60 days of the date such report is due.*

**§ 28-320.6.3 False statement.** *It shall be unlawful to knowingly make a material false statement in a report or other submission filed with the department, pursuant to this article. A violation of this section shall be a misdemeanor and subject to a fine of not more than \$500,000 or imprisonment of not more than 30 days or both such fine and imprisonment. A person who violates this section shall also be liable for a civil penalty of not more than \$500,000.*

**§ 28-320.6.4 Penalty recovery.** *Civil penalties provided for by this article may be recovered in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings. Administrative summonses returnable to such tribunal for violations of this*

article may be issued by the department or by an agency designated by the department. Civil penalties provided for by this article may also be recovered in an action by the corporation counsel in any court of competent jurisdiction.

**§ 28-320.7. Adjustment to applicable annual building emissions limit.** *The department, in consultation with the mayor's office of long term planning and sustainability or any other agency designated by the mayor, may grant an adjustment of the annual building emissions limit applicable to a covered building in existence on the effective date of this article or for which a permit for the construction of such building was issued prior to such effective date, provided that the owner is complying with the requirements of this article to the maximum extent practicable.*

1. *Such an adjustment may be granted upon a specific determination that:*

1.1. *Capital improvements are necessary for strict compliance with the limit set forth in section 28-320.3 and it is not reasonably possible to make such improvements due to (i) a constraint imposed by another provision of law including but not limited to designation as a landmark, landmark site, interior landmark, or within a historic district pursuant to chapter 3 of title 25 of the administrative code, or (ii) a physical condition of the building or building site including but not limited to lack of access to energy infrastructure, space constraints, or lack of access to a space within a building covered by a lease in existence on the effective date of this section;*

1.2. *The owner has made a good faith effort to purchase greenhouse gas offsets to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and*

1.3. *The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.*

2. *Such an adjustment may be granted upon a specific determination that:*

2.1. *The cost of financing capital improvements necessary for strict compliance with the limit set forth in section 28-320.3 would prevent the owner of a building from earning a reasonable financial return on the use of such building or the building is subject to financial hardship as defined in this article. In evaluating the ability of an owner to earn a reasonable financial return, the department may consider future savings expected from such capital improvements;*

2.2. *The owner is not eligible for any program funded by the city or enabled by a local law that provides financing for the purpose of energy reduction or sustainability measures. Proof of ineligibility for financing must be demonstrated by rejection from any such program funded by the city or enabled by a local law or an affidavit explanation why such owner could not reasonably participate in such programs;*

2.3. *The owner has made a good faith effort to purchase greenhouse gas offsets or renewable energy credits to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and*

2.4. *The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.*

**§ 28-320.7.1 Effective period.** *An adjustment granted pursuant to item 1 of section 28-320.7 may be effective for a period of not more than three calendar years. An adjustment granted pursuant to item 2 of such section may be effective for a period of not more than one calendar year.*

**§ 28-320.7.2 Application.** *An application for such an adjustment shall be made in the form and manner determined by the department and certified by a registered design professional.*

**§ 28-320.8 Adjustment to applicable annual building emissions limit for calendar years 2024-2029.** *The department may grant an adjustment of the annual building emissions limit for calendar years 2024 through 2029 applicable to a covered building in existence on the effective date of this article where such covered building emissions in calendar year 2018 exceeds the building emissions limit as prescribed by section 28-320.3.1 by more than 40 percent, as reported to the department by a registered design professional. The adjustment shall result in a required building emissions limit that is 70 percent of the calendar year 2018 building emissions for the covered building. Such adjustment may be granted where:*

1. *The owner of a covered building demonstrates that the building emissions in excess of the building emissions limit is attributable to special circumstances related to the use of the building, including but not limited to 24 hour operations, operations critical to human health and safety, high density occupancy, energy intensive communications technologies or operations, and energy-intensive industrial processes;*
2. *The owner of a covered building demonstrates that the energy performance of the covered building is equivalent to a building in compliance with the New York city energy conservation code in effect on January 1, 2015; and*
3. *The owner of the covered building has submitted a plan to the department setting forth a schedule of alterations to the covered building or changes to the operations and management of the covered building sufficient to ensure that the covered building will be in compliance with the annual building emissions limits for calendar years 2030 through 2034, as required by section 28-320.3.2.*

**§ 28-320.8.1 Effective period.** *An adjustment granted pursuant to section 28-320.8 may be effective for the reporting years 2025 through 2030, as prescribed by section 28-320.3.7, provided that the certificate of occupancy has not been amended after December 31, 2018.*

**§ 28-320.8.1.1 Extension of effective period.** *The commissioner may also grant an extension of the effective period of the adjustment to applicable annual building emissions limit for calendar years 2030-2035, as prescribed by section 28-320.3.8. Such extension may be granted upon submission of a schedule of alterations to the covered building or changes to the operations and management of the covered building in accordance with section 28-320.8 sufficient to ensure that by 2035 the covered building will comply with a required building emissions limit that is 50 percent of the reported 2018 building emissions for the covered building.*

**§ 28-320.8.2 Application.** *An application for an adjustment shall be submitted to the department before July 1, 2021 in the form and manner determined by the department and certified by a registered design professional.*

**§ 28-320.9 Adjustment to applicable annual building emissions limit for not-for-profit hospitals and healthcare facilities.** *The department shall grant an adjustment of the annual building emissions limits for calendar years 2024-2029 and 2030-34 where:*

- 1. The building is classified as a not-for-profit hospital, not-for-profit health center, or not-for-profit HIP center, in existence on the effective date of this article; and*
- 2. By no later than July 21, 2021, the owner of the covered building submits an application to the department for such adjustment in a form and manner prescribed by the department.*

*For calendar years 2024 through 2029, the adjustment shall result in the covered building being subject to an emissions limit that is 85 percent of the calendar 2018 building emissions for such covered building. For calendar years 2030 through 2034, the adjustment shall result in the covered building being subject to an emissions limit that is 70 percent of the calendar 2018 building emissions for such covered building.*

**§ 28-320.10 Fee schedule.** *The department may establish by rule a schedule of fees that shall be paid upon the filing of a report or an application for an adjustment to the applicable building emissions limit pursuant to this article. Such schedule may include a fee for the late filing of a report.*

**§ 28-320.11 Carbon trading study.** *The office of long term planning and sustainability shall conduct a study on the feasibility of a citywide trading scheme for greenhouse gas emissions from buildings and submit a report and implementation plan with the findings of such study to the mayor and the speaker of the council no later than January 1, 2021. Such study shall include methods to ensure equitable investment in environmental justice communities that preserve a minimum level of benefits for all covered buildings and do not result in any localized increases in pollution. Such study shall also include an approach to a marketplace for credit trading, pricing*

*mechanisms, credit verification, and mechanisms for regular improvement of the scheme. Such study should also consider the reports and recommendations of the advisory board.*

§ 6. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 321 to read as follows:

### **ARTICLE 321**

#### **ENERGY CONSERVATION MEASURE REQUIREMENTS FOR CERTAIN BUILDINGS**

§ 28-321.1 *Definitions.* As used in this article, the following terms shall have the following meanings:

**COVERED BUILDING.** *The term “covered building” means a building (i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code , (v) real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship and, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet (9290 m<sup>2</sup>).*

**Exceptions:**

1. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*
2. *An industrial facility primarily used for the generation of electric power or steam.*
3. *A covered building as defined in article 320.*



**§ 28-321.2 Required energy conservation measures for certain buildings.** A covered building must comply with either section 28-321.2.1 or section 28-321.2.2.

**§ 28-321.2.1 Energy compliant buildings.** The owner of a covered building shall demonstrate that, for calendar year 2024, the annual building emissions of such covered building did not exceed what the applicable annual building emissions limit would be pursuant to section 28-320.3.2 if such building were a covered building as defined in article 320 of this chapter.

**§ 28-321.2.2 Prescriptive energy conservation measures.** By December 31, 2024, the owner of a covered building shall ensure that the following energy conservation measures have been implemented where applicable:

1. *Adjusting temperature set points for heat and hot water to reflect appropriate space occupancy and facility requirements;*
2. *Repairing all heating system leaks;*
3. *Maintaining the heating system, including but not limited to ensuring that system component parts are clean and in good operating condition;*
4. *Installing individual temperature controls or insulated radiator enclosures with temperature controls on all radiators;*
5. *Insulating all pipes for heating and/or hot water;*
6. *Insulating the steam system condensate tank or water tank;*
7. *Installing indoor and outdoor heating system sensors and boiler controls to allow for proper set-points;*
8. *Replacing or repairing all steam traps such that all are in working order;*
9. *Installing or upgrading steam system master venting at the ends of mains, large horizontal pipes, and tops of risers, vertical pipes branching off a main;*
10. *Upgrading lighting to comply with the standards for new systems set forth in section 805 of the New York city energy conservation code and/or applicable standards referenced in such energy code on or prior to December 31, 2024. This provision is subject to exception 1 in section 28-310.3, provided that July 1, 2010 is replaced by January 1, 2020 for the purposes of this section;*
11. *Weatherizing and air sealing where appropriate, including windows and ductwork, with focus on whole-building insulation;*
12. *Installing timers on exhaust fans; and*

*13. Installing radiant barriers behind all radiators.*

**§ 28-321.3 Reports.** *By May 1, 2025, an owner of a covered building shall submit a report to the department to demonstrate compliance with this section in accordance with section 28-321.3.1 or section 28-321.3.2.*

**§ 28-321.3.1 Energy compliant buildings reports.** *The owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for calendar year 2024 such building was in compliance with the applicable building emissions limit established pursuant to section 28-320.3.2.*

**§ 28-321.3.2 Prescriptive energy conservation measures reports.** *A retro-commissioning agent, as defined in article 308, shall prepare and certify a report in a form and manner determined by the department. The report shall include such information relating to the completion of the prescriptive energy conservation measures as shall be set forth in the rules of the department including, at a minimum:*

*1. Project and team information:*

*1.1. Building address.*

*1.2. Experience and certification of persons performing the prescriptive energy conservation measures and any staff involved in the project.*

*1.3. Name, affiliation, and contact information for persons performing the prescriptive energy conservation measures, owner of building, and facility manager of building.*

*2. Building information:*

*2.1. List of all HVAC, domestic hot water, electrical equipment, lighting, and conveyance equipment types serving the covered building.*

**§ 28-321.4 Penalties.** *Penalties that may be assessed for violations of section 28-321.2 shall be determined by department rule.*

§ 7. This local law takes effect 180 days after it becomes law, except that prior to such effective date the department of buildings and the office of long term planning and sustainability may take such measures as are necessary for the implementation of this local law, including the promulgation of rules.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 18, 2019 and returned unsigned by the Mayor on May 20, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 97 of 2019, Council Int. No. 1253-C of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 100**

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Introduced by Council Members Lander, the Speaker (Council Member Johnson), and Council Members Chin, Treyger, Reynoso, Constantinides, Kallos, Ayala, Rivera, Rosenthal and Levin.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4-F of title 16 of the administrative code of the city of New York is REPEALED and a new chapter 4-F is added to read as follows:

*CHAPTER 4-F: PAPER CARRYOUT BAG REDUCTION FEE*

*§ 16-490 Definitions*

*§ 16-491 Paper carryout bag reduction fee*

*§ 16-492 Exemptions*

*§ 16-490 Definitions. As used in this chapter:*

*Exempt bag. The term “exempt bag” means: (i) a bag used solely to contain or wrap uncooked meat, fish or poultry; (ii) a bag used by a customer solely to package bulk items such as fruits, vegetables, grains or candy; (iii) a bag used solely to contain food sliced or prepared to order; (iv) a bag used solely to contain a newspaper for delivery to a subscriber of such newspaper; (v) a bag sold in bulk to a consumer at the point of sale; (vi) a trash bag; (vii) a bag used for food storage; (viii) a garment bag; (ix) a bag prepackaged for sale to a customer; (x) a plastic carryout bag*

*provided by a restaurant, tavern or similar food service establishment, as defined in section 14-1.20 of title 10 of the New York codes, rules and regulations, to carry out or deliver food; or (xi) a bag provided by a pharmacy to carry prescription drugs.*

*Paper carryout bag. The term “paper carryout bag” means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article 28 of the tax law.*

*Person required to collect tax. The term “person required to collect tax” means any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section 1105 of the tax law.*

*§ 16-491 Paper carryout bag reduction fee. a. On and after March 1, 2020, there shall be a paper carryout bag reduction fee of five cents imposed on each paper carryout bag provided by any person required to collect tax to a customer.*

*b. Any sales slip, invoice, receipt or other statement of price furnished by a person required to collect tax to a customer shall separately state and make payable the paper carryout bag reduction fee and shall state the number of paper carryout bags provided to the customer.*

*c. Pursuant to paragraph (c) of subdivision 1 of section 27-2805 of the environmental conservation law, the transfer of a paper carryout bag to a customer by a person required to collect tax shall not constitute a retail sale and the fee imposed on paper carryout bags pursuant to this section shall not constitute a receipt for the sale of tangible personal property.*

*d. Pursuant to subdivision 4 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee shall be reported and paid by a person required to collect tax to*

*the New York state commissioner of taxation and finance, accompanied by a return in the form and containing the information prescribed by such commissioner, on a quarterly basis on or before the twentieth day of the month following each quarterly period ending on the last day of February, May, August and November, respectively.*

*§ 16-492 Exemptions. a. Pursuant to subdivision 3 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee imposed pursuant to section 16-491 shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for the items purchased.*

*b. Pursuant to subparagraph (1) of paragraph (b) of subdivision 6 of section 27-2805 of the environmental conservation law, the exemptions provided for in section 1116 of the tax law, other than the exemptions in paragraphs (1), (2) and (3) of subdivision (a) of such section, shall not apply to the paper carryout bag reduction fee imposed pursuant to section 16-491.*

§ 2. Within five days of the enactment of this local law, the commissioner of sanitation shall mail a certified copy of this local law by registered or certified mail to the New York state commissioner of taxation and finance and file a certified copy of this local law with the New York state tax commission, the city clerk, the secretary of state and the New York state comptroller pursuant to subdivisions (d) and (e) of section 1210 of the tax law.

§ 3. This local law takes effect on March 1, 2020, except that the commissioner of sanitation and the commissioner of finance may take such measures as are necessary for its implementation 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 April 18, 2019 and returned unsigned by the Mayor on May 20, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 100 of 2019, Council Int. No. 1527 of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 129**

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Introduced by the Public Advocate (Mr. Williams) and Council Members Yeger, Kallos, Rosenthal, Chin, Cumbo, Ayala and Rivera.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city's human rights law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 7 of section 8-107 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

7. Retaliation. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, (v) *requested a reasonable accommodation under this chapter*, or ([v]vi) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of



employment, housing, or a public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

§ 2. This local law takes effect 120 days after it becomes law.

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 June 13, 2019 and returned unsigned by the Mayor on July 18, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 129 of 2019, Council Int. No. 799 of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 147**

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Introduced by Council Members Constantinides and Kallos.

**A LOCAL LAW**

**To amend the New York city charter and the administrative code of the city of New York in relation to greenhouse gas emissions**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 8, 9 and 10 of subdivision a of section 651 of the New York city charter, as added by local law number 97 for the year 2019, are amended to read as follows:

8. Reviewing applications for alternative methods of compliance with building emissions limits, including adjustments of emissions limits, deductions for the purchase of greenhouse gas offsets or renewable energy credits, deductions for the use of distributed energy resources, and adjustments for special categories of buildings or for special use and occupancies; *and*

9. Working in close coordination with the mayor's office of long-term planning and sustainability; receiving advice and recommendations, as applicable, from the advisory board established pursuant to section 28-320.2 of the administrative code[; and].

[10. Ensuring the participation and cooperation of agencies] *b. Agencies, including but not limited to the department of environmental protection, the department of housing preservation and development and the department of citywide administrative services shall cooperate with the office as requested by the director. Such participation and cooperation [shall] may include[, but not be limited to,] detailing agency staff to assist office staff consistent with agency and office*

functions and reporting to the office on building energy performance issues and related enforcement efforts. *Agencies shall provide information necessary to support building energy performance enforcement efforts consistent with applicable law.*

§ 2. Paragraph (1) of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law number 97 for the year 2019, is amended to read as follows:

(1) Reduction of emissions from city government operations. There shall be, at minimum, a 40 percent reduction in city government emissions by fiscal year 2025, and a 50 percent reduction in city government emissions by [calendar] *fiscal* year 2030, relative to such emissions for the base year for city government emissions.

§ 3. Section 28-320.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to add a new definition of “capacity resource” in alphabetical order, and to amend the definitions of “city building,” “clean distributed energy resource,” “covered building,” “distributed energy resource,” “financial hardship (of a building)” and “rent regulation accommodation” to read as follows:

***CAPACITY RESOURCE.*** *The term “capacity resource” means a facility that has the capability to generate and transmit electrical power and sell capacity (i) by bilateral contracts, (ii) in the wholesale capacity market, or (iii) by indirect sales of capacity in the wholesale market in accordance with the schedules of rates and charges of a utility in effect pursuant to section 66 of the public service law.*

***CITY BUILDING.*** *The term "city building" means a building that is owned by the city or for which the city regularly pays all of the annual energy bills, or a cultural institution that is in the Cultural Institutions Group as determined by the department of cultural affairs for which the city regularly pays all or part of the annual energy bills.*

***Exception:*** *The term "city building" shall not include any senior college in the city university of New York system.*

***CLEAN DISTRIBUTED ENERGY RESOURCE.*** *The term “clean distributed energy resource” means a distributed energy resource that (i) uses any of the following sources to*

generate electricity: hydropower, solar photovoltaics, geothermal wells or loops, tidal action, waves or water currents, [and] *or* wind; or (ii) is designed and operated to store energy, including[,] but not limited to[,] batteries, thermal systems, mechanical systems, compressed air, and superconducting equipment.

**COVERED BUILDING.** The term “covered building” means, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet ( $2322.5 m^2$ ) or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] ( $4645 m^2$ ), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] ( $4645 m^2$ ).

**Exceptions:**

1. An industrial facility primarily used for the generation of electric power or steam.
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than [two dwelling units] *25,000 gross square feet ( $2322.5 m^2$ )*, as certified by a registered design professional to the department.
3. A city building.
4. A housing development or building on land owned by the New York city housing authority.
5. A rent regulated accommodation.
6. [The real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship] *A building whose main use or dominant occupancy is classified as occupancy group A-3 religious house of worship.*
7. Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law.
8. *A building that participates in a project-based federal housing program.*

**DISTRIBUTED ENERGY RESOURCE.** The term “[a] distributed energy resource” means a resource comprised of one or multiple units capable of generating or storing electricity, all at

a single location that is directly or indirectly connected to an electric utility *transmission and* distribution system. The resource may serve all or part of the electric load of one or more customers at the same location, and it may simultaneously or alternatively transmit all or part of the electricity it generates or stores onto the electric *transmission and* distribution system for sale to or use by other customers at other locations.

**FINANCIAL HARDSHIP (OF A BUILDING).** The term “financial hardship (of a building)” means a building [shall be considered to be subject to financial hardship where,] *that* for the combined two years prior to the application for an adjustment to annual building emissions limit pursuant to section 28-320.7[, the building]:

1. Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list;
2. [Is] *Had been* exempt from real property taxes pursuant to sections 420-a, 420-b, 446 or 462 of the real property tax law and applicable local law and the owner had negative revenue less expenses as certified to the department by a certified public accountant, or by affidavit under penalties of perjury; or
3. Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list.

**RENT REGULATED ACCOMMODATION.** The term “rent regulated accommodation” means a building [(i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii)] containing one or more dwelling units required by law *or by an agreement with a governmental entity* to be [registered and] regulated [pursuant to] *in accordance with* the emergency tenant protection act of 1974, [or] the rent stabilization law of 1969, [(iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code] *or the local emergency housing rent control act of 1962.*

§ 4. Section 28-320.2 of the administrative code of the city of New York, as added by local law

number 97 for the year 2019, is amended to read as follows:

**§ 28-320.2 Advisory board.** There shall be an advisory board convened[,] by the office of building energy and emissions performance upon the effective date of this article, in January of 2029 and in January of 2039, to provide advice and recommendations to the commissioner and to the mayor’s office of long term planning and sustainability relating to effectively reducing

greenhouse gas emissions from buildings. Such recommendations shall include, but not be limited to:

1. A report and recommendations to be delivered to the mayor and the speaker of the city council no later than January 1, 2023 for additional or improved approaches to assessing building energy performance. Such report shall include, but not be limited to:
  - 1.1. An approach for buildings to submit energy use or greenhouse gas emissions and other information for the purpose of assessing energy performance of covered buildings;
  - 1.2. A methodology that includes the metric of measure, adjustments to the metric, the approach to comparing the output to a benchmark, alternative compliance paths, credit for beneficial electrification and distributed energy resources, and an approach for a trading mechanism as described in section 28-320.11;
  - 1.3. Recommendations for addressing tenant-controlled energy usage;
  - 1.4. Recommendations for amendments to the audit required under section 28-308.2 of the administrative code, including consideration of whether such audit should be replaced by a capital plan;
  - 1.5. Recommendations for reducing building emissions from rent regulated accommodations;
  - 1.6. Recommendations for allowing additional time to comply with the emissions limits for buildings converting to a new occupancy group or use with lower emissions limits or some other change in status that would affect applicability of the provisions of this article;
  - 1.7. An evaluation of the extent to which the mayor's 80x50 energy infrastructure pathways study is incorporated and addressed within the recommendations made pursuant to items 1.1 through 1.6 of this section; and
  - 1.8. A reference guide to delineate the responsibilities of the building designer and owners to comply with emissions limits.
2. A report to be delivered to the mayor and the speaker of the city council no later than January 1, 2023, providing an analysis of, and any recommendations for improving, energy and emissions performance requirements for covered buildings. Such recommendations shall be targeted to achieve at least a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030 relative to such emissions for the calendar year 2005. Such report shall include, but not be limited to, assessments of:
  - 2.1. Incentives for reduction of peak energy demand;

- 2.2. Methods to allow for staggered reporting cycles for compliance with energy and emissions performance improvements;
- 2.3. Methods for calculating penalties for non-compliance;
- 2.4. Estimated emissions reductions associated with any recommended energy performance requirements;
- 2.5. The economic impact, including benefits, of achieving the energy and emissions performance requirements;
- 2.6. Methods for achieving earlier or larger reductions from [city-owned] *city* buildings;
- 2.7. Separate improvement targets for base building energy systems and tenant-controlled energy systems;
- 2.8. Methods for achieving emissions reductions from manufacturing and industrial processes; and
- 2.9. Methods for achieving emissions reductions from hospitals while maintaining critical care for human health and safety.

§ 5. Section 28-320.2.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.2.1 Advisory board composition.** Such advisory board shall be staffed with registered design professionals and be composed of [16] *19* members [including] *as follows*: the chairperson, [8 of the] *the speaker of the council or the speaker's designee, the mayor or the mayor's designee, eight* members [of such advisory board shall be] appointed by the mayor [or the mayor's designee, and 8 of the members of such advisory board shall be], *and eight members* appointed by the speaker of the council. The mayor shall appoint one architect, one [operating] engineer, one building owner or manager, one public utility industry representative, one environmental justice representative, one business sector representative, one residential tenant representative, and one environmental advocacy organization representative. The speaker shall appoint one architect, one stationary engineer, one construction trades representative, one green energy industry representative, one residential tenant representative, one environmental justice organization representative, one environmental advocacy representative and one not for profit organization representative. The director of such office, or the designee of such director, shall serve as chairperson of the advisory board. The advisory board may convene in working groups. Such working groups may include individuals not on such advisory board to address the recommendations required

by this article. The mayor shall invite the appropriate federal, state and local agencies and authorities to participate, including but not limited to[,] the New York state energy research and development authority. Such advisory board shall convene a working group on hospitals that shall be composed of engineers, architects, and hospital industry representatives.

§ 6. Section 28-320.3.1.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years 2024 through 2029.** The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years 2024 through 2029:

1. Utility electricity consumed on the premises of a covered building that is delivered to the building via the electric grid shall be calculated as generating 0.000288962 tCO<sub>2</sub>e per kilowatt hour[, provided, however, that the] *or, at the owner's option, shall be calculated based on time of use in accordance with referenced emissions factors promulgated by rules of the department. The department, in consultation with the office of long term planning and sustainability, shall promulgate rules governing the calculation of greenhouse gas emissions for campus-style electric systems that share on-site generation but make use of the utility distribution system and for buildings that are not connected to the utility distribution system.*
2. Natural gas combusted on the premises of a covered building shall be calculated as generating 0.00005311 tCO<sub>2</sub>e per kbtu.
3. #2 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007421 tCO<sub>2</sub>e per kbtu.
4. #4 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007529 tCO<sub>2</sub>e per kbtu.
5. District steam consumed on the premises of a covered building shall be calculated as generating 0.00004493tCO<sub>2</sub>e per kbtu.
6. *The amount of greenhouse gas emissions attributable to natural gas powered fuel cells shall be credited compared to a marginal emissions factor that will be determined by the commissioner and promulgated into rules of the department.*



7. The amount of greenhouse gas emissions attributable to other energy sources, including but not limited to distributed energy resources, shall be determined by the commissioner and promulgated into rules of the department.

§ 7. The first undesignated paragraph and item 6 of section 28-320.3.2 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, are amended to read as follows:

For calendar years 2030 through 2034 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space. The department may establish different limits, *including a different metric or method of calculation*, set forth in the rules of the department, where the department determines that different limits are feasible and in the public interest. Where such limits are set by rule, the average emission limits for all covered buildings shall not be less restrictive than the average emissions impact of the building emissions limits outlined in items 1 through 10 of this section. The advisory board and the office of long term planning and sustainability shall provide advice and recommendation regarding such limits.

6. For spaces classified as occupancy groups B civic administrative facility for emergency response services, B non-production laboratory, Group B ambulatory health care facility, H, I-2 or I-3: multiply the building emissions intensity limit of [0.01193] *0.01330* tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);

§ 8. Section 28-320.3.2.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years 2030 through 2034.** For the purposes of calculating the annual building emissions of a covered building in accordance with this section, the amount of greenhouse gas emissions attributed to particular energy sources shall be determined by the commissioner and promulgated into rules of the department by no later than January 1, 2023. The commissioner shall consult with the advisory board required by this article to develop such greenhouse gas coefficients for utility electricity consumption. When developing such coefficient, the commissioner shall consider factors, including[,] but not limited to[,] the best available New York state energy research and development authority and State

Energy Plan forecasts for Zone J for the end of the compliance period and beneficial electrification.

§ 9. Section 28-320.3.6 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.6 Deductions from reported annual building emissions.** The department may authorize a deduction from the annual building emissions required to be reported by an owner pursuant to section 28-320.3 where the owner demonstrates the purchase of greenhouse gas offsets or renewable energy credits, or the use of clean distributed energy resources, in accordance with this section. *For such sections that limit the dates of applicability of such deductions, the department shall promulgate rules to extend such deductions for each future compliance date.*

§ 10. Section 28-320.6.1 as labeled “Deductions from reported annual building emissions for renewable energy credits” of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ [28-320.6.1] 28-320.3.6.1 Deductions from reported annual building emissions for renewable energy credits.** A deduction from the reported annual building emissions shall be authorized equal to the number of renewable energy credits purchased by or on behalf of a building owner, provided (i) the renewable energy resource that is the source of the renewable energy credits is considered by the New York independent system operator to be a capacity resource located in, or *whose output* directly [deliverable] *sinks* into, *the* zone J load zone for the reporting calendar year; (ii) the renewable energy credits are solely owned and retired by, or on behalf of, the building owner; (iii) the renewable energy credits are from the same year as the reporting year; and (iv) the building that hosts the system producing the energy does not receive a deduction under [§ 28-320.6.3] *section 28-320.3.6.3*. Covered buildings claiming deductions for renewable energy credits under this section must provide the department with the geographic location of the renewable energy resource that created the renewable energy credits. The department, in consultation with the mayor’s office of long term planning and sustainability, shall promulgate rules to implement this deduction.

§ 11. Sections 28-320.3.6.2 and 28-320.3.6.3 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, are amended to read as follows:

**§ 28-320.3.6.2 Deductions from reported annual building emissions for purchased greenhouse gas offsets.** For calendar years 2024 through 2029, a deduction shall be authorized for up to 10 percent of the annual building emissions limit. Such a deduction shall be authorized only where within the reporting calendar year, greenhouse gas offsets equivalent to the size of the deduction as measured in metric tons of carbon dioxide equivalent and generated within the reporting calendar year have been (i) purchased by or on behalf of the owner in accordance with an offset standard referenced by rules of the department, (ii) publicly registered in accordance with such offset standard, and (iii) retired or designated to the department for retirement. Such greenhouse gas offsets must exhibit environmental integrity principles, including additionality, in accordance with rules promulgated by the department in consultation with the office of long term planning and sustainability. For the purposes of this section, additionality means a requirement that an offset project is not already required by local, national or international regulations. Prior to the department promulgation of rules *pursuant to this section*, the department shall consult the advisory board on environmental justice as established [in local law 64 of 2017] *by section 3-1006 of the administrative code*.

**§ 28-320.3.6.3 Deductions from reported annual building emissions for clean distributed energy resources.** [For calendar years 2024 through 2029, a] A deduction from the reported annual building emissions shall be authorized based upon the calculated output of a clean distributed energy resource located at[, on, in, or directly connected to] the building subject to the report. The department shall promulgate rules to set forth how such deduction shall be calculated, in accordance with the following:

1. For a clean distributed energy resource that generates electricity, the department shall establish separate calculations for each type of commercially available clean distributed energy resource, which shall not be revised more frequently than once every three years.
2. For a clean distributed energy resource that stores electricity, the deduction shall be based on the size of the resource and its ability to reduce greenhouse gas emissions during designated peak periods.

§ 12. Section 28-320.3.9 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.3.9 Extension for certain income-restricted housing.** This section is applicable to covered buildings [that]:

1. *That* are owned by a limited-profit housing company organized under article 2 of the private housing finance law, [or] *and*

2. *That* contain one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant thereof as a condition of a loan, grant, tax exemption, *tax abatement*, or conveyance of property from any state or local governmental agency or instrumentality pursuant to the private housing finance law, the general municipal law, or section 420-c of the real property tax law.

Such *covered* buildings are exempted from the annual building emissions limits set forth in section 28-320.3.1 and 28-320.3.2 and from any applicable reporting requirements. *Commencing January 1, 2035, such covered buildings shall be subject to the annual building emissions limits established pursuant to sections 28-320.3.4 and 28-320.3.5 and any applicable reporting requirements.*

§ 13. Section 28-320.6.1 as labeled “Determination of penalty” of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.6.1 Determination of penalty.** In considering the amount of the civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to aggravating or mitigating factors including:

1. The respondent’s good faith efforts to comply with the requirements of this article, including investments in energy efficiency and greenhouse gas emissions reductions before the effective date of this article;
2. The respondent’s history of compliance with this article;
3. The respondent’s compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;
4. Whether the non-compliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;
5. The respondent’s access to financial resources, *where the court or administrative tribunal may consider the financial hardship of a building owned by such respondent as evidence of such respondent’s access to such financial resources;* and
6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety[ ].

§ 14. Items 1 and 2 of section 28-320.7 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, are amended to read as follows:

1. Such an adjustment may be granted upon a specific determination that *all of the following conditions in items 1.1 through 1.3 are met:*
  - 1.1. Capital improvements are necessary for strict compliance with the limit set forth in section 28-320.3 and it is not reasonably possible to make such improvements due to (i) a constraint imposed by another provision of law, including but not limited to designation as a landmark, landmark site, interior landmark, or within a historic district pursuant to chapter 3 of title 25 of the administrative code, or (ii) a physical condition of the building or building site, including but not limited to lack of access to energy infrastructure, space constraints, or lack of access to a space within a building covered by a lease in existence on the effective date of this section;
  - 1.2. The owner has made a good faith effort to purchase greenhouse gas offsets to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and
  - 1.3. The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.
2. Such an adjustment may be granted upon a specific determination that *all of the following conditions in items 2.1 through 2.4 are met:*
  - 2.1. The cost of financing capital improvements necessary for strict compliance with the limit set forth in section 28-320.3 would prevent the owner of a building from earning a reasonable financial return on the use of such building or the building is subject to financial hardship as defined in this article. In evaluating the ability of an owner to earn a reasonable financial return, the department may consider future savings expected from such capital improvements;
  - 2.2. The owner is not eligible for any program funded by the city or enabled by a local law that provides financing for the purpose of energy reduction or sustainability measures. Proof of ineligibility for financing must be demonstrated by rejection from any such program funded by the city or enabled by a local law or an affidavit explanation why such owner could not reasonably participate in such programs;
  - 2.3. The owner has made a good faith effort to purchase greenhouse gas offsets or renewable energy credits to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and

2.4. The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.

§ 15. Section 28-320.8 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.8 Adjustment to applicable annual building emissions limit for calendar years 2024-2029.** The department may grant an adjustment of the annual building emissions limit for calendar years 2024 through 2029 applicable to a covered building in existence on the effective date of this article where such covered building emissions in calendar year 2018 exceeds the building emissions limit as prescribed by section 28-320.3.1 by more than 40 percent, as reported to the department by a registered design professional. The adjustment shall result in a required building emissions limit that is 70 percent of the calendar year 2018 building emissions for the covered building. Such adjustment may be granted where *all of the following conditions in items 1 through 3 are met*:

1. The owner of [a] *the* covered building demonstrates that the building emissions in excess of the building emissions limit is attributable to special circumstances related to the use of the building, including but not limited to 24 hour operations, operations critical to human health and safety, high density occupancy, energy intensive communications technologies or operations, and energy-intensive industrial processes;
2. The owner of [a] *the* covered building demonstrates that the energy performance of the covered building is equivalent to a building in compliance with the New York city energy conservation code in effect on January 1, 2015; and
3. The owner of the covered building has submitted a plan to the department setting forth a schedule of alterations to the covered building or changes to the operations and management of the covered building sufficient to ensure that the covered building will be in compliance with the annual building emissions limits for calendar years 2030 through 2034, as required by section 28-320.3.2.

§ 16. Section 28-320.9 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**§ 28-320.9 Adjustment to applicable annual building emissions limit for not-for-profit hospitals and healthcare facilities.** The department shall grant an adjustment of the annual building emissions limits for calendar years 2024-2029 and 2030-34 where *all of the following conditions in items 1 and 2 are met*:

1. The building is classified as a not-for-profit hospital, not-for-profit health center, or not-for-profit HIP center, in existence on the effective date of this article; and
2. By no later than July 21, 2021, the owner of the covered building submits an application to the department for such adjustment in a form and manner prescribed by the department.

§ 17. The definition of “covered building” in section 28-321.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended, and a new definition of “rent regulated accommodation” is added to such section, to read as follows:

**COVERED BUILDING.** The term “covered building” means a building [(i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code, (v) real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public] *that is (i) a rent regulated accommodation, (ii) a building whose main use or dominant occupancy is classified as occupancy group A-3 religious house of worship, (iii) owned by a housing development fund company organized pursuant to the business corporation law and article 11 of the private housing finance law, or (iv) a building that participates in a project-based federal housing program* and, as it appears in the records of the department of finance, *such building (i) [a building that] exceeds 25,000 (2322.5 m<sup>2</sup>) gross square feet, or (ii) is one of two or more buildings on the same tax lot that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] (4645 m<sup>2</sup>), or (iii) is one of two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet [(9290 m<sup>2</sup>)] (4645 m<sup>2</sup>).*

**Exceptions:**

1. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than [two dwelling units] *25,000 gross square feet (2322.5 m<sup>2</sup>)*, as certified by a registered design professional to the department.
2. An industrial facility primarily used for the generation of electric power or steam.

[3. A covered building as defined in article 320.]

***RENT REGULATED ACCOMMODATION.*** *The term “rent regulated accommodation” means a building containing one or more dwelling units required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962.*

§ 18. Section 28-321.4 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

**[§ 28-321.4 Penalties.** Penalties that may be assessed for violations of section 28-321.2 shall be determined by department rule.]

§ 19. Article 320 and sections 28-320.1 through 28-320.4, as added by local law number 98 for the year 2019, are renumbered as article 322 and sections 28-322.1 through 28.322.4, respectively.

§ 20. This local law takes effect on the same date local law number 97 for the year 2019, takes effect; except that section nineteen of this local law takes effect on the same date local law number 98 for the year 2019, takes effect.

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 June 26, 2019 and returned unsigned by the Mayor on July 30, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 147 of 2019, Council Preconsidered Int. No. 1619 of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 150**

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Introduced by Council Members Espinal, Levin, Cornegy, Torres, Moya, Constantinides, Levine, Reynoso, Ayala, Powers, Holden, Grodenchik, Koslowitz, Miller, Richards, Brannan, Maisel, Rosenthal, Vallone and Ulrich.

**A LOCAL LAW**

**In relation to a pilot program for allowing pet harbors to be placed on sidewalks adjacent to commercial establishments**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

Companion animal. The term “companion animal” has the same meaning as set forth in section 17-199.5 of the administrative code.

Pet harbor. The term “pet harbor” means an enclosed stationary self-service container that allows an owner to leave their companion animals unattended in an enclosure for no longer than one hour, or for a length of time as established by rule by the agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law.

Service animal. The term “service animal” means an animal that performs a task or a specific set of tasks to assist a person with a disability.

b. An agency or office designated by the mayor shall establish a pilot program for the placement of pet harbors on sidewalks adjacent to commercial establishments, provided that (i) no portion of a pet harbor shall extend further than 3 feet from the building line; (ii) a width of at least

nine and one-half feet is maintained on the sidewalk in front of a pet harbor without obstructing pedestrian movement; (iii) a pet harbor shall not block the accessible path of travel, entrance, or egress to and from a building and shall not impact the ability of properties or commercial establishments to add accessibility features in accordance with chapter 11 of the building code; (iv) a pet harbor shall not be bolted to the sidewalk or chained to a lamppost or other street furniture; (v) a pet harbor may only be placed on a sidewalk adjacent to a commercial establishment, and may only be available for use during the hours of operation of such establishment; (vi) no more than two pet harbors may be placed in front of any commercial establishment; (vii) the operator of the pet harbor shall receive permission from the owner of the property or commercial establishment adjacent to which it is placed; and (viii) a pet harbor is in compliance with any other law or rules promulgated by the agency or office designated by the mayor pursuant to this subdivision for the purposes of protecting the health, safety, convenience and welfare of the public, the companion animals, and to safeguard the interests of the city.

c. The agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law shall by rule (i) determine the geographic boundaries of the pilot program established by section 1 of this local law, which shall constitute a geographically contiguous area within the borough of Brooklyn, in consultation with any affected community board and council member; (ii) establish requirements regarding the placement of pet harbors relating to matters including but not limited to public safety, design, consideration of the rights of adjacent property owners, and street congestion; (iii) educate property owners and commercial establishments about companion animals and service animals, using materials approved by such agency or office, to ensure that they

are aware of the obligation to permit customers with disabilities to be accompanied by service animals; (iv) if appropriate, adopt an application and permit process governing the participation of an entity in the pilot program, including standards for revoking such permit in the event that a pet harbor is found to have malfunctions in design or operation or is found to be a danger to animal welfare or public safety; and (v) if appropriate, establish insurance and indemnification requirements governing participation in the pilot program.

d. (i) The pilot program established pursuant to subdivision b of section 1 of this local law shall exist for no less than one year; provided, however, that if prior to the end of the pilot program the agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law determines that the pilot program is harmful to animal welfare or the public safety, or unreasonably interferes with pedestrian traffic, the mayor shall notify the speaker of the council that the pilot program is being terminated, and the reasons therefor.

(ii) No later than March 31, 2020, such agency or office designated by the mayor pursuant to subdivision b of section 1 of this local law shall submit a report to the speaker of the council regarding the results of the pilot program. Such report shall include, but need not be limited to, recommendations regarding changes in existing laws or rules that pertain to the viability of establishing a pet harbor program in the city of New York.

e. If a pet harbor is operated or placed on the sidewalk in violation of the provisions of this local law or the rules promulgated pursuant thereto, any authorized officer or employee of the department of transportation or the department of consumer affairs, or member of the police department, is authorized to provide for the removal of such pet harbor to any garage, automobile

pound or other place of safety, and such pet harbor may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such pet harbor may be charged with reasonable costs for removal and storage payable prior to the release of such pet harbor; provided, however, that a pet harbor that is not claimed within 30 days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed pet harbor may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

f. Any person who violates any of the provisions of this local law or any order issued by or rule promulgated by an agency or office designated by the mayor pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense. Such civil penalty shall be no more than \$500 for each violation.

§ 2. This local law takes effect 120 days after it becomes law.

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 23, 2019 and returned unsigned by the Mayor on August 27, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 150 of 2019, Council Int. No. 86-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 155**

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Introduced by Council Members Gjonaj, Levine, Rosenthal, Rivera, Levin, Kallos, Cornegy, Holden, Cohen, Perkins, Chin, Vallone and Louis.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to information about city laws and rules that apply to small businesses**

*Be it enacted by the Council as follows:*

Section 1. Section 22-1002 of the administrative code of the city of New York, as added by local law number 208 for the year 2017, is amended to read as follows:

§ 22-1002 Online business supports. a. The commissioner shall post on the city's website online business tools and resources, including but not limited to:

1. Tools provided by the department, which may include accounting, recordkeeping and bookkeeping resources; [and]

2. *A searchable and interactive guide to aid current or prospective business owners in understanding city laws and rules applicable to such business, including the applicable licenses, permits, and certifications the owner must obtain. Such guide shall encompass provisions in the administrative code and the rules of the city of New York, including licensing, permitting, and operational requirements, that are applicable to the particular type of business. The guide shall include zoning information and a brief description of applicable regulations and requirements, written in plain language that is likely to be understood by business owners; and*

3. Such other tools and resources as the commissioner may deem appropriate.

b. *Within 30 days after the effective date of a change to a law or rule referenced in the guide described in paragraph 2 of subdivision a of this section, the agency having primary jurisdiction over such law or rule shall inform the department of such change. Within 30 days of being informed of such change, the department shall update the guide accordingly.*

c. This section shall not be construed to create a private right of action to enforce its provisions or against the city for any action taken to comply with this section. *Inadvertent failure of an agency or the department to comply with this section shall not prohibit the enforcement of or be a defense to any violation of any law or rule.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of any rules, before such 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 23, 2019 and returned unsigned by the Mayor on August 27, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 155 of 2019, Council Int. No. 1467-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 176**

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Introduced by Council Members Cornegy, Kallos, Lander, Miller and Rivera (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York in relation to minority and women-owned business enterprises**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 10 of subdivision e of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, and paragraph 14 of such subdivision, as amended by local law number 113 for the year 2016, are amended to read as follows:

(10) Each fiscal year the division, in consultation with the city chief procurement officer *and the director*, shall audit at least 5% of all open contracts for which contractor utilization plans have been established in accordance with subdivision i of this section and 5% of all contracts awarded to MBEs, WBEs, and EBEs to assess compliance with this section. All solicitations for contracts for which contractor utilization plans are to be established shall include notice of potential audit.

(14) The division, in consultation with the city chief procurement officer, shall conduct, coordinate and facilitate mandatory trainings for agency chief contracting officers and agency M/WBE officers to assist such officers in pursuing the objectives of this section. Each agency chief contracting officer shall undergo such training on or before the ninetieth day after he or she



becomes an agency chief contracting officer, and every [two years] *year* thereafter. Each agency M/WBE officer shall undergo such training on or before the ninetieth day after he or she becomes an agency M/WBE officer pursuant to subdivision (f) of this section, and every [two years] *year* thereafter. [Agency chief contracting officers and M/WBE officers that have already undergone such training within the two years prior to the effective date of the local law that added this paragraph will be determined to be in compliance with the initial training required pursuant to this paragraph.] The city chief procurement officer will report to the speaker of the council on an annual basis, and shall post on the City's website, information regarding each agency's compliance with this paragraph.

§ 2. Paragraph 4 of subdivision f of section 6-129 of the administrative code of the city of New York, as renumbered by local law number 1 for the year 2013, paragraph 10 of such subdivision, as renumbered and amended by local law number 1 for the year 2013, and paragraph 11 of such subdivision, as added by local law number 1 for the year 2013, are amended to read as follows:

(4) ensuring that agency bid solicitations and requests for proposals, *and opportunities to be added to prequalified lists*, are sent to MBEs, WBEs, and EBEs in a timely manner, consistent with this section and rules of the procurement policy board;

(10) providing to the city chief procurement officer information for the reports required in subdivision l of this section and providing any other plans and/or reports required pursuant to this section or requested by the director and/or the city chief procurement officer; [and]

(11) participating in meetings required pursuant to subdivision m of this section;

§ 3. Subdivision f of section 6-129 of the administrative code of the city of New York is amended by adding new paragraphs 12, 13 and 14 to read as follows:

*(12) facilitating training of agency staff;*

*(13) developing and maintaining agency standard operating protocols for the M/WBE program; and*

*(14) promptly disseminating information, tools, and resources that support the agency's meeting of the requirements of this section.*

§ 4. Paragraphs 1, 3, 5 and 6 of subdivision i of section 6-129 of the administrative code of the city of New York, as amended by local law 1 for the year 2013, and paragraph 2 of such subdivision, as added by local law number 129 for the year 2005, are amended to read as follows:

(1) Prior to issuing the solicitation of bids or proposals for individual contracts *that present opportunities for participation by certified firms*, agencies shall establish participation goals for MBEs, WBEs and/or EBEs. Such goals may be greater than, less than or the same as the relevant citywide goal or goals established pursuant to subdivision d of this section. Taking into account the factors listed in this subdivision, an agency may establish a goal for a procurement that may be achieved by a combination of prime contract and subcontract dollars, *and/or* a combination of construction and services performed *by a contractor or subcontractor* pursuant to the contract, and/or a combination of MBEs, WBEs and/or EBEs. [Alternatively, an] *An* agency may establish specific goals for particular types of *goods or services to be provided by the prime contractor or subcontractors*, and/or goals for particular types of certified firms. In determining the participation goals for a particular contract, an agency shall consider the following factors:

(a) the scope of work;

(b) the availability of MBEs, WBEs and EBEs able to perform the particular tasks required in the contract;

(c) the extent to which the type and scale of work involved in the contract present prime contracting and subcontracting opportunities for amounts within the capacity of MBEs, WBEs and EBEs;

(d) the agency's progress to date toward meeting its annual participation goals through race-neutral, gender-neutral and other means, and the agency's expectations as to the effect such methods will have on participation of MBEs, WBEs and EBEs in the agency's future contracts; and

(e) any other factors the contracting agency deems relevant.

(2) A contracting agency shall not be required to establish participation goals [for]

[(i)](a) for procurements described in subdivision q of this section; [or]

[(ii)](b) when the agency has already attained the relevant goal in its annual utilization plan, or expects that it will attain such goal without the use of such participation goals; *or*

*[(iii)](c) for a procurement to be made in a year for which the director determines that the city has already attained the relevant goal for the industry as set forth in subdivision d of this section.*

(3) (a) For each contract in which a contracting agency has established participation goals, such agency shall state in the solicitation for such contract that bidders and/or proposers shall be required to agree as a material term of the contract that the contractor shall meet the participation goals unless such goals are waived or modified by the agency in accordance with this section.

(b) A contractor that is an MBE, WBE or EBE shall be permitted to count its own participation toward fulfillment of the relevant participation goal, provided that the value of such a

contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors.

(c) A contractor that is a qualified joint venture shall be permitted to count a percentage of its own participation toward fulfillment of the relevant participation goal. The value of such a contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE, WBE or EBE is entitled pursuant to the joint venture agreement. Notwithstanding any provision of this paragraph to the contrary, a contractor's achievement of participation goals shall be determined as described in paragraph two of subdivision j of this section.

*(d) Where the agency chief contracting officer determines that it is practicable in light of the nature of goods or services being procured and the expected duration of the contract, a contracting agency shall require bidders or proposers to identify in their bids or proposals the MBEs, WBEs or EBEs they intend to use in connection with the performance of the contract, including their names, addresses and telephone numbers, and require that any substitutions may only be made with the approval of the contracting agency, which shall only be given when the contractor has proposed to use a firm that would satisfy the goals established for the procurement to the same extent as the firm previously identified, unless the contracting agency determines that the contractor has met the standards for establishing reasonable, good faith efforts as provided in paragraph 12 of subdivision i.*

(5) For each contract for which participation goals are established, the contractor shall be required to submit with its bid or proposal a contractor utilization plan indicating:

(a) whether the contractor is an MBE, WBE, EBE, or a qualified joint venture;

(b) the percentage of work it intends to award to direct subcontractors; [and]

(c) in cases where the contractor intends to award direct subcontracts, a description of the type and dollar value of work designated for participation by MBEs, WBEs and/or EBEs, and the time frames in which such work is scheduled to begin and end; *and*

*(d) if required by the contracting agency pursuant to subparagraph d of paragraph 3 of this subdivision, the identity of the MBEs, WBEs or EBEs the contractor intends to use in connection with the contractor's performance of the contract, including their names, addresses and telephone numbers.*

When the contractor utilization plan indicates that the bidder or proposer does not intend to meet the participation goals, the bid or proposal shall not be deemed responsive unless the agency has granted a pre-award request for change pursuant to paragraph 11 of this subdivision.

(6) (a) For each contract for which a contractor utilization plan has been submitted, the contracting agency shall require that within thirty days of the issuance of notice to proceed, and at least [once] *twice* per year thereafter, the contractor submit a list of persons to which it intends to award subcontracts within the next twelve months. In the event that a contracting agency disapproves a contractor's selection of a subcontractor or subcontractors, the contracting agency shall allow such contractor a reasonable time to propose alternate subcontractors.

(b) The contracting agency may also require the contractor to report periodically about the contracts awarded by its direct subcontractors to indirect subcontractors.

§ 5. Clause (iii) of subparagraph a of paragraph 12 of subdivision i of section 6-129 of the administrative code of the city of New York, as amended by local law 1 for the year 2013, is amended to read as follows:

(iii) The contractor sent written notices, by certified mail, [or] facsimile, *electronic mail or other electronic format*, in a timely manner, to advise MBEs, WBEs or EBEs that their interest in the contract was solicited;

§ 6. Subparagraphs c and d of paragraph 1 of subdivision j of section 6-129 of the administrative code of the city of New York, as added by local law number 1 for the year 2013, and subparagraph h of such paragraph 1, as relettered by local law 1 for the year 2013, are amended, and a new subparagraph h-1 is added to such paragraph, to follow subparagraph h, to read as follows:

(c) In the case of contracts of the types identified pursuant to subparagraph (l) of this paragraph, the total dollar amount that a prime contractor of an agency has paid or is obligated to pay a direct subcontractor that is an MBE, WBE, or EBE, reduced by the dollar amount the direct subcontractor has paid or is obligated to pay its indirect subcontractors upon completion of work, shall be credited toward the relevant goal. Where such a contractor has paid or is obligated to pay a direct [contractor] *subcontractor* that is both an MBE and a WBE, such amount shall be credited toward the relevant goal for MBEs or the goal for WBEs.

(d) In the case of contracts of the types identified pursuant to subparagraph (l) of this paragraph, the total dollar amount that a direct subcontractor of the prime contractor has paid or is obligated to pay to an indirect subcontractor that is an MBE, WBE or EBE shall be credited toward the relevant goal. Where such a contractor has paid or is obligated to pay an indirect [contractor]

*subcontractor* that is both an MBE and a WBE, such amount shall be credited toward the relevant goal for MBEs or the goal for WBEs.

(h) No credit shall be given for the participation in a contract by any [company]*firm* that has not been certified as an MBE, WBE or EBE in accordance with section 1304 of the charter.

*(h-1) Notwithstanding any provision of this section to the contrary, credit shall be given for work by a contractor or subcontractor that is certified as a minority or women-owned business enterprise pursuant to the executive law where such credit is required by section 311 of the charter or other provision of law, including but not limited to the New York City Rikers Island Jail Complex Replacement Act, part KKK of chapter 59 of the laws of 2018, and the New York City BQE Design-Build Act, part QQQ of chapter 59 of the laws of 2018.*

§ 7. Subparagraph c of paragraph 2 of subdivision j of section 6-129 of the administrative code of the city of New York, as relettered and amended by local law number 1 for the year 2013, is amended and a new subparagraph c-1 is added to follow subparagraph c of such section, to read as follows:

(c) No credit shall be given to the contractor for the participation of a [company]*firm* that is not certified in accordance with section 1304 of the charter before the date that the [subcontractor]*firm* completes the work under the subcontract.

*(c-1) Notwithstanding any provision of this section to the contrary, credit shall be given for work by a contractor or subcontractor that is certified as a minority or women-owned business enterprise pursuant to the executive law where such credit is required by section 311 of the charter or other provision of law, including but not limited to the New York City Rikers Island Jail*

*Complex Replacement Act, part KKK of chapter 59 of the laws of 2018, and the New York City BQE Design-Build Act, part QQQ of chapter 59 of the laws of 2018.*

§ 8. Paragraph 8 of subdivision o of section 6-129 of the administrative code of the city of New York, as added by local law number 129 for the year 2015, is amended to read as follows:

(8) A contractor's record in implementing its contractor utilization plan shall be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a contractor utilization plan has been unsatisfactory, the agency shall, after consultation with the city chief procurement officer, file an advice of caution form for inclusion in [VENDEX] *the computerized data system maintained pursuant to subdivision b of section 6-116.2, or any successor to such system, as caution data.*

§ 9. Paragraphs 7 and 8 of subdivision q of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, are amended and a new paragraph 9 is added to read as follows:

(7) contracts for human services; [and]

(8) contracts awarded to not-for-profit organizations; *and*

(9) *portions of a contract that the director determines should be exempt because, after an extensive search conducted by the contracting agency, it appears that there are not MBE, WBE or EBE firms available to perform the work. Upon making such a determination the director may specify portions of the contract representing opportunities for participation by subcontractors that are not exempt. The division shall promulgate rules setting forth the criteria that agencies shall consider in making such requests for exemption.*



§ 10. This local law takes effect immediately, except that subdivision 9 of this local law takes effect on the effective date of the rules adopted by the department of small business services to implement the requirements of subdivision 9 of this local law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 12, 2019 and returned unsigned by the Mayor on October 15, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 176 of 2019, Council Int. No. 1452-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 184**

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Introduced by Council Members Constantinides, Rodriguez, Levin, Levine, Rosenthal, Kallos, Cohen and Miller.

**A LOCAL LAW**

**In relation to off-hour deliveries at city facilities**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Central business district. The term “central business district” means the area of the borough of Manhattan lying south of and including 60th street.

City facility. The term “city facility” means a facility used or occupied or to be used or occupied to meet city needs that is located on real property owned or leased by the city or is operated by the city pursuant to a written agreement on behalf of the city.

Highly congested areas. The term “highly congested areas” means at least two areas of the city outside of the central business district in which there are both high levels of traffic congestion and high densities of city facilities, as determined by the agency or office designated by the mayor pursuant to subdivision b of this section.

Lower Manhattan. The term “lower Manhattan” means the area of the borough of Manhattan lying south of and including Canal street.

Off-hour deliveries. The term “off-hour deliveries” means the delivery of goods between 7:00pm and 6:00am.

b. No later than 180 days after the effective date of this local law, an agency or office designated by the mayor shall, in consultation with other agencies or offices as deemed appropriate by the mayor, develop a framework for the feasibility of city facilities in the central business district and highly congested areas receiving off-hour deliveries and shall submit a report on such framework to the mayor and the speaker of the council. Such report shall include, but need not be limited to, the following:

1. A discussion of the problems that currently exist with respect to daytime deliveries at city facilities;

2. A discussion of the existing models of off-hour delivery programs in both the public and private sectors;

3. Recommendations for actions that the city could take to expand off-hour deliveries to city facilities;

4. An assessment of the feasibility of deploying personnel to receive off-hour deliveries at city facilities;

5. Recommendations for actions that the city could take to enable off-hour deliveries without the presence of personnel;

6. Recommendations for actions that the city could take to reduce adverse impacts on communities adjacent to city facilities receiving off-hour deliveries, including through the use of low-noise equipment and operating procedures; and

7. Recommendations for processes through which building and facility delivery and service plans could best be created, implemented and refined over time for city facilities, including through delivery scheduling, vendor consolidation and safer and more environmentally sustainable freight vehicles.

c. No later than 270 days after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall assess all city facilities in lower Manhattan to determine whether off-hour deliveries are feasible at such facilities and such agency or office, in consultation with other agencies or offices as deemed appropriate by the mayor, shall conduct off-hour deliveries at such facilities.

d. No later than 18 months after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall submit a report to the mayor and the speaker of the council regarding off-hour deliveries at each city facility at which off-hour deliveries were implemented pursuant to subdivision c of this section. For each such facility, such report shall include the number of deliveries, the provider of the goods delivered and the value of the goods delivered that have been diverted to off-hours deliveries and any measures taken to increase off-hour deliveries.

e. No later than 18 months after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall assess all city facilities in the central business district and highly congested areas that are not in lower Manhattan to determine whether off-hour deliveries are feasible at such facilities and such agency or office, in consultation with other agencies or offices as deemed appropriate by the mayor, shall conduct off-hour deliveries at such facilities.

f. No later than two years after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall submit a report to the mayor and the speaker of the council regarding off-hour deliveries at each city facility at which off-hour deliveries were implemented pursuant to subdivision e of this section. For each such facility, such report shall include the number of deliveries, the provider of the goods delivered and the value of the goods delivered that have been diverted to off-hours deliveries and any measures taken to increase off-hour deliveries.

§ 2. This local law takes effect immediately.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 25, 2019 and returned unsigned by the Mayor on November 13, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 184 of 2019, Council Int. No. 1140-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 191**

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Introduced by Council Member Brannan.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to prohibiting street vending on certain streets in Dyker Heights in Brooklyn beginning on Thanksgiving until New Year's Day**

*Be it enacted by the Council as follows:*

Section 1. Section 17-315 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

*3. No food vendor shall vend beginning on Thanksgiving until New Year's Day of the following year in the area including and bounded on the west by the westerly side of 10<sup>th</sup> avenue, on the south by the southerly side of 86<sup>th</sup> street, on the east by the easterly side of 13<sup>th</sup> avenue and on the north by the northerly side of 81<sup>st</sup> street, between the hours of midnight to 6:00 a.m. and between the hours of 2:00 p.m. to midnight, in the borough of Brooklyn.*

§ 2. Subdivision g of section 20-465 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

*(5) No general vendor shall vend beginning on Thanksgiving until New Year's Day of the following year in the area including and bounded on the west by the westerly side of 10<sup>th</sup> avenue, on the south by the southerly side of 86<sup>th</sup> street, on the east by the easterly side of 13<sup>th</sup> avenue and*

*on the north by the northerly side of 81<sup>st</sup> street, between the hours of midnight to 6:00 a.m. and between the hours of 2:00 p.m. to midnight, in the borough of Brooklyn.*

§ 3. This local law takes 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 October 17, 2019 and returned unsigned by the Mayor on November 18, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 191 of 2019, Council Int. No. 1657-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 197**

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Introduced by Council Members Salamanca, Kallos, Lancman and Lander

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to fines for unreported employees**

*Be it enacted by the Council as follows:*

Section 1. Section 16-515 of the administrative code of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

§ 16-515. Penalties. In addition to any other penalty provided by law: a. Except as otherwise provided in [subdivision b or subdivision c of] this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to the [department of consumer affairs] *office of administrative trials and hearings* or [other administrative tribunal of competent jurisdiction] *otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter*;

b. [(i) ]Any person who violates subdivision a of section 16-505 or section 16-524 of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the



[department of consumer affairs] *office of administrative trials and hearings* or [other administrative tribunal of competent jurisdiction] *otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter*; and

c. Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the [department of consumer affairs] *office of administrative trials and hearings* or [other administrative tribunal of competent jurisdiction] *otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter*.

d. The corporation counsel is authorized to commence a civil action on behalf of the city for injunctive relief to restrain or enjoin any activity in violation of this chapter and for civil penalties.

e. (i) In addition to any other penalty prescribed in this section for the violation of subdivisions a or b of section 16-505 or subdivision a of section 16-524 of this chapter, or when there have been three or more violations within a three year period of the provisions herein, the commission shall, after notice and the opportunity to be heard, be authorized: to order any person in violation of such provisions immediately to discontinue the operation of such activity at the premises from which such activity is operated; to order that any premises from which activity in violation of such provisions is operated shall be sealed, provided that such premises are used primarily for such activity; and to order that any vehicles or other devices or instrumentalities utilized in the violation of such provisions shall be removed, sealed, or otherwise made inoperable. An order pursuant to this paragraph shall be posted at the premises from which activity in violation of such provisions occurs.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section 16-517 of this chapter.

(iii) Any vehicle or other device or instrumentality removed pursuant to the provisions of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A premise ordered sealed or a vehicle or other device or instrumentality removed pursuant to this section shall be unsealed or released upon payment of all outstanding fines and all reasonable costs for removal and storage and, where the underlying violation is for unlicensed or unregistered activity or unauthorized activity in a special trade waste district, demonstration that a license has been obtained or a business registered or proof satisfactory to the commission that such premise or item will not be used in violation of subdivision a or b of section 16-505 or subdivision a of section 16-524 of this chapter.

(v) It shall be a misdemeanor for any person to remove the seal from any premises or remove the seal from or make operable any vehicle or other device or instrumentality sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A vehicle or other device or instrumentality removed pursuant to this section that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least five days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

*f. Any person who violates item (ii) of subdivision a of section 16-508 shall be liable for a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each such violation.*

§ 2. This local law takes 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 October 30, 2019 and approved by the Mayor on November 20, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 197 of 2019, Council Int. No. 1083-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 198**

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Introduced by Council Members Reynoso, Rosenthal, Menchaca, Kallos, Lancman, Lander and Rivera (by the request of the Mayor).

**To amend the administrative code of the city of New York, in relation to regulating the trade waste industry**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and *the operation of* trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

§ 2. Subdivision d of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. To establish *and enforce* standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to (i) requirements governing the level of service to be provided by licensees, (ii) contracts for trade

waste removal, (iii) billing form and procedures, (iv) the maintenance and inspection of records, (v) the maintenance of appropriate insurance, and [compliance with safety and health measures] (vi) *environmental, safety and health standards, including but not limited to traffic safety requirements and environmental and safety requirements for vehicles used in the collection, removal, transportation or disposal of trade waste;*

§ 3. Subdivision c of section 16-506 of the administrative code of the city of New York, as relettered by local law 55 for the year 2019, is amended to read as follows:

c. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will *collect, remove, transport or dispose of* waste pursuant to such license and for each such vehicle operated pursuant to such registration.

§ 4. Subdivision a of section 16-507 of the administrative code of the city of New York, as added by local law 42 for the year 1996, is amended to read as follows:

a. Except in the case of a business issued a registration by reason of the grant of an exemption from the requirement for a license pursuant to section 16-505 of this chapter, an applicant for registration shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify the business of such applicant. An applicant for registration to remove trade waste generated in the course of such applicant's business shall identify, in a manner to be prescribed by the commission, each vehicle that will *collect, remove, transport or dispose of* waste pursuant to such registration. An application for registration as a trade waste broker shall contain information regarding any financial,

contractual or employment relationship between such broker and a trade waste business. Any such relationship shall be indicated on the registration issued to such broker.

§ 5. Subdivision a of section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. The commission may, by majority vote of its entire membership and after notice and the opportunity to be heard, refuse to issue a license *or any registration* to an applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making such determination, the commission may consider, but is not limited to: (i) failure by such applicant to provide truthful information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license *or registration*, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which [the] *such license or registration* is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license *or registration*; (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license *or registration* is sought; (v) commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and

Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (vii) having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license *or registration* to such predecessor business pursuant to this subdivision; (viii) current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter; (ix) the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter; (x) failure to pay any tax, fine, penalty[,] *or fee* related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; *and (xi) failure to comply with any city, state or federal law, rule or regulation relating to traffic safety or the collection, removal, transportation or disposal of trade waste in a safe manner.* For purposes of determination of the character, honesty and integrity of a trade waste broker pursuant to subdivision c or subdivision d of section 16-507 of this chapter, the term "applicant" shall refer to the business of such trade waste broker and all the principals thereof; for purposes of determining the good character, honesty and integrity of employees or agents

pursuant to section 16-510 of this chapter, the term "applicant" as used herein shall be deemed to apply to employees, agents or prospective employees or agents of an applicant for a license or a licensee.

§ 6. Subdivision a of section 16-513 of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the *collection, removal*, transportation [and] *or* disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter



eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the [handling] *collection, removal, transportation or disposal* of trade waste, or any laws prohibiting deceptive, unfair[,] or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant [as a trade waste broker] lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; [or](xi) whenever the licensee or registrant has been found by the [commissioner] *commission* or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; *or (xii) while engaged in any activity regulated by this chapter or title 16-b, have been found to be in violation of any city, state or federal law, rule or regulation*

*relating to the safety of the general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner.*

§ 7. Subdivision d of section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal [and] *or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.*

§ 8. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-520.1 to read as follows:

*§ 16-520.1 Conduct of registrants. Every registrant pursuant to this chapter shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal, transportation or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.*

§ 9. Subdivision a of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

a. Definitions. For the purposes of this section:

Side guard. The term "side guard" means a device fit to the side of a trade waste hauling vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between

the front axle and the rear axle of such vehicles and with such additional specifications as may be established by the commission pursuant to paragraph 3 of subdivision c of this section. Except where otherwise authorized by rule of the commission, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

Trade waste hauling vehicle. The term "trade waste hauling vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating exceeding 10,000 pounds that is owned or operated by an entity that is required to be licensed or registered by the commission pursuant to section 16-505 of the code and that is operated in New York city for *the* collection [or], removal, *transportation or disposal* of trade waste. "Trade waste hauling vehicle" does not include any specialized vehicle or vehicle type on which side guard installation is deemed impractical by the commission pursuant to subdivision c of this section.

§ 10. This local law takes 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 October 30, 2019 and approved by the Mayor on November 20, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 198 of 2019, Council Int. No. 1573-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 199**

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Introduced by Council Members Reynoso, the Speaker (Council Member Johnson), Lander, Chin, Brannan, Ayala, Levin, Rosenthal, Lancman, Constantinides, Powers, Kallos, Levine, Richards, Salamanca, Menchaca, Van Bramer, Rivera, Espinal, Dromm, Cohen, Rodriguez, Ampry-Samuel, Perkins, Treyger, Eugene, Rose, Adams and the Public Advocate (Mr. Williams).

**A LOCAL LAW**

**To amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts**

*Be it enacted by the Council as follows:*

Section 1. Legislative purpose. The Council hereby finds that the current system for collecting commercial waste from the City's businesses is plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service. Since 2010, private waste collection trucks have killed dozens of people on New York City streets. Long, inefficient routes can take 12 hours or more to finish and can lead to driver fatigue and unsafe practices, endangering workers and the public.

The Council further finds that private carters often have customers throughout the five boroughs, currently resulting in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, and negatively impact public health. The current system also creates noise pollution within the City's neighborhoods, as dozens of private waste collection trucks may visit a single block in the course of one night. The industry lacks

strong customer service standards, and pricing remains opaque to most customers, putting small businesses at a significant disadvantage.

The Council finds that substantial reform of the commercial waste industry is necessary to protect public health and safety, and to improve the industry for the benefit of its customers. According to data from the federal Bureau of Labor Statistics, refuse and recycling collectors have one of the top five most dangerous jobs in the United States, and the Council finds that the safety risks inherent to private carting are exacerbated in New York City, where vehicles must navigate narrow, highly congested streets in variable traffic and weather conditions. The Council finds that a commercial waste zone system, where the City selects private carters through a competitive process, will result in a carting industry where carters are required to operate more responsibly and adequately train workers on the unique challenges of collecting commercial waste in New York City, leading to safer practices and safer streets.

The Council further finds that establishing a commercial waste zone collection system within the City would dramatically reduce truck traffic associated with this industry – by 50 percent, eliminating more than 18 million miles of truck traffic from New York City streets every year. With fewer miles traveled and fewer trucks on the streets, a zoned collection system will reduce incentives for unsafe working conditions, reduce the risks of unsafe driving behavior and worker fatigue, and make the City safer for all New Yorkers.

The Council further finds that the reduction in traffic resulting from a regulated zoned collection system would lead to commensurate reductions of air pollutant emissions, including greenhouse gases, particulate matter and other air pollutants, and would lead to less nighttime noise, less roadway wear and tear, and improved quality of life in neighborhoods across New York

City. The Council further finds that reducing the number of private carters operating within each of the City's neighborhoods and selecting carters through a competitive solicitation process will allow the City to ensure that private carters collect waste more efficiently, offer high quality waste collection services, and advance the City's efforts to reduce waste disposal and increase recycling.

The Council therefore finds and declares that commercial waste reform in New York City is necessary to promote the public health, safety and welfare of all New Yorkers. Therefore, the Council intends to authorize the commissioner of sanitation to establish commercial waste collection zones by dividing the City's geographic area into several zones and authorizing a small number of private carters to serve businesses within each zone through a competitive solicitation process. The application of this local law will create a safe and efficient collection system that provides high quality service, and reduces the harmful environmental impacts of the trade waste industry in New York City.

§ 2. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. Except as otherwise authorized by section 16-1020 of the administrative code, the commissioner shall have the powers and duties set forth in this subdivision.*

*1. The commissioner, in the performance of his or her powers and duties pursuant to paragraph 2 of this subdivision and title 16-B of the administrative code, shall be authorized to receive complaints, conduct investigations, hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, issue orders, and mediate disputes.*

*2. The commissioner shall have the power and duty to regulate the conduct of businesses authorized to collect commercial waste in commercial waste zones pursuant to title 16-B of the*

*administrative code and any other applicable law, including but not limited to, the power and duty to establish and enforce:*

*(a) environmental, safety and health standards;*

*(b) standards for service;*

*(c) requirements regarding contracts for commercial waste removal;*

*(d) requirements regarding billing forms and procedures;*

*(e) requirements regarding the maintenance and inspection of records;*

*(f) requirements regarding the maintenance of appropriate insurance; and*

*(g) requirements established in furtherance of the goals of reducing waste and promoting sustainability, safety and efficiency in the commercial waste zone system.*

*3. The commissioner shall have the power and duty to establish programs for the education of the public and commercial establishments regarding the commercial waste zone system established pursuant to title 16-B of the administrative code.*

§ 3. Subdivision a of section 2101 of the New York city charter, as amended by local law number 21 for the year 2002, is amended to read as follows:

a. The business integrity commission shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets. In regulating such industries, areas and markets, the commission shall have the powers and duties conferred by this chapter and such other powers and duties as are conferred by law, *except as provided by title 16-B of the administrative code and the local law that added such title.*



§ 4. Subdivision a of section 16-116 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

§ 16-116 Removal of commercial waste; posting of sign, registration number. a. 1. Every owner, lessee or person in control of a commercial establishment shall provide for the removal of waste by a business licensed by the New York city [trade waste] *business integrity* commission as required by subdivision a of section 16-505 of this code or register and obtain a registration number from the New York city [trade waste] *business integrity* commission as required by subdivision b of section 16-505 of this code to remove its own waste except as provided in subdivision c of this section, however nothing contained herein shall preclude the commissioner from providing for the removal of waste from any commercial establishment pursuant to the authority vested in the commissioner by section seven hundred fifty-three of the charter[; provided, further, that every].

2. *No later than the applicable final implementation date set forth in the rules of the department pursuant to subdivision e of section 16-1002, each owner, lessee or person in control of a commercial establishment [that is located in a special trade waste removal district designated by the New York city trade waste commission pursuant to section 16-523 of this code, except for an owner, lessee or person in control of a commercial establishment who has registered with the New York city trade waste commission as required by subdivision b of section 16-505 of this code and except as otherwise provided by subdivision g of section 16-523 of this code,] shall [provide] contract with an awardee selected by the department for the zone in which such establishment is located for the removal of commercial waste only by a [licensee with whom such commission has entered into an agreement pursuant to subdivision b of such section] designated carter pursuant to*

*the agreement entered into between such awardee and the department pursuant to title 16-B, as such terms are defined in section 16-1000, in accordance with the provisions of such title and any rules promulgated pursuant thereto, except as otherwise provided by such title, provided however, that an owner, lessee or person in control of a commercial establishment may contract for the removal of containerized commercial waste, as such term is defined in section 16-1000, with either an awardee selected for such zone or with an awardee selected for the removal of containerized commercial waste citywide pursuant to title 16-B, in accordance with the provisions of such title and any rules promulgated pursuant thereto.*

§ 5. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law number 32 for the year 2010, is amended to read as follows:

b. 1. 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 business integrity commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to]

2. (a) *Any designated carter that collects source separated designated materials in a commercial waste zone pursuant to section 16-1002 shall 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 in accordance with the rules of the department and the terms of any agreement entered into pursuant to section 16-1002 under which such designated carter is providing such service.* [Rules promulgated by the 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]

(b) *Any person registered by the business integrity commission to remove, collect, or dispose of trade waste generated in the course of operation of such person's business pursuant to subdivision b section 16-505 shall 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 in accordance with the rules promulgated by the business integrity commission pursuant to this section and subject to the penalties provided in subdivision a of section 16-515.*

3. *The commissioner and the chair of the business integrity commission shall have the authority to issue notices of violation for any violation of [such rule] any rules promulgated pursuant to this section and such notices of violation shall be returnable in a civil action brought in the name of the commissioner or the chair of the business integrity commission before the*

environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.

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

*d. Notwithstanding any other provision of law, nothing in this section shall be construed to (i) supersede, amend or eliminate any obligation of an awardee or designated carter, as such terms are defined in section 16-1000, to meet the requirements set forth in any applicable agreement entered into pursuant to section 16-1002, or (ii) otherwise amend or supersede any term of such agreement.*

§ 7. Subdivisions d through g of section 16-306.1 of the administrative code of the city of New York are relettered e through h, and paragraph 3 of subdivision c of such section, as added by local law number 146 for the year 2013, is amended to read as follows:

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

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

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

§ 8. Subdivision f of section 16-306.1 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, and as relettered subdivision f by section 7 of this local law, is amended to read as follows:

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

§ 9. Section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, subdivision j as added by local law number 55 for the year 2019 and subdivisions a and d as amended by a local law for the year 2019, relating to regulating the trade waste industry, as proposed in introduction number 1573 for the year 2019, is amended to read as follows:

§ 16-504 Powers and duties. The powers and duties of the commission shall include but not be limited to:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and the operation of trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

b. [To] *Except with respect to commercial waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B to establish maximum and minimum rates for the collection, removal, or disposal of such waste;*

c. To investigate any matter within the jurisdiction conferred by this chapter and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation;

d. To establish and enforce standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to (i) requirements governing the level of service to be provided by licensees, (ii) contracts for trade waste removal, (iii) billing form and procedures, (iv) the maintenance and inspection of records, (v) the maintenance of appropriate insurance, and (vi) environmental, safety and health standards, including but not limited to traffic safety requirements and environmental and safety requirements for vehicles used in the collection, removal, transportation or disposal of trade waste; *provided that with respect to commercial waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the authority set forth in this subdivision shall be limited to regulation and conduct of licensees with regard to character, honesty and integrity;*

e. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees appointed by the commission, the commissioners of business services, investigation, consumer affairs, transportation, sanitation, health, finance, environmental protection and police may, at the request

of the chair, provide staff and other assistance to the commission in all matters under its jurisdiction;

f. To conduct studies or investigations into the needs of commercial and other enterprises for waste removal and the trade waste industry in the city and other jurisdictions in order to assist the city in formulating policies to provide for orderly and efficient trade waste removal at a fair and reasonable cost to businesses;

g. To establish, *in coordination with the department of sanitation*, programs for the education of customers, including but not limited to education of customers in the accurate assessment of the types and volume of waste and the rights of such customers in relationship to contracting, service and customer complaint procedures established pursuant to this chapter;

[h. To establish special trade waste removal districts pursuant to section 16-523 of this chapter; and

i.] *h.* To establish fees and promulgate rules as the commission may deem necessary and appropriate to effect the purposes and provisions of this chapter[.]; *and*

[j.] *i.* To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.

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

*l. The commission may refuse to issue a license to an applicant when such applicant has been found to have violated any provision of title 16-B or any rules promulgated pursuant thereto or the*

*terms of any applicable agreement entered into pursuant to section 16-1002 or any provision of 16-306 or any rule promulgated pursuant thereto.*

§ 11. Section 16-513 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, and subdivision a as amended by a local law for the year 2019, relating to regulating the trade waste industry, as proposed in introduction number 1573 for the year 2019, is amended to read as follows:

§ 16-513 Revocation or suspension of license or registration. a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the collection, removal, transportation or disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission



pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the collection, removal, transportation or disposal of trade waste, or any laws prohibiting deceptive, unfair or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; (xi) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; [or] (xii) while engaged in any activity regulated by this chapter or title 16-b, have been found to be in violation of any city, state or federal law, rule or regulation relating to the safety of the

general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner; *or (xiii) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of any provision of title 16-B or any rule promulgated pursuant thereto or the terms of any applicable agreement entered into pursuant to section 16-1002, or has failed to pay, within the time specified by a court or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to such title or the rules promulgated pursuant thereto.*

b. [The] *Notwithstanding any other provision of law, the commission shall, in addition[: (1)], (i) suspend a license issued pursuant to this chapter for thirty days following determination that the licensee, or any of its principals, employees or agents has violated [subdivision a of section 16-524 of this chapter] any provision of section 16-1003 or 16-1004[:] and [(2)](ii) revoke a license issued pursuant to this chapter upon determination that the licensee, or any of its principals, employees or agents has violated [subdivision a of section 16-524 of this chapter] any provision of section 16-1003 or 16-1004* two times within a period of three years.

§ 12. Subdivisions b and e of section 16-515 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

b. (i) Any person who violates subdivision a of section 16-505 [or section 16-524] of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five

thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction; and

e. (i) In addition to any other penalty prescribed in this section for the violation of subdivisions a or b of section 16-505 [or subdivision a of section 16-524] of this chapter, or when there have been three or more violations within a three year period of the provisions herein, the commission shall, after notice and the opportunity to be heard, be authorized: to order any person in violation of such provisions immediately to discontinue the operation of such activity at the premises from which such activity is operated; to order that any premises from which activity in violation of such provisions is operated shall be sealed, provided that such premises are used primarily for such activity; and to order that any vehicles or other devices or instrumentalities utilized in the violation of such provisions shall be removed, sealed, or otherwise made inoperable. An order pursuant to this paragraph shall be posted at the premises from which activity in violation of such provisions occurs.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section 16-517 of this chapter.

(iii) Any vehicle or other device or instrumentality removed pursuant to the provisions of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A premise ordered sealed or a vehicle or other device or instrumentality removed pursuant to this section shall be unsealed or released upon payment of all outstanding fines and all reasonable costs for removal and storage and, where the underlying violation is for unlicensed or

unregistered activity [or unauthorized activity in a special trade waste district], demonstration that a license has been obtained or a business registered or proof satisfactory to the commission that such premise or item will not be used in violation of subdivision a or b of section 16-505 [or subdivision a of section 16-524] of this chapter.

(v) It shall be a misdemeanor for any person to remove the seal from any premises or remove the seal from or make operable any vehicle or other device or instrumentality sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A vehicle or other device or instrumentality removed pursuant to this section that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least five days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

§ 13. Section 16-519 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-519 Rate fixing; hearings and production of records. [The] *Except with respect to commercial waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the* commission shall have the power to fix by rule and from time to time refix maximum and minimum rates, fixed according to weight or volume of trade waste, for the removal of waste by a licensee, which rates shall be based upon a fair and reasonable return to the licensees and shall protect those using the services of such licensees from excessive or unreasonable charges. The commission may compel the attendance at a public hearing held pursuant to a rate-fixing

rule-making of licensees and other persons having information in their possession in regard to the subject matter of such hearing and may compel the production of books and records in relation thereto, and may require licensees to file with the commission schedules of rates.

§ 14. Section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, and subdivision d as amended by a local law for the year 2019, relating to regulating the trade waste industry, as proposed in introduction number 1573 for the year 2019, is amended to read as follows:

§ 16-520 Conduct by licensees of trade waste collection, removal or disposal. a. Every licensee pursuant to this chapter shall provide to every recipient of its services a sign which the licensee shall obtain from the commission. In addition to the information printed on the sign by the commission, the licensee shall print the day and approximate time of pickup clearly and legibly on the sign. Such sign shall be conspicuously posted as prescribed in section 16-116(b) of this code by the owner, lessee or person in control of the commercial establishment which receives the licensee's services.

b. [Except as otherwise provided in subdivision d of section 16-523, a] A licensee shall not charge, exact or accept rates for the collection, removal or disposal of trade waste any amount greater than any maximum rates or less than any minimum rates that the commission may fix pursuant to section 16-519 of this chapter.

c. All licensees shall maintain audited financial statements, records, ledgers, receipts, bills and such other written records as the commission determines are necessary or useful for carrying out the purposes of this chapter. Such records shall be maintained for a period of time not to exceed five years to be determined by rule by the commission, provided however, that such rule may

provide that the commission may, in specific instances at its discretion, require that records be retained for a period of time exceeding five years. Such records shall be made available for inspection and audit by the commission at its request at either the licensee's place of business or at the offices of the commission.

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.

e. (i) A contract for the collection, removal or disposal of trade waste shall not exceed two years in duration. All such contracts shall be approved as to form by the commission.

(ii) An assignee of contracts for the removal, collection or disposal of trade waste shall notify each party to a contract so assigned of such assignment and of the right of such party to terminate such contract within three months of receiving notice of such assignment upon thirty days' notice. Such notification shall be by certified mail with the receipt of delivery thereof retained by the assignee and shall be upon a form prescribed by the commission. Where no written contract exists with a customer for the removal, collection or disposal of trade waste, a company that assumes such trade waste removal from another company shall provide such customer with notice that a new company will be providing such trade waste removal and that the customer has the right to terminate such service. Such notice shall be by certified mail with the receipt of delivery thereof retained by the assignee.

f. A licensee shall bill commercial establishments for removal, collection or disposal of trade waste in a form and manner to be prescribed by the commission.

g. A licensee shall not refuse to provide service to a commercial establishment that is located within an area of ten blocks from an establishment served by such licensee unless such licensee has demonstrated to the commission a lack of capacity or other business justification for the licensee's refusal to service such establishment. For the purposes of this subdivision, the term "block" shall mean the area of a street spanning from one intersection to the next.

h. A licensee shall provide to the commission the names of any employees proposed to be hired or hired subsequent to the issuance of a license and such information regarding such employees as is required in regard to employees and prospective employees pursuant to subdivision a of section 16-508 of this chapter.

i. A licensee who provides services for a commercial establishment shall keep the sidewalk, flagging, curbstone and roadway abutting such establishment free from obstruction, garbage, refuse, litter, debris and other offensive material resulting from the removal by the licensee of trade waste.

j. (i) No licensee or principal thereof shall be a member or hold a position in any trade association: (aa) where such association, or a predecessor thereof as determined by the commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (bb) where a person

holding a position in such trade association, or a predecessor thereof as determined by the commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (cc) where a person holding a position in such trade association, or a predecessor thereof as determined by the commission, is a member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency; or (dd) where the trade association has failed to cooperate fully with the commission in connection with any investigation conducted pursuant to this chapter. The commission may determine, for purposes of this subdivision, that a trade association is a predecessor of another such trade association by finding that transfers of assets have been made between them or that all or substantially all of the persons holding positions in the two associations are the same. A licensee shall be in violation of this paragraph when the licensee knows or should know of a violation, conviction, association with organized crime or failure to cooperate set forth herein.

(ii) Notwithstanding the provisions of paragraph (i) of this subdivision, the commission may permit a licensee to be a member of such a trade association upon a determination by the commission that such association does not operate in a manner inconsistent with the purposes of this chapter.

*k. Notwithstanding any other provision of law, the provisions of subdivisions a, b, e, f, g and i of this section and any rules promulgated pursuant thereto shall not apply with regard to the*



*collection, removal or disposal of commercial waste in commercial waste zones established pursuant to title 16-B.*

§ 15. Section 16-522 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-522 Investigation of customer complaints. The commission shall by rule establish a procedure for the investigation and resolution of complaints by commercial establishments regarding overcharging and other problems relating to the collection, removal or disposal of waste. *Notwithstanding any other provision of law, the provisions of this section and any rules promulgated pursuant thereto shall not apply with regard to the collection, removal or disposal of commercial waste in commercial waste zones established pursuant to title 16-B.*

§ 16. Sections 16-523 and 16-524 of the administrative code of the city of New York and section 12 of local law number 42 for the year 1996 are REPEALED.

§ 17. Subdivision c of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

c. Enforcement. 1. Any owner or operator of a trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation, returnable to the office of administrative trials and hearings, *pursuant to section 1049-a of the charter*. Each notice of violation shall contain an order of the chair of the commission directing the respondent to correct the condition constituting the violation and to file with the commission electronically, or in such other manner as the commission shall authorize, a certification that the condition has been corrected within thirty days from the date of the order. In

addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond thirty days from such order.

2. For the purposes of this section, if the office of administrative trials and hearings, *pursuant to section 1049-a of the charter*, finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

3. The commission shall have the authority to promulgate rules requiring the installation of side guards that are to be fit to the side of any trade waste hauling vehicle, and may establish rules establishing side guard specifications that depart from the default specifications outlined in subdivision a of this section when such departure is deemed necessary by the commission. The commission may further promulgate any rules necessary to enforce the provisions of this section, including but not limited to establishing procedures for owners and operators of trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

4. *Notwithstanding any other provision of law, with respect to any vehicle that may be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the commissioner of sanitation shall have all powers and duties of the commission as set forth in this section.*

§ 18. The administrative code of the city of New York is amended by adding a new title 16-B to read as follows:

TITLE 16-B COMMERCIAL WASTE ZONES

CHAPTER 1

COMMERCIAL WASTE ZONES

§ 16-1000. *Definitions. As used in this title, the following terms shall have the following meanings:*

*Awardee. The term “awardee” means an entity with whom the department enters into an agreement for the provision of commercial waste collection services pursuant to section 16-1002.*

*Bicycle. The term “bicycle” means: (i) a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears; (ii) a “pedal-assist bicycle” as defined in section 4-01 of title 34 of the rules of the city of New York or as otherwise defined by the department of transportation; or (iii) any other device upon which a person or persons may ride, as defined by the rules of the department.*

*Broker. The term “broker” or “trade waste broker” has the same meaning as such term is defined in subdivision g of section 16-501.*

*Change in control. The term “change in control” means the assignment of an awardee’s agreement with the department entered into pursuant to section 16-1002 from such awardee to a different entity. The effective date of a change in control shall be the date of such assignment.*

*Commercial waste. The term “commercial waste” means all trade waste, as defined in subdivision f of section 16-501, except for construction and demolition debris; fill material; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste collected by a one-time, on-call bulk waste removal service; grease; paper that is collected for the purpose of shredding or destruction; or waste that is collected by a micro-hauler. References to “commercial*

waste” in this title shall be construed to also refer to “containerized commercial waste” unless otherwise specified.

*Commercial waste zone.* The term “commercial waste zone” or “zone” means a geographic area designated by the commissioner pursuant to section 16-1001.

*Commissioner.* The term “commissioner” means the commissioner of sanitation.

*Containerized commercial waste.* The term “containerized commercial waste” means commercial waste that: (i) is stored on the premises of the commercial establishment that generates such waste in a container that has a capacity of 10 cubic yards or more, and which may or may not be equipped with compaction ability and (ii) is transported directly in such container when such container is at or near capacity from such commercial establishment to a transfer, processing or disposal location.

*Department.* The term “department” means the department of sanitation.

*Designated carter.* The term “designated carter” or “carter” means a licensee that is authorized to provide commercial waste collection services pursuant to an agreement between an awardee and the department entered into pursuant to section 16-1002. The term “designated carter” may describe the awardee or another licensee that the awardee has designated to fulfill the terms of such agreement as specified therein, and provided further that notwithstanding any other provision of this section, the term “designated carter” may also include a person that the awardee has designated to fulfill the terms of such agreement as specified therein who is operating in accordance with the provisions of title 16-A and the rules promulgated pursuant to such title and who is authorized by the business integrity commission to collect certain categories of commercial waste without a license.

*Eligible employee. The term “eligible employee” means any person employed in the city of New York by an awardee to perform services under an agreement entered into between the department and such awardee pursuant to section 16-1002, and who has been employed by such awardee for a period of at least six months prior to the effective date of a change in control, provided that such term shall not include persons who are managerial, supervisory or confidential employees.*

*Global Positioning System The term “global positioning system” or “GPS” means a global positioning system, or a comparable location tracking technology, that uses navigational satellites to determine a user’s location and velocity in real time and is capable of collecting, storing and transmitting geographical data.*

*Incumbent employer. The term “incumbent employer” means any person that owns or controls an awardee prior to any change in control.*

*Licensee. The term “licensee” means any person licensed to collect trade waste pursuant to title 16-A.*

*Micro-hauler. The term “micro-hauler” means any person that is not a designated carter, does not dispose of waste at a solid waste transfer station and either:*

*(1) collects less than 2600 tons of source separated organic waste from commercial establishments per year and collects such waste exclusively using bicycles; or*

*(2) collects less than 500 tons of source separated organic waste from commercial establishments per year and collects such waste using exclusively (i) a zero emissions vehicle that has a gross vehicle weight rating of not more than 14,000 pounds or (ii) any other mode of transport specified in the rules of the department.*

*Organic waste. The term “organic waste” has the same meaning as such term is defined in subdivision a of section 16-306.1.*

*Successor employer. The term “successor employer” means any person that owns or controls an awardee after any change in control.*

*Trade waste. The term “trade waste” has the same meaning as such term is defined in subdivision f of section 16-501.*

*Transitional employment period. The term “transitional employment period” means a 90 day period beginning upon the effective date of a change in control of an awardee.*

*§ 16-1001 Commercial waste zones; designation. Notwithstanding any other provision of law, no later than 120 days after the effective date of the local law that added this section, the commissioner shall divide the geographic area of New York city into no less than twenty commercial waste zones. The commissioner may amend the boundaries of such zones or establish additional zones as deemed appropriate by the commissioner and consistent with the purposes of this title. In establishing such commercial waste zones, the commissioner may consider:*

- 1. The number and types of commercial establishments within the proposed zone;*
- 2. The amount and types of waste generated by commercial establishments within the proposed zone and the potential for achieving the city’s commercial waste reduction goals;*
- 3. Existing service patterns within the proposed zone and the potential for traffic and noise reduction;*
- 4. The types and estimated amounts of recyclable materials generated by commercial establishments within the proposed zone that are required to be recycled, reused or sold for reuse pursuant to section 16-306 and any rules promulgated pursuant thereto;*

5. *The estimated amount of organic waste collected within the proposed zone;*
6. *The rates being charged by persons licensed pursuant to title 16-A to commercial establishments within the proposed zone;*
7. *The history of complaints concerning commercial waste collection from commercial establishments within the proposed zone; and*
8. *Any other information or criteria the commissioner deems relevant.*

*§ 16-1002 Agreements. a. For each area designated as a commercial waste zone pursuant to section 16-1001, the department shall be authorized to select and to enter into agreements with no more than three awardees per zone, permitting each awardee to provide for the collection, transport and removal of commercial waste within such zone as set forth in such agreement. The department shall be further authorized to select and enter into agreements with no more than five awardees permitting each awardee to provide for the collection, transport and removal of containerized commercial waste from any commercial establishment within the city of New York as set forth in such agreement. The department shall only enter into an agreement pursuant to this subdivision with an awardee that has obtained a license issued by the business integrity commission pursuant to subdivision a of section 16-505 on or before the date of such agreement. A proposer that responds to the request for proposals authorized pursuant to subdivision b of this section that does not hold such a license at the time a proposal is submitted pursuant to this section must submit an application for such a license to the business integrity commission no later than the date such proposal is submitted to the department. The initial term of any such agreement shall include authorization to collect, transport and remove commercial waste for ten years in each zone covered by such agreement. The department shall have the option, at its sole discretion, to*

*renew any such agreement for no more than two additional terms of no more than five years each, provided that prior to the expiration of any agreement entered into pursuant to this section, the commissioner shall provide the awardee with adequate written notice of whether it intends to renew such agreement. The department shall not enter into any such agreement with an awardee that results in such awardee providing services in more than fifteen commercial waste zones, provided that any agreement to provide for the collection, transport and removal of containerized commercial waste citywide shall not count toward such limit.*

*b. No later than one year after the effective date of the local law that added this section, the department shall issue one or more requests for proposals to conduct commercial waste removal in a commercial waste zone and to collect containerized commercial waste citywide and, based upon the review and evaluation of responses thereto, may negotiate and enter into such agreements pursuant to subdivision a of this section, as the department, in its discretion, determines will best provide for the efficient and orderly removal of commercial waste, consistent with the provisions of this title. Whenever necessary to ensure the ongoing efficient and orderly removal of commercial waste, the department may issue additional requests for proposals and, based upon the review and evaluation of responses thereto, may negotiate and enter into agreements in accordance with the provisions of this section. Any requests for proposals issued pursuant to this subdivision shall solicit information regarding the qualifications of proposers. Where a proposer intends to arrange for designated carters other than the proposer to provide all or some portion of the services requested, such proposal shall provide the requested information with respect to each designated carter being proposed. When evaluating proposals*



*pursuant to the procedures described in this subdivision, the department shall consider the following factors:*

*1. The rate or rates to be charged to establishments for such services, including the proposer's commitment to providing lower rates for organics and recycling collection than for refuse collection services, the proposer's plan for covering costs of third party waste audits, and any extra service fees or supplemental charges the proposer plans on including in the pricing structure, except that in the case of a proposal to provide for the collection, transport and removal of containerized commercial waste citywide, a description of the proposer's commitment to providing lower rates for organics and recycling collection shall only be required where such proposal includes organics or recycling collection, transport and removal services;*

*2. The nature and frequency of the commercial waste removal services to be provided and the proposer's plan for ensuring that the proposer has the ability and adequate capacity to provide such services within the zone, including but not limited to, a description of the proposer's fleet and other relevant infrastructure, the proposer's plans, if any, for the set-out of commercial waste in a matter that promotes the city's goals of improving cleanliness, rodent mitigation, order and safety on city sidewalks, and a staffing plan to ensure continuity and safety in the delivery of services;*

*3. The proposer's submission of a customer service plan detailing customer service support tools, customer service standards, a mechanism for receiving and addressing customer complaints, performance metrics or other methods of addressing customer service, and the proposer's plan for addressing the language access needs of customers in the zone;*

*4. The proposer's submission of a plan describing practices to support waste reduction, reuse and recycling among commercial establishments within the zone, such as partnerships with local*

*organizations, waste reduction or diversion targets, plans for offering organics collection services to a broad range of establishments within the zone, customer outreach and education or other practices to further such goals;*

*5. The proposer's submission of a waste management plan describing practices for disposal of commercial waste collected, including but not limited to, a description of the transfer, processing or final disposal locations for all materials collected, and specific practices or investments designed to promote the goals of sustainability, reliability and equity in the delivery of waste management services. In evaluating waste management plans submitted by proposers pursuant to this paragraph, the commissioner shall consider: (i) the total vehicle miles expected to be traveled as a result of the proposer's services, including but not limited to, consideration of the proximity of such locations to the zone, as applicable; (ii) whether such commercial waste will be transported to or from a solid waste transfer station by a sustainable mode of transport, such as rail or barge; (iii) whether, after considering a solid waste transfer station's history of compliance with applicable local, state and federal laws, the proposer's use of such solid waste transfer station is likely to have an impact on public health or safety; and (iv) any other factors that the commissioner deems relevant to promoting the goals of sustainability, reliability and equity in the delivery of waste management services;*

*6. The proposer's plan, if any, to reduce air pollution and greenhouse gas emissions from commercial waste vehicles, including but not limited to, any plans to: provide commercial waste collection, removal and disposal services with a fleet comprised of at least 50 percent zero emissions vehicles by 2030, or for any request for proposals issued after 2030, 100 percent zero*

*emissions vehicles by 2040; implement operational best practices; or otherwise utilize zero emissions vehicles in the provision of commercial waste collection, removal and disposal services;*

*7. The proposer's plan, if any, to reduce air pollution and greenhouse gas emissions through infrastructure investments, adoption of technologies or other sustainable solutions, including but not limited to, any plans to invest in sustainable facilities or infrastructure for organics and recycling processing;*

*8. The proposer's submission of a health and safety plan detailing compliance with applicable federal, state and local laws and specific practices to further the goals of promoting health and safety;*

*9. The proposer's history of compliance with existing federal, state and local laws, including but not limited to, laws relating to waste collection, removal and disposal, environmental protection, antitrust, consumer protection, health and safety, labor and employment, and anti-discrimination protections;*

*10. Submission of a plan describing the customer communication efforts the proposer intends to undertake during the transition to the commercial waste zone system and other communication efforts that will support and supplement the public outreach and education efforts of the department conducted pursuant to section 16-1010;*

*11. The proposer's plan, if any, to subcontract with any other designated carter, which shall include a description of how such subcontracting is consistent with the purposes of this chapter, including but not limited to, how such subcontracting will enhance public safety, minimize harmful environmental impacts and improve customer service;*

*12. The proposer's history of operating in New York city and the proposer's history of operating within the geographic area of each commercial waste zone for which such proposer has submitted a proposal;*

*13. The proposer's financial statements, including available capital, access to credit, and physical assets, including number of available commercial waste vehicles; and*

*14. Any other information the department deems appropriate.*

*c. Except as otherwise provided in subdivision d of this section, any agreement entered into pursuant to subdivision b of this section shall include:*

*1. A requirement that the awardee may not refuse commercial waste collection service to any commercial establishment within the commercial waste zone required to provide for the removal of such waste pursuant to the provisions of section 16-116, provided that such agreement may include provisions authorizing termination of service, refusal of service for good cause or setting forth other allowable measures to address default or non-payment by a commercial establishment;*

*2. A description of the maximum rate or rates that the awardee may charge customers for waste collection services, including any extra service fees or supplemental charges the awardee plans on including in the pricing structure, provided that extra service fees shall not be allowed for locking or unlocking gates or the rental of containers or dumpsters other than compactors and roll-offs;*

*3. A process by which awardees may petition the department for changes to the maximum rates described in paragraph 2 of this subdivision, which may include the opportunity for public comment, as set forth in such agreement;*

4. *A requirement that the awardee provide each customer with a written service agreement, which shall be negotiated between the customer and the awardee, specifying rates, standards of service and such other provisions as may be set forth in the agreement entered into between the awardee and the department pursuant to this section or as otherwise specified in the rules of the department;*

5. *A requirement that the awardee provide organic waste collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to this section; (ii) are not designated covered establishments pursuant to subdivision b of section 16-306.1; (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of this section; and (iv) request organic waste collection services, provided that such agreement may authorize the awardee to implement such requirement on a graduated schedule or may otherwise set forth circumstances in which such provision of such services shall not be required, consistent with the purposes of this chapter;*

6. *Specifications regarding the GPS devices, capable of collecting, storing and transmitting geographical data, to be installed on commercial waste vehicles, and requirements regarding periodic reporting of data collected by such devices to the department for purposes consistent with this title;*

7. *Any additional reporting requirements that the department deems necessary to further the goals of this title, including but not limited to, (i) waste generation estimates or waste characterization studies; (ii) collection routes; (iii) rates charged to customers; (iv) investments in*

*sustainable vehicles, facilities or infrastructure; (v) any warnings or violations issued from agencies for violating local, state or federal law; and (vi) workplace injuries and accidents;*

*8. A requirement that the awardee and any of its designated carters comply with the terms of the awardee's air pollution and greenhouse gas emission reduction plan, if any, customer service plan, waste reduction plan, waste management plan and health and safety plan as described in subdivision b of this section;*

*9. A requirement that the awardee and any of its designated carters ensure that employees receive periodic training relating to health and safety, as set forth in the agreement;*

*10. A requirement that the awardee and any of its designated carters comply with the provisions of this title and all other applicable laws;*

*11. A requirement that the awardee prepare for submission and review by the department an emergency action plan detailing procedures to be deployed in emergency situations, including but not limited to, fires, evacuations, spills or weather emergencies, and addressing continuity and restoration of service;*

*12. Provisions addressing contingency planning to ensure (i) the orderly transition of services to a subsequent awardee upon the conclusion of the agreement, (ii) continuity of service in the case of an awardee or any of its designated carters being unable to provide commercial waste collection services or any other default by the awardee or any of its designated carters, and (iii) continuity of service in the case of a default by another awardee or designated carter;*

*13. The option for the awardee to subcontract with no more than two designated carters in each zone for services in order to meet the requirements of the agreement, provided that: (i) any such designated carter must fully comply with all terms of such agreement and must be licensed by*

*the business integrity commission or otherwise authorized to collect trade waste in accordance with the provisions of title 16-A and rules promulgated pursuant thereto; (ii) the agreement shall include a requirement that the department review and approve all contracts between the awardee and all designated carters for purposes of ensuring that the terms of such contracts are in accordance with the provisions of this chapter; and (iii) a subcontracting arrangement with a designated carter that collects waste exclusively using bicycles shall not count toward the numerical limit on designated carters as subcontractors provided in this paragraph;*

*14. A requirement that the awardee engage in public outreach and education efforts to address the transition to the commercial waste zone system;*

*15. A requirement that the awardee and any of its designated carters utilize existing programs or resources developed by the department of small business services or any other relevant agency designed to promote employment opportunities for New York city residents, where applicable and appropriate; and*

*16. A requirement that the awardee pay liquidated damages as deemed appropriate by the department and set forth in the agreement.*

*d. Paragraphs 1 and 5 of subdivision c of this section shall not apply to an agreement to provide for the collection, transport and removal containerized commercial waste citywide.*

*e. 1. On or after the implementation start date for a commercial waste zone, no person other than an awardee authorized to operate within such commercial waste zone pursuant to an agreement entered into pursuant to this section may enter into a new contract or renew an existing contract with a commercial establishment located within such zone to provide for the collection, removal or disposal of commercial waste.*

2. *By the final implementation date for a commercial waste zone, every owner, lessee or person in control of a commercial establishment must contract with an awardee selected for such zone in which such establishment is located for the removal of such establishment's commercial waste by a designated carter pursuant to the terms of the agreement entered into between such awardee and the department pursuant to this section, provided however, that an owner, lessee or person in control of a commercial establishment may, by such final implementation date, contract for the removal of containerized commercial waste with either an awardee selected for such zone or with an awardee selected for the removal of containerized commercial waste citywide pursuant to this section.*

3. *The commissioner shall promulgate rules setting forth an implementation start date and a final implementation date for each commercial waste zone established pursuant to section 16-1001. The commissioner may select different implementation start dates and final implementation dates for different commercial waste zones.*

4. *Such rules may also set forth a procedure whereby the commissioner shall assign an awardee to a commercial establishment that has failed to select an awardee by the final implementation date established pursuant to such rules, provided that in such a case, the owner, lessee or person in control of a commercial establishment shall have 30 days after the assignment is made by the commissioner to select a different awardee authorized to operate in such commercial waste zone.*

*f. Any agreement entered into pursuant to subdivision b of this section may include any other terms or provisions deemed appropriate by the department.*

*§ 16-1003 Unauthorized conduct within commercial waste zones.*



*a. Except as provided in subdivision c of this section and notwithstanding any other provision of law, it shall be unlawful for any person to operate a business for the purpose of the collection, transport or removal of commercial waste from the premises of a commercial establishment required to provide for the removal of such waste pursuant to section 16-116 or to engage in, conduct or cause the operation of such a business, or to solicit commercial establishments to engage such a business for such purpose, except as authorized pursuant to an agreement with the department entered into pursuant to section 16-1002 and in accordance with the provisions of this title and any rules promulgated pursuant thereto.*

*b. Notwithstanding any other provision of law, it shall be unlawful for any trade waste broker to broker agreements between a commercial establishment located in a commercial waste zone required to provide for the removal of commercial waste pursuant to the provisions of section 16-116 and a provider of commercial waste removal, collection or disposal services, except where such provider is authorized to provide such services within such zone pursuant to an agreement with the department entered into pursuant to section 16-1002.*

*c. The provisions of this section shall not apply to a person registered by the business integrity commission to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business pursuant to subdivision b of section 16-505, or to a commercial establishment, owner or managing agent of a building, or owner of an establishment exempt from the requirement to obtain a registration pursuant to such subdivision.*

*d. Any awardee that has entered into an agreement with the department pursuant to section 16-1002 permitting such awardee to provide for the collection, transport and removal of*

*containerized commercial waste citywide shall be deemed to be authorized to operate within any commercial waste zone in the city of New York.*

*e. 1. Notwithstanding any other provision of this title, it shall be unlawful for any person to collect, transport or remove waste, as defined in paragraph 2 of this subdivision, from any premises that is not required to provide for the removal of waste pursuant to section 16-116, unless such person is a designated carter authorized to collect, transport or remove commercial waste from commercial establishments in the zone in which such premises is located pursuant to an agreement with the department entered into pursuant to section 16-1002, or such person is an authorized employee or agent of a city agency. Nothing in this subdivision shall be deemed to amend, alter or supersede the provisions of chapter 4-C of title 16 and any rules promulgated pursuant thereto.*

*2. For the purposes of this subdivision, the term “waste” shall mean all putrescible materials or substances that are discarded or rejected by the owners or occupants of such premises as being spent, useless, worthless or in excess to such owners or occupants at the time of such discard or rejection, including recyclable materials as defined in section 16-303 of this code, except that such term shall not include: sewage; industrial wastewater discharges; irrigation return flows; 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.; materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process; hazardous waste as defined in section 27-0901 of the environmental conservation law; construction and demolition debris; fill material; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste collected by a one-time, on-call bulk waste removal service;*

*grease; paper that is collected for the purpose of shredding or destruction; or waste that is collected by a micro-hauler.*

*§ 16-1004 Interference with commercial waste zone agreements. No person shall make false, falsely disparaging or misleading oral or written statements or other representations to the owners or operators of a commercial establishment that have the capacity, tendency or effect of misleading such owners or operators, for the purpose of interfering with the performance of the terms of any agreement between the department and an awardee entered into pursuant to section 16-1002. No person shall interfere or attempt to interfere by threats, intimidation, or coercion, or by destruction or damage of property or equipment, with performance of the terms of an agreement entered into pursuant to section 16-1002.*

*§ 16-1005 Conduct by awardees and designated carters within commercial waste zones.*

*a. 1. Each awardee shall only charge, exact or accept rates for the collection, removal or disposal of commercial waste within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002, or for the collection, removal or disposal of containerized commercial waste citywide under an agreement pursuant to such section, as set forth in such agreement and any rules promulgated by the department pursuant to this chapter.*

*2. No awardee shall refuse commercial waste collection service to any commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116 within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002, except as otherwise set forth in such agreement.*

*3. Each awardee shall provide recyclable materials collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has*

*been awarded an agreement pursuant to section 16-1002; (ii) are required to provide for the removal of such materials in accordance with the provisions of section 16-306 and any rules promulgated pursuant thereto; and (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of section 16-1002.*

*4. Each awardee shall provide organic waste collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002; (ii) are designated covered establishments pursuant to subdivision b of section 16-306.1 that have elected collection by a private carter of organic waste pursuant to subdivision c of such section; and (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of section 16-1002.*

*5. Each awardee and any of its designated carters shall ensure proper disposal of all commercial waste collected, consistent with the terms of any applicable agreement entered into pursuant to section 16-1002, and all applicable laws and rules, and retain for five years and make available for inspection by the department any records provided by a waste transfer station that document disposal of commercial waste collected, and each awardee shall report to the department the amount of commercial waste collected, transported or removed, disaggregated by zone, as applicable, designated carter, material type, and the destination of each material.*

*6. Each awardee and any of its designated carters shall comply with all terms of such awardee's health and safety plan as set forth in the agreement entered into pursuant to section 16-1002, and any rules promulgated by the department related to public health and safety.*

7. As set forth in the agreement entered into pursuant to section 16-1002 and any rules promulgated by the department, each awardee and designated carter shall maintain: (i) audited financial statements, (ii) ledgers, (iii) receipts, (iv) audits, (v) bills, (vi) customer complaints and other records related to the delivery of commercial waste removal, collection or disposal services, (vii) records related to vehicle maintenance and inspection, (viii) records related to health and safety planning, and (ix) such other written records as the department determines are necessary for demonstrating compliance with the requirements of this chapter and any rules promulgated pursuant thereto. Such records shall be maintained for a period of time to be determined by rule by the department. Such records shall be made available for inspection and audit by the department.

8. Each awardee and designated carter shall comply with all operational requirements regarding the collection, removal and disposal of commercial waste as set forth in the rules of the department promulgated in the furtherance of public health and safety.

9. No awardee shall enter into a subcontracting agreement with a designated carter without obtaining prior approval by the department.

10. Each awardee and designated carter shall report any employees hired as a result of the displaced employees list pursuant to section 16-1007.

11. As set forth in the agreement entered into pursuant to section 16-1002, and any rules promulgated by the department, each awardee shall:

- (a) Comply with the terms of their customer service plan;
- (b) Enter into written service agreements with all customers;
- (c) Provide a consolidated monthly bill to all customers;
- (d) Offer third party waste audit services to all customers;

*(e) Comply with all other requirements as set forth in such rules related to standards for service; and*

*(f) Accept only non-cash payment from customers, except as otherwise provided in such agreement and such rules.*

*12. Each awardee and each designated carter shall comply with all applicable reporting requirements as set forth in the agreement entered into pursuant to section 16-1002 and any rules promulgated by the department requiring reporting of information related to the collection of commercial waste in commercial waste zones.*

*b. Notwithstanding any other provision of this section, paragraphs 2, 3 and 4 of subdivision a of this section shall not apply to an awardee or designated carter operating pursuant to an agreement to provide for the collection, removal and disposal of containerized commercial waste citywide.*

*§ 16-1006. Employee retention. a. No less than thirty calendar days before the effective date of any change in control of an awardee, the incumbent employer shall:*

*1. provide to the successor employer a full and accurate list containing the name, address, phone number, date of hire, and job category of each eligible employee;*

*2. post a notice in the same location and manner that other statutorily required notices to employees are posted, which shall include: (i) the effective date of such change in control; (ii) the name and contact information for the successor employer; and (iii) an explanation of the rights provided pursuant to this section, in a form prescribed by the department; and*

3. *post such explanation of rights in any language spoken as a primary language by any eligible employee, provided that the department has made a translation available in such language.*

*b. The successor employer shall retain each eligible employee for the transitional employment period and, except as otherwise provided in this section, the successor employer shall not discharge an eligible employee retained pursuant to this section during the transitional employment period without cause.*

*c. If at any time during the transitional employment period, the successor employer determines that it requires fewer employees than were employed by the incumbent employer, such successor employer shall retain such eligible employees by seniority within each job category. During the transitional employment period, the successor employer shall maintain a preferential hiring list of any eligible employees not retained by such successor employer who shall, by seniority within their job category, be given a right of first refusal to any jobs that become available during such transitional employment period within such job category.*

*d. The successor employer shall retain written verification of any offer of employment made by such successor employer to any eligible employee for a period of no less than three years from the date such offer was made. Such verification shall include the name, address, date of offer and job category of each eligible employee.*

*e. By the end of the transitional employment period, the successor employer shall have a record of a written performance evaluation for each eligible employee retained pursuant to this section and may offer such eligible employee continued employment. The successor employer shall retain a record of the written performance evaluation for a period of no less than three years.*

*f. The provisions of this section shall not apply to any successor employer that, on or before the effective date of the transfer of control from an incumbent employer to the successor employer, enters into a collective bargaining agreement covering the eligible employees or agrees to assume, or to be bound by, the collective bargaining agreement of the incumbent employer covering the eligible employees, provided that such collective bargaining agreement provides terms and conditions regarding the discharge or laying off of employees.*

*§ 16-1007 Displaced employees list. a. The department shall maintain a list containing the names and contact addresses or telephone numbers of persons formerly employed by a business either currently engaged in the collection, removal or disposal of commercial waste, or that was engaged in the collection, removal or disposal of commercial waste prior to the implementation of this chapter, whose employment with such business has ended. The addition or deletion of information on such list shall be made only upon the request of such a former employee. At the time a former employee requests to be added to such list, the department shall provide the employee with information regarding employment programs and initiatives administered by the department of small business services or other city agencies.*

*b. The department shall provide a copy of such list to an applicant or licensee pursuant to section 16-508 or an awardee or designated carter upon request. Additionally, the department shall provide a copy of such list to an awardee within six months of entering into an agreement with such awardee pursuant to section 16-1002 and every six months thereafter for a period of five years.*



*c. The maintenance or provision of such list shall in no way be construed as a recommendation by the city regarding the employment of any person on such list, nor shall the city be responsible for the accuracy of the information set forth therein.*

*§16-1008 Worker safety training. a. In addition to any other applicable requirements pursuant to local, state or federal laws or rules, no later than 180 days after the date on which an awardee enters into an agreement with the department pursuant to section 16-1002, each designated carter that will be operating pursuant to such agreement shall be responsible for ensuring that all workers, including but not limited to, vehicle operators, laborers, helpers, mechanics, supervisors and managers, employed by such designated carter as of such date have received worker safety training as required by this section. For workers employed by such designated carter after an awardee enters into an agreement with the department pursuant to section 16-1002, such worker safety training shall be provided within 90 days after the start of employment or prior to the initial assignment of a worker to a job or task, whichever is earlier.*

*b. Each designated carter shall provide for a worker safety training program at no cost to workers to ensure its workers are properly trained for each assigned job or task to be performed and use of related equipment. The worker safety program shall include a review of any hazardous activities of the job that are relevant to the tasks and activities to be performed. For vehicle operators, laborers and helpers who are directly assigned to the collection, removal, transport or disposal of trade waste on or about the public right of way, such training shall consist of no less than 40 hours, of which no fewer than 16 hours shall be dedicated to classroom instruction. For all other workers, such training shall consist of no less than 8 hours.*

*c. 1. Such worker safety training program shall be tailored for individual operations, hazards or potential hazards present, and the type of equipment utilized including detailed equipment-specific training for drivers, equipment operators and loaders, as well as maintenance personnel and supervisors. Training shall include a practical demonstration of equipment operation, the knowledge and skills needed by the employee to operate such equipment and the consequences for failure to operate the equipment properly, as appropriately related to the requirements of the worker's job duties.*

*2. (a) All training shall include, at a minimum, educating workers on workplace safety requirements, operational instruction on each specific type of equipment used by the employee, and training to address specific public safety hazards associated with collecting, transporting and removing commercial waste, including but not limited to, training, as applicable, on:*

*(1) collision avoidance, including defensive driving and best practices to avoid collisions with pedestrians, cyclists and other sensitive road users;*

*(2) pre-trip vehicle and equipment inspections;*

*(3) state and local traffic laws, including speed limits, yielding, and bus and bicycle lane restrictions;*

*(4) preventing distracted driving;*

*(5) navigating intersections and turns;*

*(6) backing up a commercial waste vehicle;*

*(7) best practices for safe collection stops;*

*(8) container management;*

*(9) hopper operation;*

*(10) fire prevention and response; and*

*(11) transporting and disposing of specialized waste or hazardous materials.*

*(b) All such training shall be consistent with all applicable laws, rules and regulations, including but not limited to, requirements administered by the United States occupational safety and health administration, the United States department of transportation, the New York state department of transportation, the United States department of labor, and the New York state department of labor.*

*d. The worker safety training program required by this section shall include a language access plan to ensure that the needs of workers with limited English proficiency are adequately addressed by the designated carter's worker safety training program. Such language access plan shall include, at a minimum, a description of the language access needs of the designated carter's workforce and specific language assistance tools to be used in the administration of the worker safety training program designed to meaningfully address such needs. Such language access plan shall be updated annually and made available for inspection upon request by the department.*

*e. Each designated carter shall provide re-training of employees as follows:*

*1. An annual refresher training class to all workers;*

*2. No less 90 days after a change in the worker's job assignment or a change in equipment used by the worker that presents a new hazard;*

*3. No less than 90 days after an inspection by the department reveals, or the designated carter has reason to believe, that there are material deviations from workplace safety requirements or inadequacies in worker knowledge of workplace safety requirements.*

*f. Each designated carter shall refer workers to, and have readily available, the manufacturer's, installer's or modifier's instructions to ensure that correct operating and maintenance procedures and work practices are understood and followed.*

*g. Upon each worker's completion of the worker safety program required by this section, the designated carter shall issue to each such worker a safety training card evidencing the completion of such safety training which such worker shall carry with him or her during the performance of his or her duties.*

*h. Each designated carter shall maintain training records, including the name of each worker, date or dates of training, the type of training received by each worker, and the language in which such training was provided. Records shall be maintained for a period of three years and be made available for inspection upon request by the department.*

*i. A designated carter shall certify to the department that it has met the requirements of this section, in the form and manner as the commissioner may prescribe, no later than 180 days after the date of the agreement between an awardee and the department pursuant to section 16-1002 under which the designated carter will first provide commercial waste collection services or, for subcontractors, the date on which the department approves the designated carter as a subcontractor of the awardee, and annually thereafter.*

*j. No later than 180 days after the effective date of the local law that added this section, the commissioner shall convene a commercial waste zone safety task force to monitor industry conditions in order to make recommendations regarding improving worker safety training and other ways to protect the public from potential dangers posed by commercial waste hauling activities. Such task force shall be composed of the commissioner, who shall serve as the*

*chairperson of such task force, the chair of the business integrity commission, the speaker of the council, or the designees of any of these such members, and eight additional members, four of which shall be appointed by the mayor and four of which shall be appointed by the speaker of the council. Such task force shall include members who are representative of the commercial waste hauling industry and persons having expertise in workplace safety.*

*1. Such task force shall meet at least quarterly each year for the first two years of its existence and at least annually for three years thereafter.*

*2. Such task force shall periodically on its own initiative, or upon request of the commissioner, provide the commissioner with recommendations relating to improving the worker safety training required by this section and other ways to protect the public from potential dangers posed by commercial waste hauling activities. Any such recommendations shall be made available to the commissioner, the chair of the business integrity commission, and all awardees and designated carters within one year of the first meeting of the task force and annually for four years thereafter. In making such recommendations, such task force shall consider, but need not be limited to considering, the following:*

*(a) Personal protection equipment;*

*(b) Safely working with and operating vehicle equipment and machines;*

*(c) Handling heavy materials and proper lifting techniques;*

*(d) Working with hazardous chemicals or other materials;*

*(e) Emergency action plans, fire prevention and fire protection;*

*(f) Hazard communication;*

*(g) Drug and alcohol awareness;*

*(h) First aid, including cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use; and*

*(i) Whether and under what circumstances a person would be permitted to transfer safety training acquired or obtained under one employer to another employer.*

*§ 16-1009 Whistleblower protections. It shall be unlawful for an awardee or designated carter or the agent of an awardee or designated carter to take or threaten to take a retaliatory personnel action, as defined by section 740 of the labor law, against an employee of such awardee or designated carter for reporting to the officer or employee of any city agency information concerning the conduct of such awardee or designated carter or such agent, which the employee knows or reasonably believes to involve a violation of the provisions of this title or any rules promulgated pursuant thereto or the terms of any applicable agreement entered into pursuant to section 16-1002.*

*§ 16-1010 Outreach and education. a. The commissioner, together with the chair of the business integrity commission and any other agency designated by the mayor, shall establish an outreach and education program aimed at educating commercial establishments on the implementation of the commercial waste zone collection system, instructions for arranging for collection of commercial waste, and the environmental, health and safety benefits to be yielded through such system. This outreach and education program shall include but not be limited to, seminars, webinars, conferences, and a multilingual public education program.*

*b. The commissioner may seek the assistance of for-profit and not-for-profit corporations in providing education to commercial establishments pursuant to subdivision a of this section.*

*c. No later than 90 days following the selection of awardees within a commercial waste zone pursuant to section 16-1002, the commissioner shall distribute a multilingual letter to all commercial establishments within such zone informing them of their obligations to comply with the provisions of this chapter and any rules promulgated pursuant thereto. Failure to receive a letter pursuant to this subdivision shall not eliminate or otherwise affect the obligations of a commercial establishment pursuant to this chapter and any rules promulgated pursuant thereto.*

*d. The commissioner, together with the chair of the business integrity commission and any other agency designated by the mayor, shall also conduct an outreach and education program aimed at educating businesses within the commercial waste industry about the requirements and procedures for those interested in operating as awardees or designated carters pursuant to this title. Such program shall include but not be limited to, targeted outreach to minority and women-owned business enterprises and the facilitation of information exchange between such business enterprises and other businesses within the commercial waste industry.*

*§ 16-1011. Agency reporting. On or before September 30, 2020, and annually thereafter, the commissioner shall issue a report to the speaker of the council and the mayor and post such report on the agency's website. Such report shall include but not be limited to, information regarding the implementation of the commercial waste zone program for each month during the previous fiscal year, disaggregated by zone and further disaggregated by awardee, as applicable, on: (i) the cost and volume of solid waste and recyclables collection and disposal; (ii) feedback from commercial establishments; (iii) the number and types of complaints received regarding commercial waste removal; (iv) outreach and education conducted, including the number of trainings and the number of individuals who have participated in such trainings, if applicable, and materials*

*provided; (v) the number of vehicle miles traveled by trucks used to collect, transport or remove commercial waste within commercial waste zones and any change to such number as compared to the previous fiscal year; (vi) diversion of commercial waste from landfill and any change to such diversion as compared to the previous fiscal year; (vii) any recommendations for improving the commercial waste zone collection system; (viii) the feasibility of accepting commercial waste at marine transfer stations; and (ix) the amount and proportion of commercial waste received at marine transfer stations.*

*§ 16-1012 Reporting by micro-haulers. On or before February 1, 2022 and each February 1 thereafter, any micro-hauler operating within a commercial waste zone shall submit to the department and the business integrity commission the following information for the previous calendar year in a form and in a manner prescribed by the department:*

*(i) the amount of source separated organic waste collected from commercial establishments, disaggregated by quarter year;*

*(ii) the mode of transport of all source separated organic waste collected from commercial establishments, disaggregated by quarter year;*

*(iii) the disposal location of all source separated organic waste collected from commercial establishments, disaggregated by quarter year; and*

*(iv) a list of commercial establishments from which source separated commercial waste was collected, disaggregated by zone.*

*§ 16-1013 Fees. The commissioner shall promulgate rules establishing fees to be collected from any awardee selected pursuant to section 16-1002 for the administration of the commercial waste zone program.*



*§ 16-1014 Minimum rates. The department may fix by rule and periodically refix minimum rates for the collection, removal or disposal of commercial waste. Such minimum rates shall be based upon a fair and reasonable return to the awardee and consideration of the purposes of this chapter.*

*§ 16-1015 Penalties, injunction and equitable remedies. a. Any person who violates any provision of section 16-1003 or 16-1004, or any rules promulgated pursuant to such sections or any order issued by the commissioner or chair of the business integrity commission pursuant to such sections shall be liable for a civil penalty of \$10,000 for each violation, or, in the case of a continuing violation, \$10,000 for each day of such violation.*

*b. 1. Any person who violates any provision of paragraphs 1 through 9 of subdivision a of section 16-1005 shall be liable for a civil penalty of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.*

*2. Any person who violates any provision of paragraphs 10 through 12 of subdivision a of section 16-1005 shall be liable for a civil penalty of \$500 for the first violation, and, for subsequent violations that occur within a two year period of any previous violation, \$750 for the second violation and \$1,000 for any subsequent violation.*

*c. 1. Any person who violates any provision of subdivision c of section 16-1005 shall be liable for a civil penalty of \$10,000 per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or chair of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the commissioner shall authorize, a certification that*

*the condition has been corrected within thirty days from the date of the order. In addition to such civil penalty, a separate additional penalty shall be imposed of \$500 for each day that the violation is not corrected beyond thirty days from such order.*

*2. For the purposes of this section, if a court of competent jurisdiction or the office of administrative trials and hearings, pursuant to section 1049-a of the charter, finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.*

*d. The civil penalty for each violation of section 16-1008 shall be \$1,000. A violation of section 16-1008 shall be computed on a per employee basis. Notwithstanding any other provision of this section, any penalty imposed for a violation of subdivision i of section 16-1008 shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, a designated carter who fails to provide the certification required pursuant to subdivision i of section 16-1008 submits proof of having cured such violation at the hearing of such notice of violation.*

*e. Any person who violates any provision of section 16-1012 shall be liable for a civil penalty of \$1,000, except that such penalty shall be mitigated to zero dollars if on or before the initial return date stated on the notice of violation, a micro-hauler who fails to file the report required pursuant to section 16-1012 submits proof of having cured the violation at the hearing of such notice of violation.*

*f. All civil penalties imposed pursuant to this section may be recovered in a civil action in any court of competent jurisdiction or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter.*

*g. The corporation counsel is authorized to commence a civil action on behalf of the city for civil penalties or for injunctive relief to restrain or enjoin any activity in violation of this chapter.*

*h. In addition to or as an alternative to any civil penalty pursuant to subdivision a of this section, any person who violates section 16-1003 or 16-1004 or any of the rules promulgated pursuant thereto shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than \$10,000, or in the case of a continuing violation, not more than \$10,000 for each day of such violation, or by imprisonment not exceeding six months, or both such criminal fine and imprisonment.*

*i. Any employee that has been the subject of a retaliatory personnel action or the threat of a retaliatory personnel action in violation of section 16-1009 or any rules promulgated pursuant thereto shall be entitled to all relief necessary to make the employee whole. Such relief may include but not be limited to: (i) an injunction to restrain the retaliatory action or threat of retaliatory action, (ii) reinstatement to the position such employee would have had but for the retaliatory action or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliatory action or threat of retaliatory action, including litigation costs and reasonable attorneys' fees. Such an employee may bring an action in any court of competent jurisdiction for the relief provided in this subdivision.*

*§ 16-1016 Impoundment and forfeiture. a. Any vehicle that has been used or is being used in the violation of section 16-1003 shall be impounded by the department or the business integrity commission and shall not be released until either all removal charges and storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner or as otherwise provided in subdivision c of this section. The commissioner shall have the power to establish rules concerning the impoundment and release of vehicles and the payment of removal charges and storage fees for such vehicles, including the amounts and rates thereof.*

*b. In addition to any other penalties provided in this section, the interest of an owner in any vehicle impounded pursuant to subdivision a of this section shall be subject to forfeiture upon notice and judicial determination thereof if such owner has been convicted of or found liable for a violation of section 16-1003 in a civil or criminal proceeding or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter two or more times, if at least two of such violations were committed within an eighteen-month period.*

*c. Except as hereinafter provided, the city agency having custody of a vehicle, after judicial determination of forfeiture, shall no sooner than 30 days after such determination upon a notice of at least five days, sell such forfeited vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:*

*(1) Redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;*

*(2) Pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and*

*(3) Asserts a claim within thirty days after judicial determination of forfeiture.*

*d. Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery of the vehicle if the city establishes that the unlawful conduct for which the vehicle was seized was expressly or impliedly permitted by such person.*

*§ 16-1017 Liability for violations. a. A designated carter shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its employees or agents.*

*b. An awardee shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any designated carter or other subcontractor performing services pursuant to any agreement entered into pursuant to section 16-1002.*

*§ 16-1018 Enforcement. Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by the department or the business integrity commission. In addition, such notices of violation may be issued by any other agency of the city as designated by the commissioner.*

*§ 16-1019 Labor and wage violations. Where the commissioner has reasonable cause to believe that a designated carter has engaged in or is engaging in actions: (i) involving egregious or habitual nonpayment or underpayment of wages, or (ii) that constitute a significant violation of city, state or federal labor or employment law, the commissioner shall inform the New York state attorney general, the New York state department of labor, the United States department of labor or other relevant city, state or federal law enforcement agency of such actions.*

*§ 16-1020 Administration of commercial waste zones. a. Notwithstanding any inconsistent provision of law, the business integrity commission may, upon approval by a majority of its members, elect to assume, in whole or in part, the powers and duties of the commissioner and the department assigned by the local law that added this section, provided that such commission notifies the mayor, the council and the commissioner in writing of such election either (i) within 30 days of the enactment of the local law that added this section, or (ii) subsequently, no less than six months prior to the date that the assumption of powers and duties pursuant to such election takes effect. In the event of an election that is made pursuant to clause (ii) of the preceding sentence, such commission and the department shall take measures to effect an orderly transfer of such powers and duties. Such commission and the department shall make all necessary arrangements with respect to any relevant property, contracts, personnel, funding, administration, enforcement and pending matters. No judicial or administrative action or proceeding, civil or criminal, pending at the time of such election, or any contract in effect at the time of such election, shall be affected or abated by such assumption; all such actions, proceedings or contracts may be continued, but upon the effective date of the assumption of powers and duties by such commission, the same may be prosecuted, defended or enforced by such commission. Any rules promulgated by the department pursuant to the local law that added this section shall remain in effect as rules of such commission until such time as they are repealed or amended by such commission.*

*b. Subsequent to any election made pursuant to subdivision a of this section, such commission may elect for the department to assume, in whole or in part, powers and duties assumed by the commission pursuant to such subdivision, provided that such assumption shall take effect no less than six months after such election. In such event, the transitional provisions applicable to the*

*initial assumption by such commission in subdivision a of this section shall apply in a similar manner to the assumption by the department pursuant to this subdivision.*

§ 19. Subdivision m of section 24-163.5 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

m. This section shall not apply to any solid waste contract or recyclable materials contract entered into or renewed prior to September 9, 2005 *or to any agreement entered into pursuant to title 16-B.*

§ 20. Subdivision c of section 24-163.11 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship on the applicant. An application for such waiver must be filed with the business integrity commission on or before January 1, 2019, or in the case of an applicant that applies for a license or registration with the business integrity commission pursuant to section 16-505 of the code for the first time after January 1, 2019, an application for such waiver shall be filed no later than the date on which such license or registration application is filed with the commission. An application for renewal of an existing waiver must be filed no later than one hundred eighty days before the expiration of such waiver. Any waiver issued pursuant to this paragraph shall expire no later than two years after issuance. All waivers issued pursuant to this subdivision shall expire no later than January 1, 2025. The provisions of paragraph one of subdivision b of this section shall not apply to an applicant that has submitted an application for a

waiver in accordance with the provisions of this subdivision while such application is pending with the commission, nor for ninety days after the date of a denial of such waiver. *Notwithstanding any other provision of law, the business integrity commission shall not issue or renew a waiver pursuant to this subdivision to any applicant with respect to a vehicle that will be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B.*

§ 21. Subdivision d of section 24-163.11 of the administrative code of the city of New York is amended by adding a new paragraph (6) to read as follows:

*(6) Notwithstanding any other provision of law, with respect to any vehicle that may be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the commissioner of sanitation shall have all the powers and duties of the business integrity commission as set forth in this section.*

§ 22. Notwithstanding any other provision of law, upon the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, any contract between a commercial establishment and a person other than an awardee authorized to operate within such zone pursuant to an agreement entered into pursuant to section 16-1002 of such code, as added by section 18 of this local law, to provide for the collection, removal or disposal of commercial waste, as such term is defined in section 16-1000 of such code, as added by section 18 of this local law, within such commercial waste zone shall be considered terminated. Any contract for the collection, removal or disposal of commercial waste generated by a commercial establishment within a commercial waste zone entered into prior to



such final implementation date shall contain prominent notice that such contract is subject to termination upon such date and the procedures for such termination.

§ 23. No action or proceeding, civil or criminal, pending at the time when this local law takes effect, brought by or against the city or any agency or officer, and no administrative proceeding brought by the business integrity commission, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that powers and duties of any agency or officer party thereto may be assigned or transferred to another agency or officer or otherwise affected by this local law.

§ 24. The enactment of this local law shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such enactment takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such local law had not been enacted.

§ 25. a. This local law takes effect immediately, except as otherwise provided in this section.

b. Sections 5 through 17 of this local law take effect 18 months after it becomes law, provided however that:

1. Notwithstanding any other provision of law, until the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, the business integrity commission may, within such zone, continue to enforce the provisions of sections 16-306, 16-306.1, 16-504, 16-519, 16-520 and 16-522 of the administrative code of the city of New York and any rules promulgated pursuant thereto, including but not limited to, the rates for the removal, collection or disposal of commercial waste, as they

were in effect prior to the effective date of sections 5 through 15 of this local law, with respect to persons who are not designated carters operating within such zone pursuant to an agreement entered into pursuant to section 16-1002 of such code, as added by section 18 of this local law; and

2. Notwithstanding any other provision of law, until the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, no enforcement of the provisions of paragraph 2 of subdivision a of section 16-116 of such code, as amended by section 4 of this local law, shall take place within such commercial waste zone.

c. Notwithstanding any other provision of law, until the implementation start date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, no enforcement of the provisions of paragraph 2 of subdivision b of section 16-306 of such code, as amended by section 5 of this local law, subdivision l of section 16-509 of such code, as added by section 10 of this local law, paragraph xiii of subdivision a of section 16-513 of such code, as added by section 11 of this local law, subdivision b of section 16-513 of such code, as amended by section 11 of this local law, or sections 16-1003, 16-1004 or 16-1005 of such code, as added by section 18 of this local law, shall take place within such commercial waste zone, and provided further that a licensee, as such term is used in title 16-A of the administrative code of the city of New York, operating within such zone pursuant to a contract with a commercial establishment entered into prior to such implementation start date may continue to provide commercial waste collection, removal or disposal services pursuant to such contract in

accordance with the provisions title 16-A and any rules promulgated thereunder until the final implementation date for such zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law.

d. The commissioner of sanitation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, 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 October 30, 2019 and approved by the Mayor on November 20, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 199 of 2019, Council Int. No. 1574-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 227**

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Introduced by Council Member Holden, Ayala and Eugene.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to proper disposal of deceased animals**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-817 to read as follows:

*§ 17-817 Disposal of deceased animals. The department shall provide information regarding city services that are available for proper disposal of deceased animals and shall post such information to its website.*

§ 2. This local law takes effect 90 days after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 14, 2019 and returned unsigned by the Mayor on December 16, 2019.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 227 of 2019, Council Int. No. 1598-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

# **ATTACHMENT 4B**

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 2**

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Introduced by the Public Advocate (Mr. Williams) and Council Members Rose, Chin, Kallos, Cohen, Constantinides, Holden, Ayala, Lander, Rivera and Deutsch.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to increasing the fine for the use of unauthorized or fraudulent parking permits**

*Be it enacted by the Council as follows:*

Section 1. Section 19-166 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

§ 19-166. Unlawful use or possession of [official cards] *city-issued parking permits*. *a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

*b. Any person who without permission of the commissioner of transportation or the police commissioner in accordance with section 14.183 of the administrative code:*

1. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, a plate or other means of reproducing or printing the resemblance or similitude of [an official department of transportation special vehicle identification card or any other official card issued by the department of transportation] *any city-issued parking permit*; or

2. Has in his or her possession or custody any implements, or materials, with intent that they shall be used for the purpose of making or engraving such a plate or means of reproduction; or

3. Has in his or her possession or custody such a plate or means of reproduction with intent to use, or permit the same to be used, for the purpose of taking therefrom any impression or copy to be uttered; or

4. Has in his or her possession or custody any impression or copy taken from such a plate or means of reproduction, with intent to have the same filled up and completed for the purpose of being uttered; or

5. Makes or engraves, or causes or procures to be made or engraved, or willingly aids or assists in making or engraving, upon any plate or other means of reproduction, any figures or words with intent that the same may be used for the purpose of altering any genuine [card] *city-issued parking permit* hereinbefore indicated or mentioned; or

6. Has in his or her custody or possession any [of the cards hereinbefore mentioned, or] *city-issued parking permit* or any copy or reproduction thereof; is guilty of an offense punishable by a fine of not less than [two hundred fifty dollars] \$500, or imprisonment for not more than thirty days, or both.

§ 2. This local law takes effect in 30 days.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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



CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 2 of 2020, Council Int. No. 596-B of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 3**

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Introduced by The Speaker (Council Member Johnson) and Council Members Lander, Powers, Chin, Kallos, Cohen, Constantinides, Ayala, Rivera and Deutsch.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to creating an electronic tracking system for city-issued parking permits**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-183.1 to read as follows:

*§ 14-183.1 Electronic tracking system for city-issued parking permits. a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

*b. The department shall create a centralized electronic system to track all city-issued parking permits and to record all summonses issued by the department in connection with the improper use of city-issued parking permits. Such system shall allow the department to verify in real time the validity of city-issued parking permits.*

*c. The department of transportation and the department of education, if authority to issue city-issued parking permits is delegated pursuant to section 19-162.3, shall provide the department with information about city-issued parking permits to be included in the electronic*

*system, including but not limited to the vehicle or vehicles and the permissible and non-permissible locations and uses associated with such permit.*

*d. The department shall report each month on summonses issued for misuse of a city-issued parking permit to the city agency whose employee was issued the permit for which the summons was issued. Such city agencies shall also have the ability to access such information on an as-needed basis.*

§ 2. This local law takes effect December 31, 2021.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 3 of 2020, Council Int. No. 927-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 4**

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Introduced by Council Member Chin, Lander, Powers, Rose, Rivera, Ampry-Samuel, Kallos, Cohen, Constantinides, Holden, Ayala and Deutsch.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the misuse of city-issued parking permits**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-166.1 to read as follows:

*§ 19-166.1 Misuse of city-issued parking permits. a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

*b. City-issued parking permits shall be revoked in accordance with disciplinary procedures of the police department with regard to permits issued pursuant to section 14-183, and in accordance with procedures established by the department of transportation for all other city-issued parking permits from those individuals found guilty of:*

- 1. three or more violations of a rule or law relating the misuse of a city-issued parking permit*
- 2. notwithstanding paragraph 1 of this subdivision b, any violation of section 19-166; or*
- 3. unpaid parking or traffic violations associated with the license plate or individual permit holder in excess of \$350.*

§ 2. Nothing in this local law is intended to affect, alter, or amend any rules of the department of transportation promulgated prior to the date of enactment of this local law relating to issuance or revocation of agency-authorized permits as defined in such rules.

§ 3. This local law shall take effect 90 days after it becomes law except that the commissioner of transportation, in consultation with the police commissioner as needed, shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 4 of 2020, Council Int. No. 932-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 5**

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Introduced by Council Members Koo, Rose, Kallos, Cohen, Holden, Ayala, Lander, Rivera and Deutsch.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to developing and publishing a comprehensive plan regarding the distribution and use of city-issued parking permits**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.4 to read as follows:

*§ 19-162.4 Comprehensive plan for city-issued parking permits. a. For the purposes of this section, the term “city-issued parking permit” means a permit issued by a city agency that indicates permission to park in certain areas during certain times has been granted.*

*b. By November 1, 2020, each city agency making use of city-issued parking permits shall develop a plan regarding the distribution and use of city-issued parking permits by such agency. Such plans shall be submitted to an agency or office as designated by the mayor which shall, by December 1, 2020, review such plans and develop a comprehensive plan, which shall make use of and include each issuing agency’s plan. Such comprehensive plan shall be posted online. Such agency plans shall include, but need not be limited to, the following:*

*1. criteria for the distribution and retention of city-issued parking permits;*

*2. an assessment of the appropriate number of city-issued parking permits necessary for essential government services; and*

*3. proposed steps to curb unnecessary or excessive issuance of city-issued parking permits.*

*c. Such agency plans and the comprehensive plan shall be reviewed at least once every five years and may be revised as appropriate. Any such revision of the comprehensive plan shall be submitted to the council and the mayor and posted online within 30 days of the completion of such revision.*

§ 2. This local law takes 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 November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 5 of 2020, Council Int. No. 942-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 6**

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Introduced by The Speaker (Council Member Johnson) and Council Members Torres, Chin, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Rivera, Van Bramer, Kallos, Ayala, Lander and Deutsch.

**A LOCAL LAW**

**In relation to parking enforcement**

*Be it enacted by the Council as follows:*

Section 1. Parking Enforcement. a. 1. For a period of six months, beginning no later than January 1, 2020, the police department shall, each week, evaluate no fewer than 25 blocks or intersections that are experiencing a prevalence of improper use of parking permits, and no fewer than 25 blocks or intersections that are experiencing obstruction of bicycle lanes, bus lanes, sidewalks, crosswalks, and fire hydrants by vehicles. In selecting such locations, the police department shall consider the following information from the previous six months:

(a) 311 complaints relating to the improper use of a parking permit;

(b) 311 complaints relating to the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle;

(c) complaints received by the police department in relation to the improper use of a parking permit;

(d) complaints received by the police department in relation to obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle;



(e) summonses issued by the police department in relation to the improper use of a parking permit;

(f) summonses issued by the police department in relation to obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle;

(g) traffic crashes involving a fatality or serious injury; and

(h) moving violations issued by the police department.

2. Each evaluation conducted pursuant to this section shall include a description of each such block or intersection and why it was selected for evaluation; the number of complaints, summonses, traffic crashes, and moving violations associated with such block or intersection; the times at which such violations historically occur; photographs of all vehicles parked in such location demonstrating vehicles parked both legally and illegally; and for any vehicle parked illegally, a photograph of any city-issued parking permit or other parking permit displayed in each such vehicle, a photograph of the license plate of each such vehicle, and a summary of enforcement actions taken regarding each such vehicle and, if an enforcement action is not taken regarding each such vehicle, the reasons why.

b. No later than 30 days following the end of each month in which the police department conducts evaluations pursuant to subdivision a of this section, the police department shall submit a report identifying the blocks or intersections evaluated, the analyses and determinations made pursuant to paragraph 2 of subdivision a of this section, the department's response to such evaluation, including actions taken, if any. Each such report shall be submitted to the department of investigation, the mayor, and the speaker of the council.

c. The department of investigation shall conduct an investigation and issue a report regarding the issuance of parking permits and enforcement of parking laws. No later than September 30, 2020, the department of investigation shall submit such report to the police department, the department of transportation, the mayor, and the speaker of the council and post such report on its website. Such report shall include, at a minimum:

1. an analysis of reports submitted pursuant to subdivision b of this section;
2. any patterns or trends relating to the enforcement of parking laws, and the use of parking permits; and
3. recommendations related to the enforcement of parking laws, the use of parking permits, and the issuance of parking permits.

§ 2. This local law takes effect immediately and is deemed repealed upon the submission of the report due no later than September 30, 2020, submitted pursuant to subdivision c of section 1 of this local law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 6 of 2020, Council Int. No. 1393-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 7**

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Introduced by The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Rivera, Kallos, Ayala and Lander.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.5 to read as follows:

*§ 19-162.5 City vehicle obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant. No vehicle operated on behalf of the city shall obstruct a bicycle lane, bus lane when bus lane restrictions are in effect, sidewalk, crosswalk, or fire hydrant, except as otherwise permitted by law.*

§ 2. This local law takes effect 30 days after it becomes law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 7 of 2020, Council Int. No. 1394-A of 2019 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 8**

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Introduced by The Speaker (Council Member Johnson) and Council Members Torres, Chin, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides, Koo, Rivera, Van Bramer, Kallos, Ayala, Lander and Deutsch.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to reporting parking complaints to 311**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

*§ 23-304 Parking complaints. a. The department of information technology and telecommunications shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaints under the category of “illegal parking.”*

*b. Within such category, the public shall have the ability to submit complaints regarding improper use of a parking permit and complaints for parking in any of the following locations:*

- 1. parking in “no standing” area;*
- 2. parking in “no stopping” area;*
- 3. parking on sidewalk;*
- 4. parking in crosswalk;*
- 5. parking in front of fire hydrant;*

6. *parking at bus stop;*
7. *parking in bus lane;*
8. *parking in bicycle lane;*
9. *parking as to obstruct a driveway; and*
10. *double parking.*

*c. With respect to complaints filed pursuant to subdivision b, the public shall have ability to:*

1. *include information about whether the vehicles used were operated on behalf of the city; and*
2. *submit photographic evidence supporting such complaint.*

*d. 1. The resolution of a complaint submitted pursuant to subdivision b alleging improper use of a parking permit shall be sent to the individual filing such complaint within eight hours.*

*2. On a monthly basis, no later than February 15, 2020, the department of information technology and telecommunications shall publish a report containing data for the previous month that shall include, but not be limited to, the number of complaints of illegal parking of vehicles operated on behalf of the city in the types of locations set forth in subdivision b.*

§ 2. This local law takes 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 November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 8 of 2020, Council Int. No. 1395-A of 2019 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 9**

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Introduced by Council Members Powers, the Speaker (Council Member Johnson), Brannan, Holden, the Public Advocate (Mr. Williams), Chin, Constantinides, Rivera, Levin, Van Bramer, Kallos, Ayala, Lander and Deutsch.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to city-issued parking permits**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

*§ 19-162.3 City-issued parking permits. a. Definition. For purposes of this section, the term “city-issued parking permit” means a permit issued by the department or the department of education, if the commissioner has delegated authority to the department of education pursuant to subdivision b, that indicates permission to park in certain areas during certain times has been granted. The term shall not include a parking permit issued pursuant to sections 19-162.1 or 19-162.2, a parking permit issued to individuals with disabilities, or a single-use parking permit.*

*b. Issuance. Notwithstanding any other provision of law, and except as provided in section 14-183, no other city agency shall issue a permit that indicates permission to park in certain areas during certain times has been granted; however, the commissioner may delegate authority to the department of education to issue such permits. In the event of such delegation, city-issued parking permits issued by the department of education shall continue to be subject to the requirements of*



*subdivisions c, d, e, f, h, and i and any applicable rules promulgated by the department pursuant to subdivision g.*

*c. Term. A city-issued parking permit shall be valid for no more than one year unless suspended or revoked.*

*d. Application. 1. Each person applying for a city-issued parking permit or renewal thereof on behalf of themselves, their agency or non-profit entity shall file an application in such form and detail as the commissioner may prescribe, which may include inputting the required information into a permit application system.*

*2. An application for a city-issued parking permit or renewal thereof shall include, but need not be limited to, the following information:*

*(a) if applying on behalf of a city agency, the name of the city agency and the employee's relationship to such agency if issued to an individual;*

*(b) the license plate number of the vehicle or vehicles to be associated with such permit when associated with a specific vehicle or vehicles; and*

*(c) a statement articulating the justification for the permit need.*

*3. Upon the approval of an application, the department shall issue a city-issued parking permit to the applicant that may only be used with the vehicle or vehicles identified on such application when the permit is to be used with specific vehicles.*

*4. City-issued parking permits shall not be transferrable to another person or vehicle if issued to a specific individual or vehicle.*

*5. Whenever any information provided on such an application has changed, such agency shall notify the department within 10 days of such change.*

*e. Form of permits. A city-issued parking permit may be a physical permit or a programmable feature associated with a license plate number and shall contain the name of the sponsoring city agency, the expiration date of the permit, and a unique identifier or other technology designed to allow the city to detect valid permits. Such permit may contain any additional information or features as required by the department.*

*f. Permissible uses. 1. Parking with a city-issued parking permit shall be permitted in areas specified on or programmed into the permit and may allow for parking in some or all of the following areas:*

*(a) at parking meters;*

*(b) in truck loading and unloading zones;*

*(c) in “no standing/parking” areas except “authorized vehicles” or “authorized vehicle only”, when such permit authorizes such use; and*

*(d) in “no parking” areas.*

*2. Parking with a city-issued parking permit shall not be permitted in the following areas, in addition to any areas designated by rule or specified on or programmed into the permit:*

*(a) “no standing” areas;*

*(b) “no stopping” areas;*

*(c) fire hydrants;*

*(d) bus stops;*

*(e) areas where such parking would constitute double parking;*

*(f) driveways;*

*(g) bridges and highways; and*

*(h) carsharing parking spaces.*

*g. Rules. The department may promulgate such rules as are necessary to implement the provisions of this section.*

*h. Violations. Any violation of subdivision d of this section involving a material false statement or material fact concealed in connection with an application for a city-issued parking permit or renewal thereof shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations issued pursuant to this section shall be adjudicated at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.*

*i. Posting information. No later than January 31, 2021, the department and agencies delegated to issue parking permits by the commissioner shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications submitted and the number of such permits issued in the previous year, disaggregated by the sponsoring city agency in the case of the department. Such information shall be updated at least annually.*

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-183 to read as follows:

*§ 14-183 Parking permits issued by the police department. a. The department may issue parking permits to city, state, or federal law enforcement agencies that indicate permission to park in certain areas during certain times has been granted.*

*b. Such permits shall be valid for no more than one year unless suspended or revoked.*

*c. 1. Except for department fleet vehicles, an application for a parking permit or renewal thereof shall include, but need not be limited to, the following information:*

*(a) the name of the applicant ;*

*(b) the license plate number of the vehicle or vehicles to be associated with such permit; and*

*(c) a statement articulating the justification for the permit need.*

*2. Upon the approval of an application, the department shall issue a parking permit to the applicant that may only be used in the vehicle identified on such application.*

*3. Parking permits shall not be transferrable to another person or vehicle.*

*4. Whenever any information provided on such an application has changed, the permittee shall notify the department within 10 days of such change.*

*d. A parking permit may be a physical permit or a programmable feature associated with a license plate number. Such permit issued to a city shall contain the name of the agency. Such permit issued to an agency of the United States shall indicate that such permit is issued for federal law enforcement purposes. Such permit issued to an agency of the state of New York shall indicate that such permit is issued for state law enforcement purposes. All parking permits shall contain at least the expiration date of the permit and a unique identifier or other technology designed to allow the city to detect valid permits.*

*e. 1. Parking with a permit shall be permitted in areas specified on or programmed into the permit, and may allow for parking in some or all of the following areas:*

*(a) at parking meters;*

*(b) in truck loading and unloading zones;*

*(c) in “no standing/parking” except “authorized vehicles” or “authorized vehicle” only, when such permit authorizes such use; and*

*(d) in “no parking” areas.*

*2. Parking with a permit shall not be permitted in the following areas:*

*(a) "no standing" areas;*

*(b) "no stopping" areas;*

*(c) fire hydrants;*

*(d) bus stops;*

*(e) areas where such parking would constitute double parking;*

*(f) driveways;*

*(g) bridges and highways;*

*(h) carsharing parking spaces; and*

*(i) any other location as designated by the commissioner, taking into consideration traffic rules promulgated by the department of transportation after the effective date of this law.*

*f. The department may promulgate such rules as are necessary to implement the provisions of this section.*

*g. Any violation of subdivision c of this section involving a material false statement or material fact concealed in connection with an application for a parking permit or renewal thereof shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations issued pursuant to this section shall be adjudicated at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.*

*h. No later than January 31, 2021, the department shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications*

*submitted and the number of such permits issued in the previous year. Such information shall be updated annually.*

*i. Individuals holding permits issued pursuant to this section shall be subject to the rules of the department of transportation relating to the issuance of separate parking violations for the misuse or fraudulent use of city-issued parking permits, as provided for in subparagraph (iv) of paragraph (3) of subdivision (o) of section 4-08 of chapter 4 of title 34 of the rules of the city of New York.*

§ 3. Nothing in this local law is intended to affect, alter, or amend any rules of the department of transportation promulgated prior to the date of enactment of this local law relating to violations for misuse or fraudulent use of agency-authorized permits as defined in such rules.

§ 4. This local law takes effect in 90 days, except that the commissioner of transportation and the police commissioner may take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 26, 2019 and returned unsigned by the Mayor on January 2, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 9 of 2020, Council Int. No. 1422-A of 2019 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 24**

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Introduced by Council Members Miller, Kallos, Ayala, Louis and Eugene (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to health insurance benefits for surviving family members of certain deceased employees of the department of sanitation**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 122 for the year 2018, is amended to read as follows:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed

member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage



which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; [and] the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen; *and the surviving spouses, domestic partners and children of employees of the bureau of motor equipment*

*of the department of sanitation who died on or after September 23, 2019 and before September 25, 2019 as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to 38 U.S.C. Chapter 43, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.*

§ 2. This local law shall take effect immediately, and shall be retroactive to and deemed to have been in full force and effect on and after September 23, 2019.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 19, 2019 and returned unsigned by the Mayor on January 21, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 24 of 2020, Council Int. No. 1786 of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 32**

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Introduced by Council Members Miller, Kallos, Yeger, Ayala, Louis, Barron and Rivera (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. The heading and subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York, the heading as amended by local law number 22 for the year 2007 and subparagraph (i) as amended by local law number 122 for the year 2018, are amended to read as follows:

(2) Health insurance coverage for surviving spouses, domestic partners and children of [police officers, firefighters and] certain [other] city employees:

(i) Where the death of a [member of the uniformed forces of the police or fire departments] *city employee* is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, *or where accidental death benefits have been awarded in connection with a qualifying World Trade Center condition as defined in paragraph (a) of subdivision 36 of section 2 of the retirement and social security law*, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of

higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. [Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on

or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died

on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section.] Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services. *For purposes of this subparagraph, "city employee" shall include employees of the board of education.*

§ 2. This local law is effective immediately; provided, however, that the health insurance coverage granted by section 1 of this local law shall be provided to the surviving spouse or domestic partner and children of any city employee who died prior to the effective date of this local law and shall commence prospectively on such effective date; and provided further that the amendments made to subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the

administrative code of the city of New York shall not affect the continuation of health insurance coverage awarded prior to the effective date of this local law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 23, 2020 and approved by the Mayor on February 11, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 32 of 2020, Council Int. No. 1785 of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.



**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 37**

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Introduced by Council Members Lander, Brannan, Rosenthal, Gibson, Kallos, Reynoso, Powers, Van Bramer, Ayala, Menchaca, Rose, Perkins, Rivera, Richards, Levin, the Public Advocate (Mr. Williams), Ampy-Samuel, Holden, Chin, Levine, Constantinides, Adams, Cumbo, Koo, Moya, Treyger, Grodenchik, Yeger, Deutsch, Cohen, Cabrera, Barron, Maisel and Ulrich.

**A LOCAL LAW**

**To amend the New York city charter and the administrative code of the city of New York, in relation to the creation of a database to track capital projects citywide, and to repeal section 18-145 of such administrative code**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 219 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

d. The mayor shall require each agency to prepare and submit periodic reports in regard to the progress of its capital projects, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. Such reports shall be published at least three times each year: [within ninety] *no later than 120 days* [of] after the adoption of the capital budget; [with] *no later than 30 days after submission of the preliminary capital budget*; and [with] *no later than 30 days after submission of the executive capital budget*. Copies of such reports shall be transmitted by the mayor to the council, the city planning commission, [and] the community boards, the borough boards and borough presidents, *and posted online on the website of the office of management and budget in a machine-readable*

*format*. Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

§ 2. a. Definition. For purposes of this section, the term “public online capital projects database” means a public online searchable and interactive database that contains information relating to capital projects undertaken by the city and located within the boundaries of the city and that is located on a website maintained and operated by a city agency selected by the mayor.

b. There shall be an interagency task force consisting of representatives from the office of management and budget, the mayor’s office of operations, the department of parks and recreation, the department of environmental protection, the department of transportation, the department of design and construction, the department of information technology and telecommunications, and any other agencies or offices that the mayor deems appropriate. Such task force shall create and implement a public online capital projects database.

c. There shall be a public online capital projects database advisory board that shall advise the task force provided for in subdivision b of this section on the development of the public online capital projects database. The advisory board shall meet biannually, or as the advisory board deems appropriate, to receive any updates from the task force regarding its progress in developing the public online capital projects database and to provide feedback and recommendations to the task force, as appropriate. The advisory board shall have seven members who shall be:

1. one member appointed by the mayor;
2. the director of management and budget, or his or her designee;
3. the director of the office of operations, or his or her designee;
4. the commissioner of design and construction, or his or her designee;

5. the comptroller, or his or her designee; and

6. two council members appointed by the speaker of the council, or their designees.

d. The task force shall initiate coordination of development of the public online capital projects database no later than 60 days after the local law that added this section takes effect.

e. The task force provided for in subdivision b shall:

1. develop a data dictionary for the public online capital projects database that includes, but is not limited to, standardized terms, data elements, labels and fields, and phase of the capital construction process;

2. review and assess existing capital management systems and databases at all agencies that manage capital projects, including the useful lifespan of any tangible or intangible assets supporting such systems and databases;

3. develop and implement a plan to review the accuracy of data included in existing capital management systems and databases, and enter such data as the task force deems to be accurate and appropriate into the public online capital projects database, provided that such data shall include, but not be limited to, information that the task force deems relevant and appropriate contained in the reports required pursuant to subdivision d of section 219 of the New York city charter;

4. make recommendations for new or improved integrated capital management systems and databases;

5. establish mechanisms to merge and transfer data, including but not limited to, data contained in existing capital management systems and databases, into the public online capital project database; and

6. take other steps deemed necessary by the task force to create and implement the public online capital projects database.

f. To the extent deemed practicable by the task force, the public online capital project database developed by the taskforce with advice and recommendations from the advisory board, as appropriate, shall include for each pending capital project undertaken by the city and located within the boundaries of the city:

1. the name of the capital project and the borough in which such project will be located;
2. the agency implementing the capital project and any agencies contributing capital funds for such capital project;
3. the current phase of the capital project;
4. information regarding the capital project's schedule, such as the baseline project schedule and, if applicable, the actual schedule variance and the schedule variance as a percentage of the planned duration of the project; and
5. information regarding the capital project's cost, such as the current dollar amount spent to date and, if applicable, the actual cost variance and the cost variance as a percentage of the baseline cost.

§ 3. Chapter 1 of title 5 of the administrative code of the city of New York is amended by adding a new section 5-108 to read as follows:

*§ 5-108. Public online capital project database. Upon the publication of the public online capital projects database created by the taskforce established by section two of the local law that added this section, an agency or office designated by the mayor shall maintain such public online capital projects database on the city website, and update the information contained in such*

*database on a triannual basis pursuant to a schedule determined by such agency or office, and may otherwise modify the database as deemed appropriate by such agency or office consistent with the substantial continuation of the content of the database. Any agency implementing a capital project for which information or data is published in the public online capital projects database shall include a link to the website containing the public online capital projects database on such agency's website.*

§ 4. Section 18-145 of the administrative code of the city of New York is REPEALED.

§ 5. This local law takes effect immediately, except that section two of this local law expires and is deemed repealed after the publication of the public online capital projects database developed pursuant to such section and section four takes effect upon such publication, provided that such database contains information and data, consistent with the content and format of such database, regarding the capital projects within the jurisdiction of the department of parks and recreation. Upon publication of the public online capital projects database, including such information and data in relation to the department of parks and recreation, the mayor's office of operations shall notify the corporation counsel, who shall notify the New York state legislative bill drafting commission, so that the commission may maintain an accurate and timely effective database of the official text of the administrative code of the city of New York in furtherance of effectuating the provisions of section 70-b of the public officers law, and relevant publishers in furtherance of effectuating the provisions of section 7-111 of such code. The failure to provide the notifications described in this section shall not affect the effective date of any section of this local law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2020 and returned unsigned by the Mayor on March 13, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 37 of 2020, Council Int. No. 113-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 40**

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Introduced by Council Members Gibson, Levine, Kallos, Ayala, Lander, Brannan, Cohen, Rosenthal, Vallone, Barron, Rivera, Levin and Eugene.

**A LOCAL LAW**

**To amend the New York city charter, in relation to requiring the office of food policy to formulate a 10-year food policy plan**

*Be it enacted by the Council as follows:*

Section 1. Section 20-i of the New York city charter, as added by a local law for the year 2020 amending the New York city charter, relating to the office of food policy, as proposed in introduction number 1666 for the year 2019, is amended by adding a new subdivision d to read as follows:

*d. Food policy plan. 1. The office of food policy shall develop a comprehensive 10 year food policy plan no later than 180 days after the effective date of this section. The office shall consult, as the director deems appropriate, agencies, community based organizations, and community leaders and other stakeholders that focus on issues including but not limited to food policy, food equity, food justice and food insecurity in developing this plan. Such plan shall, at a minimum, make recommendations relating to:*

*(a) Reducing hunger;*

*(b) Improving nutrition;*

*(c) Increasing access to healthy food;*

*(d) Reducing food waste;*

*(e) Developing and improving food and farm economies; and*

*(f) Increasing urban agriculture and sustainability.*

*2. Such plan shall include implementation strategies for agencies to achieve the recommendations made pursuant to paragraph 1 of this subdivision and any other food policy recommendations made by the office of food policy, and benchmarks by which to measure the city's progress.*

*3. No later than two years after the submission of the report required pursuant to this subdivision and every two years thereafter, the office of food policy shall prepare and submit to the mayor and the speaker of the council, and post on the office's website, a report that describes the city's progress toward the recommendations made pursuant to paragraph 1 of this subdivision and any other food policy recommendations made by such office.*

§ 2. This local law takes effect upon the same date as a local law for the year 2020 amending the New York city charter, relating to the office of food policy, as proposed in introduction number 1666 for the year 2019, takes effect and is deemed repealed 12 years after it becomes a law.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2020 and returned unsigned by the Mayor on March 13, 2020.

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



CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 40 of 2020, Council Int. No. 1664-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 41**

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Introduced by Council Members Kallos, the Speaker (Council Member Johnson), Ayala, Gibson, Lander, Ampry-Samuel, Rosenthal, Brannan, Cohen, Vallone, Barron, Rivera, Levin and Eugene.

**A LOCAL LAW**

**To amend the New York city charter, in relation to the establishment of an office of food policy**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-i to read as follows:

§ 20-i. *Office of food policy. a. Definitions. For the purposes of this section, the term “director” means the director of the office of food policy.*

*b. The mayor shall establish an office of food policy. Such office may be established within the office of the mayor or any department or office the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or by the head of such department or office.*

*c. Powers and duties. The director shall have the power and duty to:*

- 1. Provide recommendations to the mayor and agencies regarding food policy;*
- 2. Coordinate multi-agency initiatives relating to food policy;*
- 3. Perform outreach to food policy advocates, community based organizations, academic institutions, and other entities to advance the city’s food policy; and*

*4. Support initiatives that are designed to promote access to healthy food, including but not limited to initiatives designed to promote healthy food access for communities that have historically had inequitable access to healthy foods due to economic, racial, or environmental factors.*

§ 2. This local law takes effect 120 days after it becomes law, except that the mayor's office or any agency designated by the mayor shall take such measures as are necessary for the implementation of this local law before such 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 February 11, 2020 and returned unsigned by the Mayor on March 13, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 41 of 2020, Council Int. No. 1666-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 50**

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Introduced by Council Members Dromm and Koo (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.1 to read as follows:

*§ 25-460.1 Downtown Flushing Transit Hub business improvement district; increase in the amount to be expended annually. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district beginning on July 1, 2020, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one million dollars (\$1,000,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Downtown Flushing Transit Hub business improvement district plan.*

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.2 to read as follows:

*§ 25-260.2 Downtown Flushing Transit Hub business improvement district; extension of district.*

*a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Downtown Flushing Transit Hub business improvement district in the borough of Queens is hereby extended. Such district is extended in accordance with the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan of 2019 upon which the Downtown Flushing Transit Hub business improvement district, and the extension thereof, is based.*

*c. The amended district plan of 2019 shall not be further amended except in accordance with chapter four of this title.*

§ 3. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.3 to read as follows:

*§ 25-460.3 Downtown Flushing Transit Hub business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25–410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the Downtown Flushing Transit Hub business improvement district and to authorize a change in the method of assessment upon which the district charge in the Downtown Flushing Transit Hub business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25–412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Downtown Flushing Transit Hub business improvement district such changes as set forth in the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision c of this section.*

*b. The city council having determined, pursuant to subdivision c of section 25–410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25–412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the Downtown Flushing Transit Hub business improvement district such change as set forth in the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision c of this section.*

*c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan of 2019 setting forth the additional services and modification of services and containing the change in the method of assessment authorized by subdivision a of this section*

*and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.*

§ 4. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2020, provided that section one of this local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 22, 2020 and returned unsigned by the Mayor on May 22, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 50 of 2020, Council Int. No. 1854 of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 77**

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Introduced by Council Members Reynoso, Gjonaj, Rivera, Cumbo, Powers, Van Bramer, Lander, Ayala, Richards, Salamanca, Kallos, the Speaker (Council Member Johnson), Constantinides, Holden, Vallone, Brannan, Dromm, Koslowitz, Moya, Levine, Rosenthal, Barron and Ampry-Samuel.

**A LOCAL LAW**

**In relation to temporary space for outdoor dining**

*Be it enacted by the Council as follows:*

Section 1. Temporary space for outdoor dining. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivision s of section 81.03 of the health code of the city of New York.

Food vendor. The term “food vendor” has the same meaning as in section 17-306 of the administrative code of the city of New York.

Open space. The term “open space” means any location of roadway seating or sidewalk seating, or any other public outdoor location, including but not limited to a sidewalk, pedestrian plaza, roadway, or public parking lot, that may be used by a food service establishment for temporary outdoor dining and that has been approved for such use by the department of transportation.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as set forth in section 19-157 of the administrative code of the city of New York.



Roadway seating. The term “roadway seating” means seating located in the roadway adjacent to the curb in front of the business frontage of a food service establishment in accordance with guidelines established by the department of transportation.

Sidewalk seating. The term “sidewalk seating” means seating located outside the business frontage of a food service establishment in accordance with guidelines established by the department of transportation.

Temporary outdoor dining area. The term “temporary outdoor dining area” means a portion of any food service establishment operated under permit from the department of health and mental hygiene that is located in an open space.

b. Open restaurants program. 1. The city shall establish an open restaurants program pursuant to which a food service establishment may operate a temporary outdoor dining area.

2. A food service establishment shall be permitted to operate roadway seating or sidewalk seating after the completion of an online self-certification application, which shall be in a form and manner as determined by the department of transportation. The department of transportation may establish a process to allow for the use of other types of open space as temporary outdoor dining areas.

3. There shall be no fee for participation in such program.

c. Vendors. Notwithstanding section 17-315 of the administrative code of the city of the New York, as part of such program, the department of transportation, in consultation with the department of health and mental hygiene and any other agency as designated by the mayor, may designate a sidewalk, pedestrian plaza, roadway, or public parking lot as an area in which a food

vendor may vend, provided that such vendor adheres to any guidelines issued by the department of health and mental hygiene.

d. Compliance with other laws. Nothing in this local law shall relieve a food service establishment from their obligation to adhere to all emergency executive orders issued pursuant to section 24 or 29-a of the executive law, and to all local, state, and federal requirements relating to health and safety, except as modified by any such emergency executive order or this local law. Any food service establishment participating in the open restaurants program shall adhere to all applicable guidance issued by the department of transportation, the department of health and mental hygiene, the New York state department of health, and the New York state liquor authority.

e. Validity of a self-certification. A self-certification submitted pursuant to the outdoor restaurants program shall remain valid until terminated or suspended by the department of transportation. The department may terminate or suspend a self-certification for non-compliance with the requirements of such program or as necessary to protect health or safety.

f. Expiration. The outdoor restaurants program shall remain in effect until September 8, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall not remain in effect after December 31, 2020. The department of transportation shall provide the speaker of the council notice five days prior to the termination of such the program.

§ 2. This local law takes 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 June 25, 2020 and returned unsigned by the Mayor on July 27, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 77 of 2020, Council Int. No. 1957-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2020**

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**No. 114**

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Introduced by Council Members Reynoso, Powers, Levine, Rodriguez, Rivera, Kallos, Van Bramer, Chin, Gjonaj, Louis, Rosenthal and Ayala.

**A LOCAL LAW**

**In relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program**

*Be it enacted by the Council as follows:*

Section 1. Portable space heaters fueled by liquefied petroleum gas and portable electric space heaters may be used in a temporary outdoor seating area operated pursuant to local law number 77 for the year 2020 and emergency executive order number 126, dated June 18, 2020, as amended by subsequent orders, subject to guidance issued by the fire department pursuant to emergency executive order of the mayor.

§ 2. a. For the purposes of this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivision s of section 81.03 of the health code of the city of New York.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as set forth in section 19-157 of the administrative code of the city of New York.

Roadway seating. The term “roadway seating” means seating located in the roadway adjacent to the curb in front of the business frontage of a food service establishment.

b. By September 30, 2021, the department of transportation and any other agency designated by the mayor shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020, provided that any additional legislation necessary to authorize such program has been enacted. Such program shall include but not be limited to the following elements:

1. The use of roadway seating for outdoor dining;
2. The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and
3. Accessibility for people with disabilities in compliance with applicable federal, state and local law.

§ 3. Subdivision f of section 1 of local law number 77 for the year 2020 is amended to read as follows:

f. Expiration. The outdoor restaurants program shall remain in effect until [September 8, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall not remain in effect after December 31, 2020] *September 30, 2021*. [The department of transportation shall provide the speaker of the council notice five days prior to the termination of such the program.]

§ 4. This local law takes effect immediately, except that section one of this local law shall expire and be deemed repealed on May 1, 2021.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 15, 2020 and returned unsigned by the Mayor on November 16, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 114 of 2020, Council Int. No. 2127-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

# **ATTACHMENT 4D**

## NEW YORK CITY DEPARTMENT OF SANITATION

### **NOTICE OF ADOPTION OF FINAL RULE RELATING TO THE EXPANSION OF ORGANIC WASTE SOURCE SEPARATION REQUIREMENTS FOR VARIOUS COMMERCIAL ENTITIES**

NOTICE IS HEREBY GIVEN in accordance with the requirements of Sections 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 and 1043(a) of the New York City Charter and section 16-306.1 of the New York City Administrative Code that the Department adopts the following rule that would expand organic waste source separation requirements for large commercial food retailers and food service establishments. The Department published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on October 2, 2019. On November 20, 2019, the Department held a public hearing on the proposed rule.

#### **Statement of Basis and Purpose of Proposed Rule**

Food scraps and other organic waste make up more than one-third of all commercial waste in New York City. Diverting this material from landfills to produce soil enhancing compost, or as an energy source through aerobic and anaerobic digesters, is a key component of the City's goal of sending zero waste to landfills.

Under Local Law 146 of 2013, codified in §16-306.1 of the New York City Administrative Code, the Sanitation Commissioner must evaluate, at least annually, whether there exists sufficient regional organic waste processing capacity to require that certain food-generating businesses in the City, or a subset of them, engage in source separation of organic waste and ensure its beneficial use through composting, anaerobic digestion or other process as approved by the Commissioner.

DSNY has determined that there is currently sufficient organics processing capacity available to allow for an increase in food waste diversion and thus proposes to apply the requirement to additional large food-generating businesses in the city. These businesses would be required to separate their organic waste for collection and handling either by engaging private carters, transporting organic waste themselves, or managing the waste on-site using in-vessel composting or aerobic or anaerobic digestion systems (subject to compliance with the City's sewer discharge regulations). A designated covered establishment could also donate food to a third party (such as a charitable organization) that would otherwise be thrown away, sell or donate the food to a farmer for feedstock, or sell or donate meat by-products to a rendering company (one that converts animal fats into lard). Food disposed of through such donations or sales would not be included within the meaning of "organic waste" as defined in DSNY's existing rules (§ 1-01 of Chapter 1 of Title 16).

The proposed amendments to the existing rule provide that the following types of establishments would be "designated covered establishments" and would have to comply with the source separation, storage, labeling and set out requirements for organic waste set forth in Section 1-11 of Title 16 of the Rules of the City of New York ("Section 1-11"):



- 1) any building or premises where food service establishments having a total combined floor area of at least eight thousand square feet are located and where the owner of the building or premises, or its agent, arranges or contracts with a private carter for the removal of waste from food service establishments having at least eight thousand square feet of such building or premises;
- 2) a location at which a food preparation establishment has a floor area of at least six thousand square feet;
- 3) a catering establishment that is required to provide for the removal of waste pursuant to Administrative Code § 16-116 whenever the anticipated attendance for any particular event is greater than one hundred persons; and
- 4) sponsors of a temporary public event with an anticipated attendance of greater than five hundred persons per day, excluding activities conducted pursuant to a valid permit for filming, demonstration, parade, or block parties.

Additionally, the proposed rule would change the criteria regarding certain covered establishments previously designated under Section 1-11 as follows:

- 1) a food service establishment located in a hotel having at least one hundred sleeping rooms, which would be lowered from the current requirement of one hundred fifty sleeping rooms, in addition to removing the requirement that such food service establishment operate under common ownership or control of such hotel and receive waste collection from the same private carter that services the hotel;
- 2) a food service establishment that has a floor area space of at least seven thousand square feet, which would be lowered from the current requirement of fifteen thousand feet;
- 3) a food service establishment that is part of a chain of two or more locations in New York City, which have a combined floor area of at least eight thousand square feet and that (i) operate under common ownership or control; (ii) are individually franchised outlets of a parent business; or (iii) do business under the same corporate name, which would be lowered from the current requirement of a chain of one hundred or more locations in the City; and
- 4) a retail food store that has a floor area space of at least ten thousand square feet, or any retail food store that is part of a chain of three or more retail food stores that have a combined floor area space of at least ten thousand square feet, which would be lowered from the current requirement of twenty-five thousand square feet, and that operate under common ownership or control and receive waste collection from the same private carter.

DSNY's authority to promulgate these rules is found in New York City Charter §§ 753 and 1043, and Administrative Code § 6-306.1.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subdivision (a) of Section 1-11 of Chapter 1 of Title 16 of the Rules of the City of New York, relating to the handling of organic waste generated by certain commercial establishments, is amended to read as follows:

**§ 1-11 Organic Waste Generated by Commercial Establishments.**

(a) *Designated covered establishments.* Pursuant to § 16-306.1(b) of the New York City Administrative Code, the following commercial establishments are "designated covered establishments" for purposes of this section and shall comply with the requirements set forth in this section:

- (1) an arena or stadium having a seating capacity of at least fifteen thousand persons;
- (2) a food service establishment that [(i)] is located within a hotel having at least one hundred [fifty] sleeping rooms [, (ii) operates under common ownership or control of such hotel, and (iii) receives waste collection from the same private carter as such hotel];
- (3) a food manufacturer that has a floor area of at least twenty-five thousand square feet;
- (4) a food wholesaler that has a floor area of at least twenty thousand square feet;
- (5) a food service establishment that has a floor area of at least [fifteen] seven thousand square feet;
- (6) (i) a food service establishment that is part of a chain of [one hundred] two or more locations in the City of New York, have a combined floor area of at least eight thousand square feet and that [(i)] (A) operate under common ownership or control; [(ii)] (B) are individually franchised outlets of a parent business; or [(iii)] (C) do business under the same corporate name.

(ii) Any person who owns or operates two or fewer food service establishments may request a waiver from the [sanitation] commissioner of the requirements of this section if no single food service establishment has a floor area of at least seven thousand square feet, the food service establishment or establishments are individually franchised outlets of a parent business covered by this subparagraph, and the owner or operator establishes that the food service establishment or establishments do not receive private carting services through a general carting agreement between a parent business and private carter; and

(7) a retail food store that has a floor area of at least [twenty-five thousand] ~~ten~~ thousand square feet, or any retail food store that is part of a chain of three or more retail food stores that have a combined floor area space of at least ten thousand square feet and that operate under common ownership or control and receive waste collection from the same private carter;

(8) any building or premises where food service establishments having a total combined floor area of at least eight thousand square feet are located and where the owner of the building or premises, or its agent, arranges or contracts with a private carter for the removal of waste from food service establishments having at least eight thousand square feet of such building or premises;

(9) a location at which a food preparation establishment has a floor area of at least six thousand square feet;

(10) a catering establishment that is required to provide for the removal of waste pursuant to section 16-116 of the administrative code of the city of New York whenever the anticipated attendance for any particular event is greater than one hundred persons; and

(11) sponsors of a temporary public event with an anticipated attendance of greater than five hundred persons per day, excluding activities conducted pursuant to a valid permit for filming, demonstration, parade, or block parties.

For purposes of this section, the “floor area” of an establishment has the same meaning as defined under Section 12-10 of Chapter 2 of Article 1 of the Zoning Resolution.

§2. This rule shall take effect six months after it is published in the *City Record*, except that the department shall not issue a notice of violation but shall issue a warning for any violation that occurs within one year of the effective date.

## **New York City Department of Sanitation**

### **NOTICE OF ADOPTION OF FINAL RULE ESTABLISHING 20 COMMERCIAL WASTE ZONES**

**NOTICE IS HEREBY GIVEN** in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by sections 753 of the New York City Charter and section 16-1001 of the New York City Administrative Code that the Department adopts the following rule establishing 20 commercial waste zones. The Department published a Notice of Opportunity to Comment on the proposed rule in the *City Record* on December 12, 2019. On January 13, 2020 the Department held a public hearing on the proposed rules.

#### **Statement of Basis and Purpose of Final Rule**

Each year in New York City, more than 100,000 commercial establishments generate more than 3 million tons of refuse and recyclables. Approximately 90 private carters collect this waste from commercial establishments across the City.

The current system for collecting commercial waste from the City's businesses has been plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service. Since 2010, private waste collection trucks have killed at least 28 people on New York City streets.

In some parts of the city, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health. Additionally, the industry has lacked strong customer service standards, and pricing has remained unclear and confusing to most customers, putting small businesses at a significant disadvantage.

In response to these documented problems in the commercial waste collection industry, the Department released a comprehensive plan for reforming the private carting industry in November 2018 ("the Plan"), available at <http://www.nyc.gov/commercialwaste>. The Plan proposed the establishment of commercial waste zones - a safe and efficient collection system to provide high quality, low cost service to New York City businesses while advancing the City's zero waste and sustainability goals. The Department developed this plan after years of extensive public outreach and engagement with a wide variety of stakeholders. On November 20, 2019, Local Law number 199 for the year 2019 was enacted, which authorizes the Department to create a commercial waste zones system.

Under Local Law 199, codified in Title 16-B of the New York City Administrative Code, the Sanitation Commissioner must divide the geographic area of New York City into at least 20 “commercial waste zones.” This rule describes the 20 zones designated by the Commissioner and provides a map.

The zone map described here largely reflects the zone map described in the Plan, with a few differences. While the Plan assumed that certain zones in Manhattan would have up to five carters operating, Local Law number 199 authorizes up to three carters per zone. Accordingly, the Department made some adjustments to reflect this change, taking into consideration the number of customers and the average tonnage of waste per contract and per zone. First, this map divides lower Manhattan into two zones. It also consolidates three Brooklyn zones described in the Plan into two zones. Finally, this map includes geographic areas of the City that are not assigned to community districts, such as Central Park, which were not included in the map described in the Plan.

The following is a map of the zones described in this rule. In this map, the numbers refer to either community districts or “Joint Interest Areas,” or “JIAs” which denote geographic areas of the City identified by the Department of City Planning that are not assigned to community districts, as described on the Department of City Planning webpage:

<https://www1.nyc.gov/site/planning/community/jias-sources.page>. The colors denote the different commercial waste zones, which are labeled with the zone names.



\*Midtown North and Midtown South are both part of CD 105

This is the first of several rules that the Department intends to propose to implement the program. Thereafter, the Department will use a competitive procurement process to select up to three private carters to service businesses within each commercial waste zone. The competitive solicitation process will also be used to select up to five carters to provide containerized commercial waste collection services citywide. This process will identify the carters that can provide high quality service at low prices. The resulting contracts will include standards for pricing, customer service, safety, environmental health, and requirements to promote the City's commitment to recycling and sustainability.

Commercial waste zones will apply to the collection of commercial refuse, recyclables, and source-separated organic waste. It will exclude specialized or intermittent waste streams, such as construction and demolition debris, medical waste, hazardous waste and other types of waste that will continue to be collected and managed under existing City and State regulations.

Under the new commercial waste zones system, instead of dozens of different carters operating in a City neighborhood on a given night, only a few carters will operate in each area. With fewer trucks on the streets and shorter routes, zoned collection will also mean improved traffic and air quality and less unsafe driving behavior and worker fatigue. Citywide, the adoption of the commercial waste zones system will dramatically reduce truck traffic associated with this industry by 50 percent. This system will improve the quality of life of all New Yorkers, serve the needs of the City’s local businesses, and support the City’s short and long-term goals for a cleaner, safer, and more sustainable city.

DSNY’s authority to promulgate these rules is found in New York City Charter §§ 753 and 1043, and Administrative Code § 16-1001.

New material is underlined.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 16 of the rules of the city of New York is amended by adding a new chapter 20 to read as follows:

**CHAPTER 20: COMMERCIAL WASTE ZONES**

**Subchapter A: General**

**§ 20-02 Commercial waste zones**

- a. The geographic area of the city of New York shall be divided into 20 commercial waste zones as follows:

<b><u>Zone name</u></b>	<b><u>Zone geographic area</u></b>
<u>Lower Manhattan</u>	<u>Community district 101</u>
<u>Manhattan Southwest</u>	<u>Community district 102</u>
<u>Manhattan Southeast</u>	<u>Community districts 103, 106</u>
<u>Midtown South</u>	<u>The geographic area of community district 105 south of 37<sup>th</sup> Street</u>
<u>Midtown North</u>	<u>The geographic area of community district 105 north of 37<sup>th</sup> Street</u>
<u>Manhattan West</u>	<u>Community districts 104, 107, and commercial establishments</u>



	located on Central Park West
<u>Manhattan Northeast</u>	<u>Community district 108, excluding Roosevelt Island, community district 111, and Central Park (Joint Interest Area 64), excluding commercial establishments located on Central Park West</u>
<u>Upper Manhattan</u>	<u>Community districts 109, 110, 112</u>
<u>Bronx West</u>	<u>Community districts 201, 203, 204, 205, 206, 207, 208, Van Cortlandt Park (Joint Interest Area 26), and Bronx Park (Joint Interest Area 27)</u>
<u>Bronx East</u>	<u>Community districts 202, 209, 210, 211, 212, and Pelham Bay Park (Joint Interest Area 28)</u>
<u>Brooklyn North</u>	<u>Community districts 301, 303, 304</u>
<u>Brooklyn West</u>	<u>Community districts 302, 306, 307</u>
<u>Brooklyn East</u>	<u>Community districts 305, 308, 309, 316, 317, 318, Prospect Park (Joint Interest Area 55), and Brooklyn Gateway National Recreation Area (Joint Interest Area 56)</u>
<u>Brooklyn Southwest</u>	<u>Community districts 310, 311, 312</u>
<u>Brooklyn South</u>	<u>Community districts 313, 314, 315</u>
<u>Queens West</u>	<u>Community districts 401, 402, and Roosevelt Island</u>
<u>Queens Central</u>	<u>Community districts 403, 404, 405, 406, LaGuardia Airport (Joint Interest Area 80), and Forest Park (Joint Interest Area 82)</u>
<u>Queens Northeast</u>	<u>Community districts 407, 408, 411, and Flushing Meadows-Corona Park (Joint Interest Area 81)</u>
<u>Queens Southeast</u>	<u>Community districts 409, 410, 412, 413, 414, JFK International Airport (Joint Interest Area 83), and Queens Gateway National Recreation Area (Joint Interest Area 84)</u>
<u>Staten Island</u>	<u>Community districts 501, 502, 503, and Staten Island Gateway National Recreation Area (Joint Interest Area 95)</u>

# **ATTACHMENT 4E**

## CHAPTER 58

AN ACT to amend the public authorities law, in relation to clarifying the dormitory authority's authorization to finance certain health care facilities (Part A); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending the effectiveness of such authorization (Part B); to amend the public authorities law, in relation to the transfer and conveyance of certain real property (Part C); intentionally omitted (Part D); to amend the environmental conservation law, in relation to waste tire management and recycling fees (Part E); intentionally omitted (Part F); to amend the environmental conservation law, in relation to establishing authority to solicit funds or gifts and enter into public-private partnerships (Part G); to amend the environmental conservation law, the alcoholic beverage control law and the state finance law, in relation to establishing guidelines for bag waste reduction (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the banking law, in relation to student loan servicers (Part L); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the submission of reports and in relation to extending the effectiveness thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the effectiveness thereof (Part R); intentionally omitted (Part S); intentionally omitted (Part T); authorizing utility and cable television assessments to provide funds to the department of health from cable television assessment revenues and to the departments of agriculture and markets, environmental conservation, office of parks, recreation and historic preservation, and state from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part U); intentionally omitted (Part V); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the department of environmental conservation's climate change program and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); intentionally omitted (Part X); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part Y); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally

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

omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); to amend the vehicle and traffic law, the public authorities law, the tax law and the state finance law, in relation to providing certain metropolitan transportation commuter district supplemental taxes, surcharges and fees to the metropolitan transportation authority without appropriation (Part FF); intentionally omitted (Part GG); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend the public authorities law, in relation to authorizing the New York power authority to develop electric vehicle charging stations (Part KK); to amend the public authorities law, in relation to the provision of renewable power and energy by the Power Authority of the State of New York; and providing for the repeal of certain provisions of such law relating thereto (Part LL); to amend the state finance law, in relation to establishing the parks retail stores fund, and the golf fund, as enterprise funds (Part MM); to amend the public authorities law, in relation to allowing the New York state olympic regional development authority to enter into contracts or agreements containing indemnity provisions in order to host the 2023 World University Games to be held in Lake Placid, New York (Part NN); intentionally omitted (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); intentionally omitted (Part RR); to amend the environmental conservation law, in relation to the donation of excess food and recycling of food scraps (Part SS); to amend chapter 123 of the laws of 2014, amending the vehicle and traffic law, the general municipal law, and the public officers law relating to owner liability for failure of operator to comply with traffic-control indications, in relation to extending the provisions thereof; to amend chapter 101 of the laws of 2014, amending the vehicle and traffic law, the general municipal law, and the public officers law relating to owner liability for failure of operator to comply with traffic-control indications in the city of Mt. Vernon, in relation to extending the effectiveness thereof; to amend chapter 19 of the laws of 2009, amending the vehicle and traffic law and other laws relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such chapter; to amend chapter 99 of the laws of 2014, amending the vehicle and traffic law, the general municipal law, and the public officers law relating to owner liability for failure of operator to comply with traffic-control indications in the city of New Rochelle, in relation to extending the effectiveness thereof; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; to amend chapter 23 of the laws of 2009, amending the vehicle and traffic law and the public officers law relating to adjudications and owner liability for a violation of traffic-control signal indications, in relation to extending the provisions of such chapter; to amend chapter 222 of the laws of 2015, amending the vehicle and traffic law, the

general municipal law, and the public officers law relating to owner liability for failure of an operator to comply with traffic-control indications in the city of White Plains, in relation to extending the provisions of such chapter; and to amend chapter 20 of the laws of 2009, amending the vehicle and traffic law, the general municipal law, and the public officers law, relating to owner liability for failure of operator to comply with traffic control indications, in relation to extending the provisions thereof; and to amend the vehicle and traffic law, in relation to reporting requirements for traffic-control photo violation monitoring systems (Part TT); and to amend the public service law, in relation to a Westchester county renewable energy and energy efficiency resources program (Part UU)

Became a law April 12, 2019, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year. Each component is wholly contained within a Part identified as Parts A through UU. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART H

Section 1. This act shall be known and may be cited as the "New York state bag waste reduction act".

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 28 to read as follows:

TITLE 28  
BAG WASTE REDUCTION

Section 27-2801. Definitions.

27-2803. Plastic carryout bag ban.

27-2805. Paper carryout bag reduction fee.

27-2807. Violations.

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8

27-2809. Preemption of local law.

§ 27-2801. Definitions.

As used in this title:

1. "Exempt bag" means a bag: (a) used solely to contain or wrap uncooked meat, fish, or poultry; (b) bags used by a customer solely to package bulk items such as fruits, vegetables, grains, or candy; (c) bags used solely to contain food sliced or prepared to order; (d) bags used solely to contain a newspaper for delivery to a subscriber; (e)

bags sold in bulk to a consumer at the point of sale; (f) trash bags; (g) food storage bags; (h) garment bags; (i) bags prepackaged for sale to a customer; (j) plastic carryout bags provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carryout or deliver food; or (k) bags provided by a pharmacy to carry prescription drugs.

2. "Plastic carryout bag" means any plastic bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the tax law.

3. "Paper carryout bag" means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the tax law.

4. "Reusable bag" means a bag: (a) made of cloth or other machine washable fabric that has handles; or (b) a durable bag with handles that is specifically designed and manufactured for multiple reuse.

5. "Person required to collect tax" means any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section eleven hundred five of the tax law.

§ 27-2803. Plastic carryout bag ban.

1. No person required to collect tax shall distribute any plastic carryout bags to its customers unless such bags are exempt bags as defined in subdivision one of section 27-2801 of this title.

2. No person required to collect tax shall prevent a person from using a bag of any kind that they have brought for purposes of carrying goods.

3. Nothing in this section shall be deemed to exempt the provisions set forth in title 27 of this article relating to at store recycling.

§ 27-2805. Paper carryout bag reduction fee.

1. (a) Notwithstanding any other provision of law to the contrary, any city and any county, other than a county wholly within such a city, acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws, ordinances or resolutions imposing a paper carryout bag reduction fee within the territorial limits of such city or county, to take effect on or after March first, two thousand twenty. Notwithstanding the foregoing, if a county and a city wholly within such county both impose such fee, the fee imposed by such county shall not apply within the territorial limits of such city.

(b) Such paper carryout bag reduction fee, whether or not any tangible personal property is sold therewith, shall be imposed at a rate of five cents on each paper carryout bag provided by a person required to collect tax to a customer in this state; provided, however, that such

paper carryout bag reduction fee shall not be imposed on paper carryout bags that are subject to a fee on the provision of such paper carryout bag pursuant to a local law or ordinance that was adopted prior to the effective date of this section. The paper carryout bag reduction fee must be reflected and made payable on the sales slip, invoice, receipt, or other statement of the price rendered to the customer.

(c) Such paper carryout bag reduction fee shall not constitute a

receipt for the sale of tangible personal property subject to tax pursuant to article twenty-eight and pursuant to the authority of article twenty-nine of the tax law, and transfer of a bag to a customer by a person required to collect tax shall not constitute a retail sale.

(d) It shall be unlawful for a municipal corporation to adopt or amend a local law, ordinance or resolution requiring the imposition of any fee on the provision of a paper carryout bag except as expressly authorized by this section. Where a municipal corporation that adopted such a local law, ordinance or resolution prior to the effective date of this section is, or is located in, a county that has imposed a paper carryout bag reduction fee pursuant to this section, such municipal corporation shall be prohibited from requiring the imposition of a fee on any provision of paper carryout bags that occurs more than one year after such county paper carryout bag reduction fee takes effect.

2. Any such local law, ordinance or resolution adopted pursuant to this section shall state the amount of the paper carryout bag reduction fee and the date on which a person required to collect tax shall begin to add such paper carryout bag reduction fee to the sales slip, invoice, receipt, or other statement of the price rendered to its customers. No such local law, ordinance or resolution shall be effective unless a certified copy of such law, ordinance or resolution is mailed by registered or certified mail to the commissioner of taxation and finance in accordance with the provisions of subdivisions (d) and (e) of section twelve hundred ten of the tax law.

3. The paper carryout bag reduction fee imposed by this section shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for the items purchased.

4. The paper carryout bag reduction fee must be reported and paid to the commissioner of taxation and finance on a quarterly basis on or before the twentieth day of the month following each quarterly period ending on the last day of February, May, August and November, respectively. The payments must be accompanied by a return in the form and containing the information the commissioner of taxation and finance may prescribe.

5. Any sales slip, invoice, receipt, or other statement of price furnished by a person required to collect tax to a customer shall separately state the paper carryout bag reduction fee and shall state the number of bags provided to the customer.

6. (a) Except as otherwise provided in this section, any paper carryout bag reduction fee imposed under the authority of this section shall be administered and collected by the commissioner of taxation and finance in a like manner as the taxes imposed by articles twenty-eight and twenty-nine of the tax law. All the provisions of articles twenty-eight and twenty-nine of the tax law, including the provisions relating to definitions, exemptions, returns, personal liability for the tax, collection of tax from the customer, payment of tax and the administration of the taxes imposed by such article, shall apply to the paper

carryout bag reduction fee imposed under the authority of this section, with such modifications as may be necessary in order to adapt the language of those provisions to the paper carryout bag reduction fee imposed under the authority of this section. Those provisions shall apply with the same force and effect as if the language of those provisions had been set forth in full in this section, except to the

extent that any of those provisions is either inconsistent with a provision of this section or is not relevant to the paper carryout bag reduction fee imposed under the authority of this section. For purposes of this section, any reference in this chapter to a tax or the taxes imposed by articles twenty-eight and twenty-nine of the tax law shall be deemed also to refer to the paper carryout bag reduction fee imposed under the authority of this section unless a different meaning is clearly required.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision:

(1) the exemptions provided for in section eleven hundred sixteen of the tax law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the paper carryout bag reduction fees imposed under the authority of this section;

(2) the credit provided in subdivision (f) of section eleven hundred thirty-seven of the tax law shall not apply to this section.

(c) Notwithstanding the provisions of paragraph (a) of this subdivision or subdivision (a) of section eleven hundred forty-six of the tax law, the commissioner of taxation and finance may, in his or her discretion, permit the commissioner or his or her authorized representative to inspect any return related to the paper carryout bag reduction fee filed under this section, or may furnish to the commissioner or his or her authorized representative any such return or supply him or her with information concerning an item contained in any such return, or disclosed by any investigation of a liability under this section.

7. All paper carryout bag reduction fee monies and any related penalties and interest remitted to the commissioner of taxation and finance under this section, except as hereinafter provided, shall be deposited daily with such responsible banks, banking houses, or trust companies as may be designated by the state comptroller. Of the revenues deposited, the comptroller shall retain in the comptroller's hands such amount as the commissioner of taxation and finance may determine to be necessary for refunds or reimbursements of the fees collected or received pursuant to this section, out of which the comptroller shall pay any refunds or reimbursements of such fees to which persons shall be entitled under the provisions of this section. The comptroller, after reserving such refund and reimbursement fund shall, on or before the twelfth day of each month, pay to the appropriate fiscal officers of the counties or cities imposing tax under subdivision one of this section an amount equal to forty percent of the paper carryout bag reduction fee monies and any related penalties and interest collected by the commissioner of taxation and finance in respect of each such county or city in the preceding calendar month to be used for the purpose of purchasing and distributing reusable bags, with priority given to low- and fixed-income communities. Provided further that at the end of each fiscal year, any funds which have not been used for the purpose defined in this section shall be returned to the comptroller and be deposited into the general fund to be used for the purpose of purchasing and distributing reusable bags with priority given to low- and fixed-income communities. Any remaining amount of paper carryout bag reduction fee monies and any related penal-

ties and interest shall be deposited monthly into the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 27-2807. Violations.

1. Any person required to collect tax who violates any provision of



section 27-2803 of this title shall receive a warning notice for the first such violation. A person required to collect tax shall be liable to the state of New York for a civil penalty of two hundred fifty dollars for the first violation after receiving a warning and five hundred dollars for any subsequent violation in the same calendar year. For purposes of this section, each commercial transaction shall constitute no more than one violation. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

2. The department, the department of agriculture and markets, and the attorney general are hereby authorized to enforce the provisions of this title, and all monies collected shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 27-2809. Preemption of local law.

Jurisdiction in all matters pertaining to plastic carryout bags is vested exclusively in the state.

§ 3. Subdivision 4 of section 63 of the alcoholic beverage control law, as amended by chapter 360 of the laws of 2017, is amended to read as follows:

4. No licensee under this section shall be engaged in any other business on the licensed premises. The sale of lottery tickets, when duly authorized and lawfully conducted, the sale of reusable bags as defined in section 27-2801 of the environmental conservation law, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video and/or audio cassette tapes, or educational seminars, designed to help educate consumers in their knowledge and appreciation of alcoholic beverages, as defined in section three of this chapter and allowed pursuant to their license, or the sale of non-carbonated, non-flavored mineral waters, spring waters and drinking waters or the sale of glasses designed for the consumption of wine, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked, or the sale of gift bags, gift boxes, or wrapping, for alcoholic beverages purchased at the licensed premises shall not constitute engaging in another business within the meaning of this subdivision. Any fee obtained from the sale of an educational seminar shall not be considered as a fee for any tasting that may be offered during an educational seminar, provided that such tastings are available to persons who have not paid to attend the seminar and all tastings are conducted in accordance with section sixty-three-a of this article.

§ 4. Subdivision 3 of section 92-s of the state finance law, as amended by section 1 of part AA of chapter 58 of the laws of 2018, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of CHAP. 58

nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be

deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, all moneys required to be deposited pursuant to sections 27-2805 and 27-2807 of the environmental conservation law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 5. This act shall take effect March 1, 2020.

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PART SS

Section 1. Approximately 40 percent of the food produced in the United States today goes uneaten. Much of this organic waste is disposed of in solid waste landfills, where its decomposition accounts for over 15 percent of our nation's emissions of methane, a potent greenhouse gas. Meanwhile, an estimated 2.8 million New Yorkers are facing hunger and food insecurity. Recognizing the importance of food scraps to our environment, economy, and the health of New Yorkers, this act establishes a food scraps hierarchy for the state of New York. The first tier of the hierarchy is source reduction, reducing the volume of surplus food generated. The second tier is recovery, feeding wholesome food to hungry people. Third is repurposing, feeding animals. Fourth is recycling, processing any leftover food such as by composting or anaerobic

digestion to create a nutrient-rich soil amendment. This legislation is designed to address each tier of the hierarchy by: encouraging the prevention of food waste generation by commercial generators and residents; directing the recovery of excess edible food from high-volume commercial food waste generators; and ensuring that a significant portion of inedible food waste from large volume food waste generators is managed in a sustainable manner, and does not end up being sent to landfills or incinerators. In addition, the state has supported the

recovery of wholesome food by providing grants from the environmental protection fund to increase capacity of food banks, conduct food scraps audits of high-volume generators of food scraps, support implementation of pollution prevention projects identified by such audits, and expand capacity of generators and municipalities to donate and recycle food.

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 22 to read as follows:

TITLE 22

FOOD DONATION AND FOOD SCRAPS RECYCLING

Section 27-2201. Definitions.

27-2203. Designated food scraps generator responsibilities.

27-2205. Waste transporter responsibilities.

27-2207. Transfer facility.

27-2209. Food scraps disposal prohibition.

27-2211. Department responsibilities.

27-2213. Regulations.

27-2215. Exclusions.

27-2217. Annual Report.

27-2219. Severability.

§ 27-2201. Definitions.

1. "Designated food scraps generator" means a person who generates at a single location an annual average of two tons per week or more of food scraps based on a methodology established by the department pursuant to regulations, including, supermarkets, large food service businesses, higher educational institutions, hotels, food processors, correctional facilities, and sports or entertainment venues. For a location with multiple independent food service businesses, such as a mall or college campus, the entity responsible for contracting for solid waste hauling services is responsible for managing food scraps from the independent businesses.

2. "Food scraps" means inedible food, trimmings from the preparation of food, food-soiled paper, and edible food that is not donated. Food scraps shall not include used cooking oil, yellow grease or food from residential sources, or any food identified in regulations promulgated by the department in consultation with the department of agriculture and markets or any food which is subject to a recall or seizure due to the presence of pathogens, including but not limited to: Listeria Monocytogenes, confirmed Clostridium Botulinum, E. coli 0157:H7 and all salmonella in ready-to-eat foods.

3. "Organics recycler" means a facility, permitted by the department, that recycles food scraps through use as animal feed or a feed ingredient, rendering, land application, composting, aerobic digestion, anaerobic digestion, fermentation, or ethanol production. Animal scraps, food soiled paper, and post-consumer food scraps are prohibited for use as animal feed or as a feed ingredient. The proportion of the product created from food scraps by a composting or digestion facility, including a wastewater treatment plant that operates a digestion facility, or

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other treatment system, must be used in a beneficial manner as a soil amendment and shall not be disposed of or incinerated.

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

5. "Single location" means contiguous property under common ownership, which may include one or more buildings.

6. "Incinerator" shall have the same meaning as provided in section

72-0401 of this chapter.

7. "Landfill" shall have the same meaning as provided in section 72-0401 of this chapter.

8. "Transfer facility" means a solid waste management facility, whether owned or operated by a private or public entity, other than a recyclables handling and recovery facility, used oil facility, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for processing, treating, disposal, recovery, or further transfer.

§ 27-2203. Designated food scraps generator responsibilities.

1. Effective January first, two thousand twenty-two:

(a) all designated food scraps generators shall separate their excess edible food for donation for human consumption to the maximum extent practicable, and in accordance with applicable laws, rules and regulations related to food donation; and

(b) except as provided in paragraph (c) of this subdivision, each designated food scraps generator that is within twenty-five miles of an organics recycler, to the extent that the recycler has capacity to accept all of such generator's food scraps based on the department's yearly estimate of an organic recyclers' capacity pursuant to section 27-2211 of this title, shall:

(i) separate its remaining food scraps from other solid waste;

(ii) ensure proper storage for food scraps on site which shall preclude such materials from becoming odorous or attracting vectors, such as a container that has a lid and a latch that keeps the lid closed and is resistant to tampering by rodents or other wildlife and has sufficient capacity;

(iii) have information available and provide training for employees concerning the proper methods to separate and store food scraps; and

(iv) obtain a transporter that will deliver food scraps to an organics recycler, self-haul its food scraps to an organics recycler, or provide for organics recycling on-site via in vessel composting, aerobic or anaerobic digestion or any other method of processing organic waste that the department approves by regulation, for some or all of the food waste it generates on its premises, provided that the remainder is delivered to an organics recycler.

(c) The provisions of paragraph (b) of this subdivision shall not apply to any designated food scraps generator that has all of its food scraps processed in a mixed solid waste composting or mixed solid waste anaerobic digestion facility.

2. All designated food scraps generators shall submit an annual report to the department on or before March first, two thousand twenty-three, and annually thereafter, in an electronic format. The annual report must summarize the amount of edible food donated, the amount of food scraps recycled, the organics recycler or recyclers and associated transporters used, and any other information as required by the department.

3. A designated food scraps generator may petition the department for a temporary waiver from some or all of the requirements of this title. The petition must include evidence of undue hardship based on:

(a) the designated food scraps generator does not meet the two tons per week threshold;

(b) the cost of processing organic waste is not reasonably competitive with the cost of disposing of waste by landfill;

(c) the organics recycler does not have sufficient capacity, despite

the department's calculation; or

(d) the unique circumstances of the generator.

A waiver shall be no longer than one year in duration provided, however, the department may renew such waiver.

§ 27-2205. Waste transporter responsibilities.

1. Any waste transporter that collects food scraps for recycling from a designated food scraps generator shall:

(a) deliver food scraps to a transfer facility that will deliver such food scraps to an organics recycler unless such generator has received a temporary waiver under subdivision three of section 27-2203 of this title; or

(b) deliver such food scraps directly to an organics recycler.

2. Any waste transporter that collects food scraps from a designated food scraps generator shall take all reasonable precautions to not deliver those food scraps to an incinerator or a landfill nor commingle the material with any other solid waste unless such commingled waste can be processed by an organics recycler or unless such generator has received a temporary waiver under subdivision three of section 27-2203 of this title.

§ 27-2207. Transfer facility.

Any transfer facility that receives food scraps from a designated food scraps generator must ensure that the food scraps are taken to an organics recycler unless such generator has received a temporary waiver under subdivision three of section 27-2203 of this title. A transfer facility shall take all reasonable precautions to not commingle the material with any other solid waste unless such commingled waste can be processed by an organics recycler.

§ 27-2209. Food scraps disposal prohibition.

Incinerators and landfills shall take all reasonable precautions to not accept food scraps from designated food scraps generators required to send their food scraps to an organics recycler as outlined under section 27-2203 of this title, after January first, two thousand twenty-two, unless the designated food scraps generator has received a temporary waiver under subdivision three of section 27-2203 of this title.

§ 27-2211. Department responsibilities.

1. The department shall publish on its website: (a) the methodology the department will use to determine who is a designated food scrap generator; (b) the waiver process; (c) procedures to minimize odors and vectors; and (d) a list of all designated food scraps generators, organics recyclers, and all waste transporters that manage source-separated organics.

2. No later than June first, two thousand twenty-one and annually thereafter, the department shall assess the capacity of each organic recycler and notify designated food scraps generators if they are required to comply with the provisions of paragraph (b) of subdivision one of section 27-2203 of this title.

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3. The department shall develop and make available educational materials to assist designated food scraps generators with compliance with this title. The department shall also develop education materials on food waste minimization and encourage municipalities to disseminate these materials both on their municipal websites and in any such future mailings to their residents as they may distribute.

4. The department shall regulate organics recyclers to ensure that their activities do not impair water quality or otherwise harm human

health and the environment.

§ 27-2213. Regulations.

The department shall, after one or more public hearings, promulgate rules and regulations necessary to implement the provisions of this title including: (a) the methodology the department will use to determine who is a designated food scraps generator; (b) the waiver process; (c) procedures to minimize odors and vectors; (d) a list of all designated food scraps generators, organics recyclers, and all waste transporters that manage source-separated organics; and (e) how designated food scraps generators shall comply with the provisions of paragraph (a) and subparagraph (i) of paragraph (b) of subdivision one of section 27-2203 of this title.

§ 27-2215. Exclusions.

1. This title shall not apply to any designated food scraps generators located in a city with a population of one million or more which has a local law, ordinance or regulation in place which requires the diversion of edible food and food scraps from disposal.

2. This title does not apply to hospitals, nursing homes, adult care facilities, and elementary and secondary schools.

§ 27-2217. Annual report.

No later than January first, two thousand twenty-three, and on an annual basis thereafter, the department shall submit an annual report to the governor and legislature describing the operation of the food donation and food scraps recycling program including amount of edible food donated, amount of food scraps recycled, sample educational materials, and number of waivers provided.

§ 27-2219. Severability.

The provisions of this title shall be severable and if any portion thereof or the applicability thereof to any person or circumstance is held invalid, the remainder of this title and the application thereof shall not be affected thereby.

§ 3. This act shall take effect immediately.

CHAPTER 673

AN ACT to amend the environmental conservation law, in relation to establishing a postconsumer paint collection program

Became a law December 16, 2019, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 20 to read as follows:

TITLE 20

POSTCONSUMER PAINT COLLECTION PROGRAM

Section 27-2001. Definitions.

27-2003. Postconsumer paint collection program.

27-2005. Reporting requirements.

27-2007. Department responsibilities.

§ 27-2001. Definitions.

As used in this title, the following terms shall have the following meanings:

1. "architectural paint" means interior and exterior architectural coatings sold in containers of five gallons or less; provided, however, that "architectural paint" shall not include industrial, original equipment or specialty coatings.

2. "commissioner" means the commissioner of environmental conservation.

3. "department" means the department of environmental conservation.

4. "environmentally sound management practices" means procedures for the collection, storage, transportation, reuse, recycling and disposal of architectural paint, to be implemented by the producer or representative organization or by the producers or representative organization's contracted partners to ensure compliance with all applicable federal, state and local laws and any regulations and ordinances for the protection of human health and the environment and these procedures shall address adequate record keeping, tracking and documenting of the final disposition of materials.

5. "postconsumer paint" means architectural paint not used and no longer wanted by a purchaser.

6. "producer" means a manufacturer of architectural paint who sells, offers for sale or distributes the architectural paint in the state.

7. "program" means the postconsumer paint collection program established pursuant to section 27-2003 of this title.

8. "recycling" means a process by which discarded products, components and by-products are transformed into new usable or marketable materials in a manner in which the original products may lose their identity. This term excludes thermal treatment or the use of waste as a fuel substitute or for energy production.

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

9. "representative organization" means a not-for-profit organization

established by a producer to implement the postconsumer paint collection program.

10. "retailer" means a person that offers architectural paint for sale at retail in the state.

11. "Reuse" means the return of a product into the economic stream for use in the same kind of application as the product was originally intended to be used, without a change in the product's identity.

12. "Sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means; this does not include samples, donations, and reuse.

§ 27-2003. Postconsumer paint collection program.

1. No later than July first, two thousand twenty, a producer, either individually or cooperatively, or a representative organization shall submit to the commissioner for the commissioner's approval a plan for the establishment of a postconsumer paint collection program. Such plan shall be accompanied by a fee of five thousand dollars for an individual producer or, in the case of a representative organization or producers acting collectively, a fee of ten thousand dollars. The program will minimize public sector involvement in the management of postconsumer paint by reducing its generation, promoting its reuse and recycling and negotiating and executing agreements to collect, transport, reuse, recycle and properly dispose of postconsumer paint using environmentally sound management practices.

2. A producer may satisfy the postconsumer paint collection program requirement of this section by agreeing to participate collectively with other producers. Any such collective postconsumer paint collection program shall meet the same requirements as an individual producer. Such program shall submit a registration to the department along with a registration fee of ten thousand dollars.

3. The plan submitted by the producer or representative organization to the department under this section shall:

(a) provide a list of each participating producer and brands covered by the program.

(b) provide information on the architectural paint products covered under the program.

(c) describe how the producer or representative organization will collect, transport, recycle, and process postconsumer paint for end-of-life management, including recycling and disposal, using environmentally sound management practices.

(d) describe how it will provide for convenient and cost-effective statewide collection of postconsumer architectural paint in the state. The producer or representative organization may coordinate the program with existing municipal waste collection infrastructure as is mutually agreeable. A paint retailer may participate, on a voluntary basis, as a paint collection site if the paint retailer volunteers to act as such and complies with all applicable laws and regulations.

(e) provide geographic modeling to determine the number and distribution of sites for collection of postconsumer architectural paint based on the following criteria (i) at least ninety percent of New York residents shall have a collection site within a fifteen mile radius; and (ii) one additional site will be established for every fifty thousand residents of an urbanized area (as defined by the United States Census Bureau), unless the producer is a small business taxpayer as defined in



paragraph (f) of subdivision one of section two hundred ten of the tax law or unless otherwise approved by the commissioner.

(f) describe the intended treatment, storage, transportation and disposal options and methods for the collection of postconsumer paint. The management of paint under the program shall promote reuse and recycling.

(g) describe in detail education and outreach efforts to inform consumers about the program. These materials should include (i) information about collection opportunities for postconsumer paint; (ii) information about the charge for the operation of the program that shall be included by the producer in the price charged to the retailer of all architectural paint sold in the state; and (iii) efforts to promote the source reduction, reuse, and recycling of architectural paint.

(h) set forth the process by which an independent auditor will be selected and identify the criteria used by the producer or representative organization in selecting an independent auditor.

(i) identify, in detail, the operational plans for interacting with retailers on the proper handling and management of post-consumer paint.

(j) include the targeted annual collection rate.

(k) be reviewed by an independent financial auditor to assure that any added cost to paint sold in the state as a result of the postconsumer paint collection program does not exceed the costs of the program. The independent auditor shall verify that the amount added to each unit of paint will cover the costs of the postconsumer paint collection program.

4. The independent financial auditor may be selected by the department and the department shall review the work product of any such independent auditor. The department may terminate the services of any such independent auditor. The cost of any work performed by such independent auditor shall be funded by the program.

5. The commissioner shall approve or reject a plan submitted under this section within sixty days of submission and, if rejected, inform the producer or representative organization in writing as to any deficiencies in said plan. A producer or representative organization shall amend and resubmit any rejected plans for reconsideration within sixty days of notification of the rejection of said plan. The commissioner shall approve or reject said plan within thirty days of resubmission.

6. Beginning not later than January first, two thousand twenty-one or six months after the plan is approved under subdivision five of this section, whichever occurs later, the producer or representative organization shall implement the postconsumer paint collection program utilizing collection sites established pursuant to paragraph (e) of subdivision three of this section.

7. Not later than the implementation date of the program, information regarding the approved plan, the names of participating producers, and the brands of architectural paint covered by the program shall be posted on the department's website and on the website of the producer and representative organization.

8. Upon implementation of the program, each producer shall include in the price of any architectural paint sold to retailers and distributors in the state the per container amount in the approved program plan. A retailer or distributor shall not deduct this amount from the purchase price.

9. A producer or retailer shall not sell, or offer for sale, architectural paint to any person in the state unless the producer and the producer's brands are registered with the department pursuant to section

27-2003 of this title on and after the date of implementation of the postconsumer paint collection program.

10. (a) A retailer shall be in compliance with this section if, on the date the architectural paint was offered for sale, the producer is listed on the department's website as implementing or participating in an approved program or if the paint brand is listed on the department's website as being included in the program.

(b) A paint collection site authorized under the provisions of this section shall not charge any additional amount for the disposal of paint when it is offered for disposal.

11. (a) A producer or the representative organization that organizes the collection, transport and processing of postconsumer paint, in an action solely to increase the recycling of architectural paint by a producer, representative organization, or retailer that affects the types and quantities being recycled or the cost and structure of any return program shall not be liable for any claim of a violation of anti-trust, restraint of trade or unfair trade practice arising from conduct undertaken in accordance with the program pursuant to this section.

(b) Provided however, paragraph (a) of this subdivision shall not apply to any agreement establishing or affecting the price of paint except for the postconsumer paint collection assessment or the output or production of paint or any agreement restricting the geographic area or customers to which paint will be sold.

12. The operator of the post consumer paint collection program shall update the plan, as needed, when there are changes proposed to the current program. A new plan or amendment will be required to be submitted to the department for approval when:

(a) there is an addition to the products covered under the program; or

(b) there is a revision of the program's goals; or

(c) every four years.

The operator of the postconsumer paint collection program shall notify the department annually, in writing, if there are no changes proposed to the program and the producer or representative organization intends to continue implementation of the program as previously approved by the department.

13. Any person who becomes a producer on or after January first, two thousand twenty shall submit a plan to the department prior to selling or offering for sale in the state any architectural paint, and must comply with the requirements of this title.

#### § 27-2005. Reporting requirements.

1. On or before October fifteenth, two thousand twenty-one, and annually thereafter, each operator of a program shall submit a report to the commissioner that details the postconsumer paint collection program for the prior year's program from July first to June thirtieth. The report shall be posted on the department's website. The report shall be posted on the website of the producer and representative organization. Said report shall include a copy of the independent audit detailed in paragraph (d) of this subdivision. Such annual report shall include:

(a) a detailed description of the methods used to collect, transport and process postconsumer paint in the state including detailing collection methods made available to consumers and an evaluation of the program's collection convenience;

(b) the overall volume of postconsumer paint collected in the state;

(c) the volume and type of postconsumer paint collected in the state by method of disposition, including reuse, recycling and other methods of processing or disposal;

(d) the total cost of implementing the program, as determined by an independent financial audit, as performed by an independent auditor;

(e) samples of all educational materials provided to consumers of architectural paint and retailers; and

(f) a detailed list of efforts undertaken and an evaluation of the methods used to disseminate such materials including recommendations, if any, for how the educational component of the program can be improved.

2. The department shall submit a report regarding the implementation of this title in this state to the governor and legislature by April first, two thousand twenty-two and every two years thereafter. The report must include, at a minimum, an evaluation of:

(a) the architectural paint stream in the state;

(b) disposal, recycling and reuse rates in the state for architectural paint;

(c) a discussion of compliance and enforcement related to the requirements of this title; and

(d) recommendations for any changes to this title.

§ 27-2007. Department responsibilities.

1. The department shall promulgate all necessary rules and regulations including, but not limited to, standards for reuse.

2. The department shall (a) maintain a list of producers who are implementing or participating pursuant to section 27-2003 of this title, (b) maintain a list of each such producer's brands, and (c) post such lists on the department's website.

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

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

ANDREA STEWART-COUSINS  
Temporary President of the Senate

CARL E. HEASTIE  
Speaker of the Assembly

## CHAPTER 58

AN ACT to amend the highway law and the transportation law, in relation to consolidated local highway assistance payments (Part A); to amend the vehicle and traffic law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the vehicle and traffic law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); intentionally omitted (Part D); to amend the vehicle and traffic law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); to amend the public authorities law, in relation to agreements for fiber optics (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the public authorities law, in relation to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); intentionally omitted (Part J); to amend chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the effectiveness thereof (Part R); to amend the general business law, in relation to prohibiting pricing of goods and services on the basis of gender (Part S); intentionally omitted (Part T); to amend the state law, in relation to making changes to the arms of the state (Part U); to amend the executive law, the real property law and the general business law, in relation to qualifications for appointment and employment (Part V); to amend the real property law, in relation to home inspection professional licensing (Part W); intentionally omitted (Part X); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part CC); to amend the infrastructure investment act, in

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

relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending the general loan powers of the New York state urban development corporation (Part FF); to amend the economic development law, in relation to economic transformation program eligibility (Part GG); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part HH); to amend the labor law, in relation to the definition of farm laborer and labor practices for farm laborers (Part II); to amend the general municipal law, in relation to procurement procedures for school districts in relation to New York state products (Part JJ); to amend the public authorities law, in relation to the water pollution control revolving fund and the drinking water revolving fund (Part KK); intentionally omitted (Part LL); to amend the financial services law, in relation to student debt consultants (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); to amend the environmental conservation law, in relation to expanded polystyrene foam container and polystyrene loose fill packaging ban; to amend the state finance law, in relation to moneys collected for violations of the expanded polystyrene foam container and polystyrene loose fill packaging ban; and providing for the repeal of certain provisions upon expiration thereof (Part PP); authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2020 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); to amend the environmental conservation law and the state finance law, in relation to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part UU); intentionally omitted (Part VV); to amend the environmental conservation law, in relation to banning fracking (Part WW); to amend the vehicle and traffic law, in relation to bicycles with electric assist and electric scooters (Part XX); to amend chapter 62 of the laws of 2003, amending the vehicle and

traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part YY); to amend the vehicle and traffic law, in relation to the acceptance of applications for accident prevention and pre-licensing internet courses; and to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part ZZ); intentionally omitted (Part AAA); intentionally omitted (Part BBB); intentionally omitted (Part CCC); intentionally omitted (Part DDD); to amend the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); to amend the labor law, in relation to prevailing wage requirements (Part FFF); intentionally omitted (Part GGG); intentionally omitted (Part HHH); to amend the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); to amend the public service law, the executive law, the public authorities law, the environmental conservation law and the state finance law, in relation to accelerating the growth of renewable energy facilities to meet critical state energy policy goals; and providing for the repeal of such provisions upon expiration thereof (Part JJJ); to amend the economic development law, in relation to extending the application deadline for businesses to participate in the START-UP NY program (Part KKK); to amend the public authorities law, in relation to authorizing the metropolitan transportation authority to borrow money and issue negotiable notes, bonds or other obligations to offset decreases in revenue; and providing for the repeal of certain provisions upon expiration thereof (Part LLL); to amend the public authorities law, in relation to the central business district tolling lockbox fund (Part MMM); to amend the mental hygiene law, in relation to admission to residential treatment facilities (RTF) for children and youth (Part NNN); to authorize the transfer of certain office of mental health employees to the secure treatment rehabilitation center (Part OOO); to amend the mental hygiene law, in relation to the amount of time an individual may be held for emergency observation, care, and treatment in CPEP and the implementation of satellite sites; to amend chapter 723 of the laws of 1989 amending the mental hygiene law and other laws relating to comprehensive psychiatric emergency programs, in relation to the effectiveness of certain provisions thereof; and to repeal paragraphs 4 and 8 of subdivision (a) and subdivision (i) of section 31.27 of the mental hygiene law, relating thereto (Part PPP); to amend the insurance law, in relation to penalties relating to mental health and substance use disorder parity compliance requirements; and to amend the state finance law and the public health law, in relation to establishing the behavioral health parity compliance fund (Part QQQ); to amend the mental hygiene law, the social services law and the public health law, in relation to providers of service (Part RRR); to amend education law and other laws relating to applied behavior analysis, in relation to extending the expiration of certain provisions thereof (Part SSS); to amend part Q of chapter 59 of the laws of 2016, amending the mental hygiene law relating to the closure or transfer of a

the effectiveness thereof (Part TTT); to amend the state finance law, in relation to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses; and providing for the repeal of certain provisions upon expiration thereof (Part UUU); to amend the public authorities law, in relation to acquisitions or transfers of property for transit projects; and providing for the repeal of such provisions upon the expiration thereof (Part VVV); to amend the tax law and the administrative code of the city of New York, in relation to decoupling from certain federal tax changes (Part WWW); to amend chapter 492 of the laws of 1993 amending the local finance law relating to installment loans and obligations evidencing installment loans, in relation to extending the effectiveness thereof (Item A); to amend chapter 581 of the laws of 2005 amending the local finance law relating to statutory installment bonds, in relation to extending the effectiveness thereof (Item B); to amend chapter 629 of the laws of 2005, amending the local finance law relating to refunding bonds, in relation to extending the effectiveness thereof (Item C); to amend chapter 307 of the laws of 2005, amending the public authorities law relating to the special powers of the New York state environmental facilities corporation, in relation to extending the effectiveness thereof (Item D); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage Atlantic and shortnose sturgeon (Item E); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage Atlantic Cod (Item F); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage Atlantic herring (Item G); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage black sea bass (Item H); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage blueback herring (Item I); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage crabs (Item J); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to restrict the taking of fish, shellfish and crustacea in special management areas (Item K); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage of fluke-summer flounder (Item L); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage scup (Item M); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage sharks (Item N); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage squid (Item O); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage whelk and conch (Item P); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage winter flounder (Item Q); and to amend the environmental conservation

law, in relation to commercial fishing licenses (Item R) (Subpart A);  
to authorize certain health care professionals licensed to practice in

other jurisdictions to practice in this state in connection with an event sanctioned by the World Triathlon Corporation; and providing for the repeal of such provisions upon expiration thereof (Item A); to amend chapter 510 of the laws of 2013, authorizing the city of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage a private party to collect some or all of the delinquent tax liens held by it, in relation to the effectiveness thereof (Item B); redistributing bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, relating to allocation of the unified state bond volume ceiling, and enacting the private activity bond allocation act of 2020; and providing for the repeal of certain provisions upon expiration thereof (Item C); to amend chapter 448 of the laws of 2017, amending the canal law relating to the upstate flood mitigation task force, in relation to extending the effectiveness thereof (Item D); intentionally omitted (Item E); intentionally omitted (Item F); intentionally omitted (Item G); intentionally omitted (Item H); intentionally omitted (Item I); intentionally omitted (Item J); to amend chapter 454 of the laws of 2010, amending the vehicle and traffic law relating to authorizing a pilot residential parking permit system in the city of Albany, in relation to the effectiveness thereof (Item K); to amend chapter 465 of the laws of 1994, amending chapter 285 of the laws of 1891 relating to charging a fee for admission to the New York Botanical Garden, in relation to the effectiveness thereof (Item L); to amend chapter 414 of the laws of 2018, creating the radon task force, in relation to the reporting date and effectiveness thereof (Item M); to amend chapter 435 of the laws of 2014 amending the environmental conservation law relating to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters, in relation to extending the effectiveness thereof (Item N); to amend chapter 330 of the laws of 2014, amending the environmental conservation law relating to aquatic invasive species, spread prevention, and penalties, in relation to the effectiveness thereof (Item O); to amend chapter 104 of the laws of 2005, enacting the September 11th worker protection task force act, in relation to extending the expiration of such chapter (Item P); to amend chapter 266 of the laws of 1981, amending the civil practice law and rules relating to time limitations, in relation to extending time limitations for certain actions (Item Q); to amend chapter 455 of the laws of 1997 amending the New York city civil court act and the civil practice law and rules relating to authorizing New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments, in relation to extending the effectiveness of such chapter (Item R); to amend chapter 490 of the laws of 2017 amending the insurance law relating to limits on certain supplementary insurance, in relation to extending the provisions thereof (Item S); to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie (Item T); to amend chapter 846 of the laws of 1970, amending the county law relating to payment in lieu of taxes for property acquired for park or recreational purposes, in relation to extending the term of effectiveness of such chapter (Item U); to amend chapter 821 of the laws of 1970 amending the town law relating to payment in lieu of



taxes for property acquired for park or recreational purposes by the town of Hempstead, in relation to the term of effectiveness of such chapter (Item V); to amend chapter 20 of the laws of 1998, amending CHAP. 58 6

the education law relating to the provision of physical therapy assistant services in public and private primary and secondary schools, in relation to extending the effectiveness of such chapter (Item W); to amend chapter 549 of the laws of 1994, amending the public authorities law relating to the membership composition of the metropolitan transportation authority board, in relation to extending the effectiveness of such provisions (Item X); to amend chapter 62 of the laws of 2003, amending the public service law relating to establishing the New York telecommunications relay service center, in relation to extending certain provisions of such center (Item Y); to amend chapter 55 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to the effectiveness thereof; and to amend chapter 129 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities, in relation to the effectiveness thereof (Item Z); to amend chapter 427 of the laws of 2017 amending the state technology law relating to the creation of a state information technology innovation center, in relation to extending the provisions thereof (Item AA); to amend chapter 606 of the laws of 2006 amending the volunteer firefighters' benefit law relating to creating a presumption relating to certain lung disabilities incurred by volunteer firefighters, in relation to the effectiveness of such chapter (Item BB); to amend chapter 668 of the laws of 1977, amending the volunteer firefighters' benefit law relating to disability due to disease or malfunction of the heart or coronary arteries, in relation to extending the expiration of such provisions (Item CC); to amend chapter 217 of the laws of 2015, amending the education law relating to certified school psychologists and special education services and programs for preschool children with handicapping conditions, in relation to the effectiveness thereof (Item DD); to amend chapter 192 of the laws of 2011, relating to authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners, in relation to extending the provisions thereof (Item EE); to amend chapter 378 of the laws of 2010 amending the education law relating to paperwork reduction, in relation to extending the provisions thereof (Item FF); to amend the local finance law, in relation to bonds and notes of the city of Yonkers (Item GG); to amend the local finance law, in relation to the sale of bonds and notes of the city of Buffalo (Item HH); to amend chapter 401 of the laws of 2002, amending the real property tax law and the Nassau county administrative code relating to assessment and review of assessments in the county of Nassau, in relation to extending certain provisions thereof (Item II); to amend the insurance law, in relation to extending provisions of the property/casualty insurance availability act (Item JJ); to amend chapter 548 of the laws of 2004 amending the education law relating to certain tuition waivers for police officer students of the city university of New York, in relation to extending the provisions of such chapter (Item KK); to amend part U of chapter 56 of the laws of 2018, amending the education law relating to requiring

regulations to permit tuition waivers for certain firefighters and fire officers for CUNY, in relation to the effectiveness thereof (Item LL); to amend chapter 274 of the laws of 2010 amending the environmental conservation law relating to repair of damaged pesticide

containers, in relation to the effectiveness thereof (Item MM); to amend the environmental conservation law, in relation to pesticide registration time frames and fees; and to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Item NN); to amend chapter 130 of the laws of 1998, amending the general municipal law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof (Item OO); to amend chapter 779 of the laws of 1986, amending the social services law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to extending the effectiveness of certain provisions thereof (Item PP); to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof (Item QQ); to amend the racing, pari-mutuel wagering and breeding law, in relation to certain payments to the horsemen's organization (Item RR); to amend chapter 237 of the laws of 2015 amending the judiciary law, the civil practice law and rules and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof (Item SS); to amend chapter 890 of the laws of 1982, relating to the establishment of certain water charges for hospitals and charities in New York city, in relation to the effectiveness thereof (Item TT); to amend chapter 573 of the laws of 2011, amending the correction law relating to the boarding of out of state inmates at local correctional facilities, in relation to extending the expiration of the provisions thereof (Item UU); to amend chapter 29 of the laws of 2011 amending the executive law and other laws relating to the adoption of the interstate compact for juveniles by the state of New York, in relation to the effectiveness thereof (Item VV); to amend chapter 363 of the laws of 2010, amending the judiciary law relating to granting the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session, in relation to the expiration date thereof (Item WW); to amend the economic development law, in relation to an advisory panel on employee-owned enterprises within the division of small business services; and to amend chapter 435 of the laws of 2017 amending the economic development law, relating to establishing an advisory panel on employee-owned enterprises within the division of small business services, in relation to the effectiveness thereof (Item XX); to amend chapter 522 of the laws of 2000, amending the state finance law and the general business law relating to establishing the underground facilities safety training account, in relation to

the effectiveness thereof (Item YY); to amend chapter 141 of the laws of 2014 amending the environmental conservation law relating to authorizing the hunting of big game in the county of Albany with rifles, in relation to the effectiveness thereof (Item ZZ); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage

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control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness of certain provisions thereof (Item AAA); to amend chapter 473 of the laws of 2010 amending the racing, pari-mutuel wagering and breeding law relating to the New York state thoroughbred breeding and development fund, in relation to the effectiveness thereof (Item BBB); to amend chapter 451 of the laws of 2012, amending the labor law relating to permitted deductions from wages, in relation to extending the effectiveness of such provisions (Item CCC); to amend chapter 456 of the laws of 2018 relating to establishing the digital currency task force, in relation to extending the provisions of such chapter (Item DDD); to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof (Item EEE); to amend chapter 402 of the laws of 1994, amending the state administrative procedure act relating to requiring certain agencies to submit regulatory agendas for publication in the state register, in relation to the effectiveness thereof (Item FFF); to amend chapter 378 of the laws of 2014 amending the environmental conservation law relating to the taking of sharks, in relation to the expiration thereof (Item GGG); to amend chapter 306 of the laws of 2011, authorizing owners of residential real property in high risk brush fire areas in the borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year (Item HHH); to amend chapter 110 of the laws of 2019, relating to creating a temporary state commission to study and investigate how to regulate artificial intelligence, robotics and automation, in relation to the effectiveness thereof (Item III); to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities (Item JJJ); to amend the real property tax law, in relation to extending limitations on the shift between classes of taxable property in the town of Orangetown, county of Rockland (Item KKK); to amend the real property tax law, in relation to extending limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland (Item LLL); to amend the real property tax law, in relation to allowing certain special assessing units other than cities to adjust their current base proportions, adjusted base proportions for assessment rolls, and the base proportion in approved assessing units in Nassau county (Item MMM); to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits (Item NNN); to amend chapter 633 of the laws of 2006, amending the public health law relating to the home based primary care for the elderly demonstration project, in relation to the effectiveness thereof (Item OOO); to amend chapter 329 of the laws of 2015 amending the vehicle and traffic law relating to the residential parking system in the village of Dobbs Ferry in the county

of Westchester, in relation to the effectiveness thereof (Item PPP); to amend chapter 383 of the laws of 1991, relating to the incorporation of the New York Zoological Society, in relation to extending the expiration date of free one day admission to the zoological park (Item QQQ); to amend the real property tax law, in relation to increasing the average assessed value threshold and to eligibility for

J-51 tax abatements (Item RRR); to amend chapter 831 of the laws of 1981, amending the labor law relating to fees and expenses in unemployment insurance proceedings, in relation to the effectiveness thereof (Item SSS); to amend the insurance law, in relation to extending authorization for certain exemptions from filing requirements (Item TTT); and to amend the tax law and the administrative code of the city of New York, in relation to extending the tax rate reduction under the New York state real estate transfer tax and the New York city real property transfer tax for conveyances of real property to existing real estate investment funds (Item UUU) (Subpart B); to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Albany (Item A); to amend the tax law, in relation to extending the expiration of the provisions authorizing the county of Allegany to impose an additional one and one-half percent sales and compensating use taxes (Item B); to amend the tax law, in relation to extending the authorization of the county of Broome to impose an additional one percent of sales and compensating use taxes (Item C); to amend the tax law, in relation to extending the expiration of provisions authorizing the county of Cattaraugus to impose an additional one percent of sales and compensating use tax (Item D); to amend the tax law, in relation to extending the authorization of the county of Cayuga to impose an additional one percent of sales and compensating use taxes (Item E); to amend the tax law, in relation to authorizing Chautauqua county to impose an additional one percent rate of sales and compensating use taxes (Item F); to amend the tax law, in relation to extending the authorization of the county of Chemung to impose an additional one percent of sales and compensating use taxes (Item G); to amend the tax law, in relation to extending the authority of Chenango county to impose additional taxes (Item H); to amend the tax law, in relation to extending the expiration of the authorization granted to the county of Clinton to impose an additional rate of sales and compensating use tax (Item I); to amend the tax law, in relation to sales and compensating use tax in Columbia county (Item J); to amend the tax law, in relation to extending the authorization for imposition of additional sales tax in the county of Cortland (Item K); to amend the tax law, in relation to extending the authorization of the county of Delaware to impose an additional one percent of sales and compensating use taxes (Item L); to amend the tax law, in relation to sales and compensating use tax in Dutchess county (Item M); to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie county (Item N); to amend the tax law, in relation to extending the authorization granted to the county of Essex to impose an additional one percent of sales and compensating use taxes (Item O); to amend the tax law, in relation to extending the expiration of the authority granted to the county of Franklin to impose an additional one percent of sales and compensating use taxes (Item P); to amend the tax law, in relation to the imposition of additional sales and compensating use tax in Fulton county (Item Q); to amend the tax law, in relation to extending the expira-

tion of the authorization to the county of Genesee to impose an additional one percent of sales and compensating use taxes (Item R); to amend the tax law, in relation to extending the authorization for imposition of additional sales and compensating use taxes in Greene county (Item S); to amend the tax law, in relation to extending the authorization of the county of Hamilton to impose an additional one percent of sales and compensating use taxes (Item T); to amend the tax

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law, in relation to extending the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes (Item U); to amend the tax law, in relation to authorizing the county of Jefferson to impose additional sales tax (Item V); to amend the tax law, in relation to authorizing the county of Lewis to impose an additional one percent of sales and compensating use taxes (Item W); to amend the tax law, in relation to authorizing the county of Livingston to impose an additional one percent sales tax (Item X); to amend the tax law, in relation to extending the authorization of the county of Madison to impose an additional rate of sales and compensating use taxes (Item Y); to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Monroe (Item Z); to amend the tax law, in relation to the imposition of sales and compensating use taxes in Montgomery county (Item AA); to amend the tax law, in relation to extending the authority of the county of Nassau to impose additional sales and compensating use taxes, and extending local government assistance programs in Nassau county (Item BB); to amend the tax law, in relation to continuing to authorize Niagara county to impose an additional rate of sales and compensating use taxes (Item CC); to amend the tax law, in relation to authorizing Oneida county to impose additional rates of sales and compensating use taxes and providing for allocation and distribution of a portion of net collections from such additional rates (Item DD); to amend the tax law, in relation to extending the authorization of the county of Onondaga to impose an additional rate of sales and compensating use taxes (Item EE); to amend the tax law, in relation to extending the authorization for Ontario county to impose additional rates of sales and compensating use taxes (Item FF); to amend the tax law, in relation to extending the authority of the county of Orange to impose an additional rate of sales and compensating use taxes (Item GG); to amend the tax law, in relation to extending the period during which the county of Orleans is authorized to impose additional rates of sales and compensating use taxes (Item HH); to amend the tax law, in relation to extending authorization for an additional one percent sales and compensating use tax in the county of Oswego (Item II); to amend the tax law, in relation to extending the authorization for imposition of additional sales tax in the county of Otsego (Item JJ); to amend the tax law, in relation to the imposition of sales and compensating use taxes in the county of Putnam (Item KK); to amend the tax law, in relation to extending the authorization of the county of Rensselaer to impose an additional one percent of sales and compensating use taxes (Item LL); to amend the tax law, in relation to authorizing the county of Rockland to impose an additional rate of sales and compensating use taxes (Item MM); to amend the tax law, in relation to extending the authority of St. Lawrence county to impose sales tax (Item NN); to amend the tax law, in relation to the imposition of sales and compensating use tax in Schenectady county (Item OO); to amend the tax law, in relation to extending the authorization for

imposition of additional sales tax in the county of Schoharie (Item PP); to amend the tax law, in relation to extending the authorization of the county of Schuyler to impose an additional one percent of sales and compensating use taxes (Item QQ); to amend the tax law, in relation to extending the expiration of the authorization to the county of Seneca to impose an additional one percent sales and compensating use tax (Item RR); to amend the tax law, in relation to extending the authorization of the county of Steuben to impose an additional one

percent of sales and compensating use taxes (Item SS); to amend the tax law, in relation to extending the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax (Item TT); to amend the tax law, in relation to extending authorization to impose certain taxes in the county of Sullivan (Item UU); to amend the tax law, in relation to extending the authorization of the county of Tioga to impose an additional one percent of sales and compensating use taxes (Item VV); to amend the tax law, in relation to extending the authorization of the county of Tompkins to impose an additional one percent of sales and compensating use taxes (Item WW); to amend the tax law and chapter 200 of the laws of 2002 amending the tax law relating to certain tax rates imposed by the county of Ulster, in relation to extending the authority of the county of Ulster to impose an additional 1 percent sales and compensating use tax (Item XX); to amend the tax law, in relation to extending the additional one percent sales tax for Wayne county (Item YY); to amend the tax law, in relation to extending the expiration of the authorization to the county of Wyoming to impose an additional one percent sales and compensating use tax (Item ZZ); to amend the tax law, in relation to extending the authorization of the county of Yates to impose an additional one percent of sales and compensating use taxes (Item AAA); to amend the tax law, in relation to extending the authorization of the city of Oswego to impose an additional tax rate of sales and compensating use taxes (Item BBB); to amend the tax law, in relation to authorizing the city of Yonkers to impose additional sales tax; and to amend chapter 67 of the laws of 2015, amending the tax law relating to authorizing the city of Yonkers to impose additional sales tax, in relation to extending provisions relating thereto (Item CCC); to amend the tax law, in relation to extending the authorization of the city of New Rochelle to impose an additional sales and compensating use tax (Item DDD); and to amend the tax law, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act; to amend chapter 272 of the laws of 1991, amending the tax law relating to the method of disposition of sales and compensating use tax revenue in Westchester county and enacting the Westchester county spending limitation act, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales; and to amend chapter 44 of the laws of 2019, amending the tax law relating to authorizing the county of Westchester to impose an additional rate of sales and compensating use tax, in relation to extending the authorization for the county of Westchester impose an additional tax rate of sales and compensating use taxes (Item EEE) (Subpart C); to amend the tax law, in relation to extending the authority of the county of Nassau to impose hotel and motel taxes in Nassau county; and to amend chapter 179 of the laws of 2000, amending the tax law, relating

to hotel and motel taxes in Nassau county and a surcharge on tickets to places of entertainment in such county, in relation to extending certain provisions thereof (Item A); to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua county, in relation to extending the expiration of such provisions (Item B); to amend the tax law, in relation to extending the expiration of the authority granted to the county of Suffolk to impose hotel and motel taxes (Item C); and to amend chapter 105 of the laws of 2009, amending chapter 693 of the laws of 1980 enabling the

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county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes, in relation to the effectiveness thereof (Item D) (Subpart D); to amend chapter 333 of the laws of 2006 amending the tax law relating to authorizing the county of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the effectiveness thereof (Item A); to amend chapter 326 of the laws of 2006, amending the tax law relating to authorizing the county of Hamilton to impose a county recording tax on obligations secured by mortgages on real property, in relation to extending the expiration thereof (Item B); to amend chapter 489 of the laws of 2004, amending the tax law relating to the mortgage recording tax in the county of Fulton, in relation to the effectiveness of such chapter (Item C); to amend the tax law, in relation to extending the expiration of the mortgage recording tax imposed by the city of Yonkers (Item D); to amend chapter 443 of the laws of 2007 amending the tax law relating to authorizing the county of Cortland to impose an additional mortgage recording tax, in relation to extending the effectiveness of such provisions (Item E); to amend chapter 579 of the laws of 2004, amending the tax law relating to authorizing the county of Genesee to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the provisions of such chapter (Item F); to amend chapter 366 of the laws of 2005 amending the tax law relating to authorizing the county of Yates to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the provisions of such chapter (Item G); to amend chapter 365 of the laws of 2005, amending the tax law relating to the mortgage recording tax in the county of Steuben, in relation to extending the provisions of such chapter (Item H); to amend chapter 405 of the laws of 2005 amending the tax law relating to authorizing the county of Albany to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the effectiveness thereof (Item I); intentionally omitted (Item J); intentionally omitted (Item K); to amend chapter 218 of the laws of 2009 amending the tax law relating to authorizing the county of Greene to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof (Item L); to amend chapter 368 of the laws of 2008, amending the tax law relating to authorizing the county of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof (Item M); and to amend chapter 549 of the laws of 2005 amending the tax law relating to authorizing the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property, in relation to the expiration thereof (Item N) (Subpart E); to amend chapter 556 of the laws of 2007 amending the tax law relating to imposing an additional real estate

transfer tax within the county of Columbia, in relation to the effectiveness thereof (Subpart F); to amend the tax law, the administrative code of the city of New York, chapter 877 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Subpart G); and to amend the tax law and part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof; to amend the general city law and the administra-

tive code of the city of New York, in relation to extending certain provisions relating to specially eligible premises and special rebates; to amend the administrative code of the city of New York, in relation to extending certain provisions relating to exemptions and deductions from base rent; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; and to amend the administrative code of the city of New York, in relation to extending certain provisions relating to a special reduction in determining the taxable base rent (Item A); to amend the real property tax law, in relation to extending the expiration of the solar electric generating system and the electric energy storage equipment tax abatement (Item B); to amend chapter 54 of the laws of 2016, amending part C of chapter 58 of the laws of 2005 relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to the effectiveness thereof (Item C); to amend part D of chapter 58 of the laws of 2016, relating to repealing certain provisions of the state finance law relating to the motorcycle safety fund, in relation to the effectiveness of certain provisions of such part (Item D); and to amend chapter 589 of the laws of 2015, amending the insurance law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof; and to amend chapter 588 of the laws of 2015, amending the insurance law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof (Item E) (Subpart H) (Part XXX); to amend the vehicle and traffic law, in relation to the disclosure of certain records by the commissioner of motor vehicles (Part YYY); and to amend the election law, in relation to public financing for state office; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to establishing the NYS campaign finance fund check-off (Part ZZZ)

Became a law April 3, 2020, with the approval of the Governor. Passed on message of necessity pursuant to Article III, section 14 of the Constitution by a majority vote, three-fifths being present.

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the



2020--2021 state fiscal year. Each component is wholly contained within a Part identified as Parts A through ZZZ. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

## PART PP

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 30 to read as follows:

### TITLE 30

#### EXPANDED POLYSTYRENE FOAM CONTAINER AND POLYSTYRENE LOOSE FILL PACKAGING BAN

##### Section 27-3001. Definitions.

27-3003. Expanded polystyrene foam container and polystyrene  
loose fill packaging ban.

27-3005. Exemptions and waivers.

27-3007. Preemption.

27-3009. Severability.

##### § 27-3001. Definitions.

For the purposes of this title, the following terms shall have the  
following meanings:

1. "Covered food service provider" means a person engaged in the busi-  
ness of selling or distributing prepared food or beverages for on-prem-  
ise or off-premise consumption including but not limited to: (a) food  
service establishments, caterers, temporary food service establishments,  
mobile food service establishments, and pushcarts as defined in the New  
York State Sanitary Code; (b) retail food stores as defined in article  
28 of the agriculture and markets law; (c) delicatessens; (d) grocery  
stores; (e) restaurants; (f) cafeterias; (g) coffee shops; (h) hospi-  
tals, adult care facilities, and nursing homes; and (i) elementary and  
secondary schools, colleges, and universities.

2. "Disposable food service container" means a bowl, carton, clam-  
shell, cup, lid, plate, tray, or any other product that is designed or  
used for the temporary storage or transport of a prepared food or bever-  
age including a container generally recognized by the public as being  
designed for single use.

3. "Expanded polystyrene foam" means expanded foam thermoplastics  
utilizing a styrene monomer and processed by any number of techniques.  
Such term shall not include rigid polystyrene.

4. "Manufacturer" means every person, firm or corporation that produc-  
es or imports polystyrene loose fill packaging that is sold, offered for  
sale, or distributed in the state.

5. "Polystyrene loose fill packaging" means a void-filling packaging  
product made of expanded polystyrene foam that is used as a packaging  
fill, commonly referred to as packing peanuts.

6. "Prepared food" means food or beverages that are cooked, chopped,  
sliced, mixed, brewed, frozen, heated, squeezed, combined or otherwise

prepared on the premises of a covered food service provider for immediate consumption and require no further preparation to be consumed. Prepared food includes but is not limited to ready to eat takeout foods and beverages.

7. "Rigid polystyrene" means plastic packaging made from rigid, polystyrene resin that has not been expanded, extruded, or foamed.

8. "Store" means a retail or wholesale establishment other than a covered food service provider.

§ 27-3003. Expanded polystyrene foam container and polystyrene loose fill packaging ban.

1. (a) Beginning January first, two thousand twenty-two, no covered food service provider or store shall sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam in the state.

(b) Beginning January first, two thousand twenty-two, no manufacturer or store shall sell, offer for sale, or distribute polystyrene loose fill packaging in the state.

2. The department is authorized to promulgate any other such rules and regulations as it shall deem necessary to implement the provisions of this title including criteria related to what constitutes comparable costs pursuant to subdivision two of section 27-3005 of this title.

§ 27-3005. Exemptions and waivers.

1. Notwithstanding any inconsistent provision of law, this title shall not apply to:

(a) Prepackaged food filled or sealed prior to receipt at a covered food service provider; or

(b) Raw meat, pork, seafood, poultry or fish sold for the purpose of cooking or preparing off-premises by the customer.

2. Any facility, regardless of its income, including soup kitchens, food pantries and places of worship, operated by a not-for-profit corporation or by a federal, state, or local government agency that provides food to needy individuals at no or nominal charge, and any covered food service provider having an annual gross income under five hundred thousand dollars per location as stated on the income tax filing for the most recent tax year and that: (a) does not operate ten or more locations within the state; and (b) is not operated pursuant to a franchise agreement may request from the department, in a manner and form established by the department, a financial hardship waiver of the requirements of section 27-3003 of this title. Such waiver request may apply to one or more disposable food service containers sold, offered for sale, or distributed by any such covered food service provider. The department shall grant a waiver if such covered food service provider demonstrates that there is no alternative product of comparable cost that is not composed of expanded polystyrene foam and that the purchase or use of an alternative product that is not composed of expanded polystyrene foam would create an undue financial hardship. Such financial hardship waiver shall be valid for twelve months and shall be renewable upon application to the department.

§ 27-3007. Preemption.

1. Except as provided in subdivisions two and three of this section, this title shall supersede and preempt all local laws, ordinances or regulations governing the sale, offer for sale, or distribution of disposable food service containers containing expanded polystyrene foam and polystyrene loose fill packaging.

2. Any local law, ordinance or regulation of any county shall not be

preempted if such local law, ordinance or regulation provides environmental protection equal to or greater than the provisions of this title or any rules or regulations promulgated hereunder, and such county files with the department a written declaration of its intent to administer and enforce such local law, ordinance or regulation.

3. This title shall not apply in a city with a population of one million or more which has a local law, ordinance or regulation in place which restricts the sale, offer for sale, or distribution of expanded polystyrene containers and polystyrene loose fill packaging.

§ 27-3009. Severability.

If any clause, sentence, paragraph, section or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 2. The environmental conservation law is amended by adding a new section 71-2730 to read as follows:

§ 71-2730. Enforcement of title 30 of article 27 of this chapter.

1. Any person who shall violate section 27-3003 of this chapter shall be liable to the state of New York for a civil penalty of not more than two hundred fifty dollars for the first violation, not more than five hundred dollars for the second violation in the same calendar year, and not more than one thousand dollars for the third and each subsequent violation in the same calendar year. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

2. (a) The department, the department of agriculture and markets, the department of health, and the attorney general are hereby authorized to enforce the provisions of section 27-3003 of this chapter.

(b) The provisions of section 27-3003 of this chapter may also be enforced by a county and the local legislative body thereof may adopt local laws, ordinances or regulations consistent with this title providing for the enforcement of such provisions. Provided that a violation of this title may not be enforced by both the state and a county, and provided further that any county that has filed a written declaration pursuant to subdivision two of section 27-3007 of this title shall not enforce the provisions of this title.

3. Any fines that are collected by the state during proceedings by the state to enforce the provisions of section 27-3003 of this chapter shall be paid into the environmental protection fund established pursuant to section ninety-two-s of the finance law.

4. Any fines that are collected by a county during proceedings by the county to enforce the provisions of section 27-3003 of this title within the county shall be retained by the county.

§ 3. Subdivision 3 of section 92-s of the state finance law, as amended by section 4 of part H of chapter 58 of the laws of 2019, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to

section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, all moneys required to be deposited pursuant to sections 27-2805 and 27-2807 of the environmental conservation law, all moneys collected pursuant to section 71-2730 of the environmental conservation law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 4. This act shall take effect immediately; provided however that subdivision 4 of section 71-2730 of the environmental conservation law as added by section two of this act shall expire and be deemed repealed January 1, 2025.

# **ATTACHMENT 5**



# The City of New York Department of Sanitation



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## 2019 Annual Report on Alternative Fuel Vehicle Programs Pursuant to Local Law 38 of 2005

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*Preview of NYC's First Battery-Electric Collection Truck*

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Kathryn Garcia, Commissioner  
March 2020

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# DSNY Annual Report on Alternative Fuel Vehicle Programs

## I. Introduction

The Department of Sanitation (DSNY) operates a sizeable fleet of trucks and other vehicles to carry out its mission to keep New York City healthy, safe and clean by collecting, recycling and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. In 2005, the City Council enacted Local Law 38 (LL38/2005), which directs DSNY to report annually on its use and testing of alternative fuel vehicles.<sup>1</sup> This report, which is submitted to the Mayor, the Comptroller and the City Council in accordance with LL38/2005, discusses the testing, analyses and assessments of DSNY's alternative fuel sanitation collection vehicles and street sweepers, and the feasibility of incorporating new alternative fuel sanitation vehicles and technology into DSNY's fleet. It also reviews the results of DSNY's pilot program that used alternative fuel street sweeping vehicles in four sanitation districts, with one district in an area with high rates of asthma among residents.<sup>2</sup>

DSNY endeavors to operate the cleanest possible fleet and therefore seeks to minimize emissions of concern from such operations, notably particulate matter (PM), nitrogen oxides (NOx), and greenhouse gases (GHGs) such as carbon dioxide.<sup>3</sup> As of January 2020, DSNY's active fleet includes 2,345 collection trucks, 439 street sweepers, 421 salt/sand spreaders, 456 front-end loaders and 2,382 various other support vehicles. Based on Fiscal Year 2019 figures, DSNY's diesel fleet used approximately 9.6 million gallons of diesel fuel. As discussed below, thanks to new technologies DSNY has achieved great success in minimizing emissions of PM and NOx from its fleet. DSNY strives to operate the cleanest big city fleet and in 2013 won the prestigious federal USEPA "Breathe Easy Leadership Award." DSNY was nominated for the 2019 ACT Expo Fleet Award recognizing government fleets that have shown true leadership deploying alternative fuel vehicles and achieve sustainability in fleet operations. Since LL 38/2005 was passed, DSNY's heavy-duty truck fleet relies mostly on clean diesel technology and ultra-low sulfur fuel while the Department's light-duty fleet increasingly incorporates hybrid-electric, plug-in hybrid-electric and all-electric technology to minimize vehicular emissions.

This report includes the total number of alternative fuel "sanitation vehicles" owned or operated by DSNY by type of alternative fuel used, discusses notable advances in DSNY's clean diesel fleet, and provides information regarding DSNY efforts to further incorporate alternative fuel vehicles into its fleet to further reduce emissions, including GHGs, in accordance with City air quality and sustainability goals. "Sanitation vehicles" are defined by LL38/2005 as vehicles used by DSNY "for street cleaning purposes or for the collection of solid waste or recyclable materials."<sup>4</sup>

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<sup>1</sup> NYC Administrative Code § 24-163.2(c)(1) & (2).

<sup>2</sup> This pilot was required by LL38/2005. Id.

<sup>3</sup> While not known to cause asthma, PM, especially fine PM 2.5 microns in diameter or smaller (PM2.5) is associated with increased respiratory symptoms, while NOx can be a precursor in the formation of ground-level ozone (regional smog) which is associated with exacerbation of asthma-related symptoms. *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements*, 66 Federal Register at 5012 (Jan. 18, 2001); "Public Health" chapter in *New York City Comprehensive Solid Waste Management Plan Final Environmental Impact Statement* (April 2005).

<sup>4</sup> NYC Administrative Code § 24-163.2(a)(6).

## II. Air Quality

New York City's air quality has improved and since 2013 met federal standards for fine particulate matter (PM<sub>2.5</sub>), but it remains out of compliance with standards for ozone. The ozone levels for the City's counties have been trending downward since the 2005-2007 period. The USEPA proposed a new, more restrictive annual standard for PM<sub>2.5</sub> in June 2012, which took effect in December 2012. USEPA reduced the new annual standard from 15 micrograms per cubic meter to 12 micrograms per cubic meter. Based on 2016-2018 measurements, New York City's air meets the new 2012 standard.<sup>5</sup> In 2010, USEPA set a new 1-hour NO<sub>2</sub> standard of 100 parts per billion (ppb). The form for the 1-hour NO<sub>2</sub> standard is the 3-year average of the 98<sup>th</sup> percentile of the annual distribution of daily maximum 1-hour average concentrations. The City complies with this NO<sub>2</sub> standard. In October 2015, USEPA strengthened the annual standard for ozone. USEPA reduced the 8-hour primary standard for ozone from 0.075 parts per million (ppm) to 0.070 ppm, averaged over three years. New York City, like the surrounding counties in the metropolitan area, does not meet this standard based on 2016-2018 data.

## III. Continuing Improvements in DSNY's Fleet Emissions

DSNY's fleet is achieving greater than *95% reduction in PM and 95% reduction in NOx emissions* fleet-wide compared with DSNY's heavy duty diesel fleet in 2005, while the newest trucks achieve *98% reductions* in each pollutant as compared with pre-1988 diesel engines.<sup>6</sup> In addition, since 2005 DSNY's fleet has cut annual diesel fuel use by 8.2% and cut its light duty fleet gasoline use by 48%.

### A. ULSD Fuel, New Vehicle Standards, Diesel Particulate Filters, and Retrofits

Currently all of the Department's light, medium and heavy-duty diesel vehicles utilize the industry's latest computer-controlled and regulated clean-diesel engines for their respective engine model years. DSNY's Clean Fleet Program of testing and development of state-of-the-art technology and alternative fuels helped pioneer the improvements in heavy duty diesel emissions that the federal government subsequently mandated nationwide for the 2007 model year and later. DSNY's Program includes obtaining research grants, partnering with industry to test vehicles under real world conditions, and operating a vehicle testing facility for heavy duty trucks. DSNY's state-of-the-art heavy-duty Vehicles Testing Laboratory, one of only two east of the Mississippi, conducts research and development projects, and performs independent exhaust emissions testing of various emission control technologies, alternative fuels and novel diesel fuel blends.

- The Department pioneered the use of ultra-low sulfur diesel fuel (ULSD)—limited to 15 ppm of sulfur—in July of 2001 in certain districts and expanded its use to its entire fleet in 2004 in advance of the USEPA June 2006 nationwide ULSD mandate. The new standard represents a *reduction of 97%* from the previous low sulfur standard for on-road diesel fuel

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<sup>5</sup> The annual PM<sub>2.5</sub> NAAQS is the 3-year average annual mean concentration.

<sup>6</sup> For NO<sub>x</sub>, DSNY collection trucks have now achieved a 95% reduction and street sweepers have achieved a 95% reduction from their respective 2005 levels.



of 500 ppm that took effect in 1993. Prior to 1993, the average sulfur content for on-road diesel fuel was 2500 ppm.

- ULSD allowed DSNY to expand its use of various advanced emission-control after-treatment technologies, such as diesel particulate filters and diesel oxidation catalysts. Previously, higher sulfur content fuel would have clogged these devices. These controls reduce particulate matter by 90% or better, as verified in DSNY testing.
- Since mid-2006, all of DSNY's new diesel truck purchases have met the stringent 2007 USEPA new-truck standards limiting particulate matter to 0.01 grams per brake horsepower-hour (g/bhp-hr), *a reduction of 90% from the 2006 model year limit of 0.1 g/bhp-hr.*<sup>7</sup> As of 2010 NOx is limited to 0.2 g/bhp-hr, compared to 2.0 g/bhp-hr in the 2006 model year and 4.0 g/bhp-hr in the 2003 model year. NOx emission reductions are achieved mainly by diesel exhaust after-treatment technology called selective catalytic reduction (SCR). SCR technology utilizes diesel exhaust fluid (urea) to treat the exhaust and remove the NOx.
- To address the legacy of emissions from older trucks, DSNY mechanics have installed Best Available Retrofit Technology (BART) devices such as particulate filters on pre-2007 trucks, as mandated by Local Law 73 of 2013 (LL 73/2013). These devices achieve reductions of up to 90% in PM and up to 25% in NOx. By January 1, 2017 at least 90% of DSNY's diesel-powered on-road fleet were required to utilize a diesel particulate filter or be equipped with an engine that meets USEPA 2007 PM standards. DSNY has exceeded this target. Including both factory-installed equipment and retrofits, as of January 1, 2020 more than 97% of DSNY's entire on-road diesel fleet was so equipped.

### *B. Greenhouse Gas Emissions*

GHG emissions from human activities cause climate change and global warming. The USEPA and the National Highway Traffic Safety Administration jointly developed a GHG emissions program and fuel efficiency standards applicable to all heavy- and medium-duty vehicles.<sup>8</sup> The GHG/fuel economy standards were adopted in two phases. Under the Phase 1 and Phase 2 regulations, different CO<sub>2</sub> and fuel consumption standards are applicable to different categories of vehicles, including combination tractors, trailers, vocational vehicles, and heavy-duty pickups and vans. Phase 1 regulations, adopted in 2011, require vocational vehicles (such as DSNY collection trucks) to achieve up to a 10% reduction in fuel consumption and CO<sub>2</sub> emissions by model year (MY) 2017 over the 2010 baselines. Phase 2 regulations, published in 2016, apply to MY 2021-2027 vehicles.

In FY2018, DSNY ordered 446 new collection trucks and received delivery of 300 trucks

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<sup>7</sup> 66 Fed. Reg 5001, 5005 (Jan. 18, 2001). By comparison, the 1990 federal standard for particulate matter for heavy duty diesel highway engines was 0.60 g/bhp-hr. NOx standards have been reduced over time from 10.7 g/bhp-hr in 1988 to 0.2 g/bhp-hr starting in 2007, with a phase-in allowed until 2010, yielding an effective limit of 1.2 g/bhp-hr for 2007-2009 model years.

<sup>8</sup> The standards are applicable to all on-road vehicles rated at a gross vehicle weight  $\geq$ 8,500 lbs, and the engines that power them.

in CY2018; the remainder were delivered in CY2019. The 446 new collection trucks comply with EPA Phase-1 GHG standards. In FY2020, DSNY ordered 283 new collection trucks and expects to receive delivery in CY 2020; these new trucks likewise will comply with EPA Phase-1 GHG standards. The new trucks augment DSNY's fleet of environmentally friendly collection trucks and aid DSNY in complying with NYC's *OneNYC* GHG reduction goals of net-zero GHG emissions citywide by 2050.<sup>9</sup>

#### **IV. Alternative Fuel Vehicles**

Despite the success of DSNY's Clean Diesel Program in minimizing fleet emissions, further improvements are possible as technology advances. DSNY therefore continues an active program of testing other kinds of fuels and technologies. Under LL38/2005, "alternative fuels" include natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether. Including collection trucks, sweepers, and light duty vehicles that are not used to collect refuse or recyclables, DSNY currently has 802 vehicles that operate on various alternative fuels, including electric and hybrid-electric vehicles.

In December 2015, Mayor de Blasio announced the launch of NYC Clean Fleet, a comprehensive plan which will: (1) add 2,000 electric vehicles (EVs) to its municipal vehicle fleet by 2025, which would give New York City the largest EV fleet in the country; and (2) achieve a 50% reduction in GHG emissions from fleet operations below 2005 levels by 2025, and an 80% reduction by 2035. DSNY is adapting its fleet to this important initiative.

In February 2020, Mayor de Blasio issued Executive Order 53, with the goal of New York City achieving an all-electric, carbon-neutral fleet by the year 2040. DSNY is exploring options for fleet compliance with this goal, including testing a battery-electric collection truck and a battery-electric mechanical broom street sweeper, as discussed below.

##### *A. Light-Duty Vehicles*

DSNY's light duty fleet currently includes 663 advanced low- or zero-emission vehicles, such as hybrid-electric, plug-in hybrid-electric, and electric vehicles. Hybrid-electric vehicles operate on gasoline assisted by battery technology. Plug-in hybrid-electric vehicles can operate in all-electric mode for a certain distance before the gasoline engine must be used. Electric vehicles operate on electric battery power alone. Consistent with LL38/2005 and NYC Clean Fleet, DSNY expects to increase its fleet of light-duty electric and hybrid-electric vehicles.

##### **1. Hybrid-Electric Vehicles**

DSNY currently owns and operates 510 hybrid-electric vehicles. These include Ford Fusion<sup>10</sup> and Escape, Toyota Prius and RAV4. In FY2019, DSNY ordered 70 additional Toyota RAV4 hybrid-electric 4-wheel drive vehicles replacing 70 older gasoline SUVs that have reached the end of their useful life. The 2019 RAV4's have an EPA rating of 41 mpg (combined) and will

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<sup>9</sup> *OneNYC 2050: Building a Strong and Fair City*; A Livable Climate, Volume 7 of 9; [nyc.gov/OneNYC](http://nyc.gov/OneNYC).

<sup>10</sup> EPA mileage estimates for the Fusion Hybrid MY2014 are 41 mpg highway and 44 mpg city.

benefit DSNY by increasing the SUV fleet average fuel economy. To date, no hybrid-electric vehicles were purchased in FY2020.

## 2. Plug-In Hybrid-Electric Vehicles

DSNY's fleet includes 134 plug-in hybrid-electric vehicles: 16 Chevrolet Volt sedans, 83 Ford Fusion Energi Plug-in Hybrids, and 35 Mitsubishi Outlander Plug-in SUVs (4-wheel drive, delivered in FY2020). The Chevrolet Volt sedans can run on battery power for up to 40 miles before a gasoline engine starts up to charge the battery,<sup>11</sup> while the battery range is 19 miles for Ford Fusion Energi Plug-in Hybrids and 22 miles for the Mitsubishi Outlander Plug-in Hybrid SUVs.

## 3. Discussion: Plug-in Hybrid vs. Conventional Hybrid

The Ford Fusion Energi Plug-in Hybrid, Chevrolet Volt and Mitsubishi Outlander Plug-in Hybrid have the same California Air Resources Board (CARB) emissions rating (Alternate Technology Partial Zero Emission Vehicle, or AT-PZEV) as the (non-plug-in) Toyota Prius and Toyota RAV4. As such, the Fusion Energi Plug-in Hybrid, the Volt, the Outlander and the Prius are capable of zero emissions when running only on battery power, but the Toyota Prius and RAV4 battery-only range is rated by the USEPA at under one mile. As a DSNY sedan shift averages 33 miles of driving, a Toyota Prius and RAV4 will utilize its internal combustion engine for almost all of it and have higher direct emissions than a Fusion Energi Plug-in Hybrid or Volt or Outlander, which have longer all-electric mode ranges. The Fusion Energi Plug-in Hybrids in DSNY's current fleet will utilize their battery for approximately 19 miles and will use their internal combustion engine for the remaining 14 miles. The Volt will operate in electric mode for the entire 33-mile shift. The Mitsubishi Outlander will operate in electric mode for approximately 22 miles and will use its internal combustion engine for the remaining 11 miles.

The plug-in hybrids have performed well in the field. The advantage of the plug-in hybrid over a conventional hybrid is its ability to run on pure electric battery mode for an extended range, therefore emitting fewer direct air pollutant and GHG emissions during a typical duty cycle than a conventional hybrid. For example, according to the USEPA, a 2015 Fusion Energi Plug-in Hybrid gets the equivalent of 88 miles per gallon when operating in all-electric mode (MPGe), and 38 mpg when operating in gasoline mode. The USEPA rated the 2017 Volt for 53 miles of electric range and 106 MPGe in all-electric mode. The USEPA rated the 2019 Mitsubishi Outlander for 74 MPGe when operating in all-electric mode and 25 miles per gallon when operating in gasoline mode. The USEPA rated the 2017 Prius for 52 mpg combined/54 mpg City/50 mpg highway. The USEPA rated the 2019 RAV4 for 41 mpg combined/38 mpg City/40 mpg highway. In addition to the emission benefits, costs to be considered include fuel, depreciation and maintenance. As the City self-insures, any differential cost in insurance rates for these vehicles is not relevant.

In Fiscal Year 2019, the purchase price available to the City varied by hybrid model, with plug-ins more expensive than conventional hybrids: Mitsubishi Outlander Plug-in 4x4 SUV (\$36,700), Ford Fusion Energi Plug-in Hybrid (\$36,091), Chevrolet Volt Plug-in (\$35,369), Toyota Prius Prime Plug-in (\$24,994), Toyota RAV4 4x4 Hybrid (\$27,256), and Toyota Prius

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<sup>11</sup> Newer Chevrolet Volts (2019) can run on battery power alone for up to 53 miles.

Hybrid (\$22,713), absent subsidies. As a public agency that does not pay income tax, DSNY is not eligible for the \$4,007 federal tax credit available to federal income tax payers for new hybrid models, for example Fusion Energi Plug-in Hybrid for the first 200,000 vehicles sold, or for the similar tax credit of \$1,875 to \$7,500 that is available for the purchase of a Volt (ending March 31, 2020). Previously, DSNY has used federal Congestion Mitigation and Air Quality (CMAQ) grant funding to cover the incremental cost of the Volts over the cost of a Fusion Energi Plug-in Hybrid, Prius or Fusion. As for operational costs, at current rates, a 2017 Prius that is driven 10,000 miles annually (the average for a DSNY sedan, which is equivalent to 33 miles/day) for 8 years (the useful vehicle life for a DSNY sedan) will require 192 gallons of gasoline per year at a cost of \$1.62 per gallon as of February 2020, for a total of \$311.04 in annual fuel costs (excluding oil changes, etc). A Fusion Energi Plug-in Hybrid that is driven the same daily distances would drive 19 miles in pure electric mode and 14 miles in gasoline mode and would have \$181.44 in gasoline costs, plus the cost of electricity consumed (0.36 kWh/mile at \$0.14/kWh), which comes to approximately \$299.52, for a total annual fuel and electricity cost of \$480.96. Annual maintenance costs in CY 2018 were calculated to be \$893.31 for the Prius Hybrid and \$496.73 for the Fusion Energi Plug-in.<sup>12</sup> At this annual rate, and assuming constant fuel and electricity rates, the Fusion Energi Plug-in Hybrid would cost approximately \$7,000 more than the Prius Hybrid over the life of the car, absent subsidies.<sup>13</sup> Fusion Energi Plug-in gasoline use would be reduced by 42% as compared to the Prius Hybrid, for a savings of 641 gallons over that period. The carbon reduction from this fuel savings would be partially offset by the carbon emissions from the natural gas used to produce about 74% of New York City's electricity to charge the plug-in vehicle.<sup>14</sup> However, the net reduction in carbon would still be substantial.<sup>15</sup> There would be similar incremental costs and gas and carbon savings for the Prius Hybrid Plug-in as compared to the Prius Hybrid.

DSNY has observed no significant difference in performance in the field between the Fusion Energi Plug-in Hybrid, the Volt, the Outlander, the Prius, the RAV4 or the Fusion Hybrid. The Fusion Energi Plug-in Hybrid, the Fusion and Prius have more cargo space than a Volt but this difference is not material for typical DSNY sedan operations; the RAV4 and the Outlander are both SUVs with 4-wheel drive capability, which is important for DSNY winter storm operations. The requirement of charging the Fusion Energi Plug-in Hybrid, the Volt, and the Outlander creates certain operational issues not posed by the Prius, RAV4 or Fusion Hybrid, including a comparatively long charge time (about three hours at 240V), the limited number of parking spots with charging equipment at DSNY facilities, and the need for electrical upgrades at certain DSNY facilities to accommodate the required amperage for vehicle charging. Furthermore, the required charge time for the Fusion Energi Plug-in Hybrid, the Volt, and the

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<sup>12</sup> City of New York, Department of Citywide Administrative Services, NYC Fleet Newsletter, Issue 255 (March 8, 2019). This information was not updated in CY2019.

<sup>13</sup> The salvage value of the two vehicles is roughly comparable, and not included in this analysis.

<sup>14</sup> Of the electricity used in the downstate region that includes New York City, 74% is from fossil fuel (primarily natural gas), 23% is from zero emission sources (mainly nuclear, some wind and solar), 2% from other renewables such as waste-to-energy plants, and 1% from hydroelectric pumped storage. Figures are for 2016. The Indian Point Energy Center nuclear power plant supplying the region is scheduled to close by April 2021. Source: New York Independent Service Operator, *Power Trends 2017*, p. 31.

<sup>15</sup> Considering the generation mix for New York City, the CO<sub>2</sub>-equivalent emissions (grams per mile) are estimated to be 181 for a 2015 Toyota Prius Plug-in, 191 for a 2018 Ford Energi Plug-in, 139 for a 2018 Prius Prime Plug-in, 141 for a 2018 Chevy Volt, 102 for a 2016 Nissan Leaf (EV) and 95 for 2018 Chevy Bolt (EV). Source: Union of Concerned Scientists, EV Emissions Tool, accessed on March 16, 2020: <https://www.ucsusa.org/clean-vehicles/electric-vehicles/ev-emissions-tool>.

Outlander is inadequate for the Department's 12-hour shifts during snow operations. The environmental benefits of operating a plug-in hybrid over a conventional hybrid for DSNY's fleet (with lower local emissions and lower carbon emissions) can only be obtained via an adequate infrastructure and flexibility in charging time.

The Department expects to take further advantage of the advances in plug-in hybrid electric vehicles, in accordance with the Clean Fleet directive of Mayor de Blasio and consistent with the Department's operational needs. In addition, as DSNY continues to install solar arrays, this clean, renewable source of electricity will further reduce the carbon footprint of plug-in vehicles and all-electric vehicles in the fleet.

#### 4. Zero-Emission Vehicles

DSNY operates certain zero-emission all-electric vehicles in its fleet under the mandate of LL 38/2005. In CY2013, DSNY acquired 18 all-electric Nissan Leafs for light duty use. Zero-emission vehicles have the potential to bring further benefits to local air quality, as well as fuel cost savings and GHG reduction, compared to DSNY's current hybrid fleet. The improvement over a plug-in hybrid vehicle may be insignificant however, when DSNY sedan usage stays under 19 miles per driving shift, so that the plug-in hybrid vehicle operates primarily in electric mode, as noted above. Moreover, such all-electric vehicles require additional charging infrastructure, and may limit DSNY's operational flexibility for such sedans and be impractical in winter emergency snow situations due to relatively slow charging times and lack of four-wheel drive capability that is essential in responding to winter emergency weather.

When a major snowstorm hits the City of New York, DSNY's light-duty fleet (passenger cars and SUVs) become part of the Department's snow-removal operation. DSNY's Field Supervisors utilize light-duty vehicles to survey, assess and assist in the snow-removal operation throughout the five boroughs. When snow accumulation reaches six inches or higher, Field Supervisors driving passenger cars experience great difficulty navigating through heavy snow due to low ground clearance and poor traction-control of front-wheel drive passenger cars. Passenger cars that lack four-wheel drive capability can get stuck in the snow, which further hampers the snow removal response as resources must be dedicated to tow these vehicles out, and DSNY loses the function of that Field Supervisor to manage the snow fighting response within the assigned area. Passenger cars impede the Department's ability to safely and effectively survey, assess and assist in the snow-removal operations. As a result, DSNY generally uses hybrid SUVs with four-wheel drive capability in lieu of electric and/or plug-in hybrid cars lacking such capability for all jurisdictions responsible for snow-removal operations.

DSNY currently has one Level 3 electric vehicle charging station and 93 Level 2 electric vehicle charging stations citywide, which include a total of 144 charging ports.

In CY2011, DSNY also purchased and is testing two Ford Transit Connects (pure plug-in electric vans). Both vehicles have been discontinued by the manufacturer. One vehicle was condemned in CY2018; the remaining vehicle will remain as part of DSNY's fleet until the end of its useful life.

As new zero-emission vehicles come on the market, DSNY intends to conduct further

studies on the economic and operational feasibility of incorporating more alternative fuel light-duty vehicles into its fleet.

## *B. Heavy-Duty Vehicles*

### 1. Heavy Duty Battery-Electric Vehicles

In the past few years, the development of heavy-duty Battery Electric Vehicles (BEVs) has advanced. Cummins, Freightliner, Kenworth and Mack Trucks are among the truck manufacturers who have announced on-going development of Class-8 BEVs. As noted above, DSNY's EV charging infrastructure has grown over the years to accommodate the increased number of plug-in vehicles in the DSNY fleet. To build on DSNY's experience and success in deploying a fleet of light-duty EVs and continue the progress of reducing GHG emissions from heavy-duty vehicles, DSNY expressed interest to Mack Trucks and Global Environmental Products about exploring the development of a BEV collection truck and street sweeper, respectively. Based on DSNY's pioneering R&D record and expressed interest, both Mack Trucks and Global Environmental Products agreed to begin development of a BEV collection truck and BEV street sweeper, respectively. The pilot/prototype BEV street sweeper and collection truck (see cover photo of this report) will be among the first in the country in their weight-class. Formal launch of the BEV street sweeper and collection truck pilot is projected for the second-quarter of CY2020. As Mack Trucks and Global Environmental Products continue their work on the development of the BEV street sweeper and collection truck, DSNY will work to prepare the charging infrastructure to accommodate the two heavy-duty BEVs. In anticipation of this pilot, DSNY installed its first Level 3 DC fast charger at DSNY's Brooklyn District 1 Garage, where the BEV collection truck will be allocated.

### 2. Compressed Natural Gas (CNG)

DSNY currently owns and operates 39 dedicated CNG sanitation collection trucks (see Appendix 1). DSNY phased out its older fleet (2001-2003 vintage) of CNG collection trucks that were problematic. CNG-fueled trucks are longer than conventional sanitation vehicles, making it more difficult to access certain narrower streets because of their wider turning radius. In CY 2008, DSNY put into service 10 new CNG collection trucks from Crane Carrier Corporation equipped with the new generation of the Cummins ISL-gas CNG engines to replace 10 of the oldest CNG trucks in the fleet. In CY 2009, DSNY put into service one front-loading Crane Carrier Corporation CNG collection truck equipped with a Cummins ISL-gas CNG engine. Also in CY 2009, DSNY ordered 10 additional CNG trucks from Crane Carrier Corporation, which were delivered in November/December 2009. In order to address the repeated failed cold starts of the fleet of Crane Carrier CNG trucks, at DSNY's request Cummins made improvements to the engine calibration software. With the problem corrected, DSNY formally added the last 10 Crane Carrier CNG trucks to the fleet in the third quarter of CY 2010. The cold-weather operation of the newest CNG trucks with the Cummins ISL-Gas CNG engines has been satisfactory. In CY 2013, DSNY ordered and received delivery of 23 additional CNG trucks from Mack Trucks, equipped with a Cummins ISL-gas CNG engine. DSNY put these 23 additional trucks into service in January 2014.

From an operational perspective, results on testing the latest generation of CNG collection trucks indicate they have improved in reliability from earlier model CNG trucks, but they are still

not as reliable as clean diesel trucks. NOx emissions from the two technologies have been comparable; with CNG truck NOx emissions slightly lower than the NOx emissions from diesel trucks with advanced after-treatment technologies.<sup>16</sup> As a result of the use of ULSD and new emissions control technologies, heavy duty diesel truck PM emissions are very low, and are comparable to those from CNG-fueled heavy duty vehicles. On the other hand, GHG emissions from CNG trucks are reportedly 20-23% lower than those from diesel trucks.<sup>17</sup> It has been noted that CNG trucks are somewhat quieter than diesel trucks,<sup>18</sup> but compaction noise from CNG collection trucks and diesel collection trucks is generally comparable.

From an economic perspective, with increased recoverable domestic reserves due to new technology natural gas prices have fallen and have been competitive with diesel prices. As of February 3, 2020, a gallon of diesel fuel cost \$2.36 while a gallon-equivalent of CNG cost approximately \$2.57; in February 2019, a gallon of diesel fuel cost \$2.56 while a gallon-equivalent of CNG cost approximately \$2.60. CNG-fueled vehicles have lower fuel efficiency than diesel and a CNG-fueled collection truck costs approximately \$24,114 more per unit than a diesel collection truck<sup>19</sup>. For a collection truck that drives 6900 miles in a year at an average 2.5 miles per gallon, the annual diesel fuel cost at \$2.36/gal is \$6,514 (versus last year's annual cost of \$6,738); the equivalent in CNG fuel at \$2.57/gal eq. is \$7,093 (versus last year's annual cost of \$7,176). Further, DSNY has only one CNG fueling station for its 59 district garages,<sup>20</sup> and the handful of private CNG filling stations in the City are generally not equipped for rapid filling of heavy-duty trucks. Thus, any move to significantly expand DSNY's CNG truck fleet would require additional investment to build CNG fueling infrastructure and undertake facility modifications required by the New York City Building Code.

In October 2015, Cummins announced that its new ISL G Near Zero (NZ) NOx natural gas engine is the first Mid-Range engine in North America to receive emission certifications from both USEPA and CARB as meeting the 0.02 g/bhp-hr optional Near Zero NOx Emissions standards for collection trucks. Cummins ISL GNZ NOx emissions will be 90% lower than the current USEPA NOx limit of 0.2 g/bhp-hr which is even cleaner than clean diesel. In FY2018, DSNY purchased 6 new Mack Trucks powered by the Cummins ISL GNZ CNG engine for its fleet; DSNY plans to put these 6 trucks in service in CY2020.

As explained in prior annual reports, DSNY has discontinued the evaluation pilot study of CNG sweepers. Currently, DSNY has no plans to purchase additional CNG sweepers.

### 3. Hybrid-Electric Heavy Duty Vehicles

DSNY is currently testing 26 diesel-powered hybrid-electric street sweepers in eight districts (see Appendix 2). In CY2010, DSNY put into service the world's first Class-7 hybrid-

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<sup>16</sup> Ayala, *et al.*, *CNG and Diesel Transit Bus Emissions in Review* (August 2003); Ayala, *et al.*, *Diesel and CNG Heavy-Duty Transit Bus Emissions over Multiple Driving Schedules: Regulated Pollutants and Project Overview* (Society of Automotive Engineers, 2002).

<sup>17</sup> Peter Hildebrandt, "NGVs & Onboard Equipment," *MSW Management*, March/April 2011, *NGV Fleet Manager Supplement*, at 14 (citing figures from Clean Vehicle Education Foundation).

<sup>18</sup> INFORM, Inc., *Greening Garbage Trucks: New Technologies for Cleaner Air* (2003).

<sup>19</sup> Cost as of 2019. In 2019, CNG-fueled collection trucks were redesigned.

<sup>20</sup> This project was undertaken as part of a settlement of a lawsuit brought against the City and DSNY by the United States for violations of the Clean Air Act. *United States v. City of New York*, 99 Civ. 2207 (LAK) (S.D.N.Y.).

electric street sweeper. In FY2019, DSNY purchased seven diesel-powered hybrid-electric street sweepers at \$379,800 per vehicle (five of which were subsidized by \$30,000 in CMAQ funds each), which is \$125,000 more than the purchase price of a conventional diesel sweeper. In FY2020, DSNY purchased 14 more diesel-powered hybrid-electric street sweepers. Preliminary test results indicate that these hybrid-electric street sweepers have better fuel mileage and are approximately 42% more fuel efficient than the latest Clean Diesel engines. DSNY continues to collect service records throughout the evaluation process.

#### 4. Hybrid-Hydraulic Diesel Collection Trucks

As discussed in prior Annual Reports, hybrid-hydraulic technology has the potential to reduce diesel fuel use and related emissions by capturing and reusing energy that is otherwise wasted during the frequent braking of collection vehicles. DSNY ordered two experimental (prototype) hybrid-hydraulic diesel trucks from Crane Carrier Corporation in 2008, which were put into service in October 2009 (see Appendix 3). This initiative was sponsored by the New York State Energy Research and Development Authority and the Hybrid Truck Users Forum. The hybrid-hydraulic diesel trucks utilize Bosch Rexroth's HRB System technology. These were the first such trucks in North America; they have also been tested in Germany. In CY2013, DSNY put into service 17 additional next-generation Bosch Rexroth hybrid-hydraulic trucks. DSNY applied for and obtained federal CMAQ grant funds for 80% of the cost of these new purchases. Also in CY2013, DSNY successfully applied for federal CMAQ grant funding to purchase 32 additional diesel-powered hybrid-hydraulic trucks from Mack Trucks for CY2014 delivery. Currently, DSNY has a total of 46 hybrid-hydraulic diesel trucks in service.

Due to the dramatic drop in the price of diesel fuel that ultimately eliminated the potential for return on investment for hybrid-hydraulic system manufacturers, these manufacturers have discontinued production of the hybrid-hydraulic trucks. Therefore, currently DSNY has no viable option for new hybrid-hydraulic heavy duty trucks. Because the manufacturer can no longer support this first-generation design, the hybrid-hydraulic technology had to be disabled on the first two Crane Carrier diesel-powered collection trucks. The 46 hybrid-hydraulic collection trucks in the fleet will continue in service until they reach the end of their operational life.

#### C. Testing of Biodiesel Blends

Biodiesel is a renewable, biodegradable fuel manufactured domestically from vegetable oils, animal fats, or recycled restaurant grease. It is a cleaner-burning replacement for petroleum-based diesel fuel. The biodiesel fuel used by DSNY comes from soybeans. Biodiesel reduces GHG emissions because CO<sub>2</sub> released from biodiesel combustion is largely offset by the CO<sub>2</sub> absorbed from growing soybeans or other feedstocks used to product the fuel.<sup>21</sup> LL 73/2013 requires the use of biodiesel fuel in diesel fuel-powered motor vehicles owned or operated by the city of New York. According to LL 73/2013, for fiscal year beginning July 1, 2014, these vehicles must use at least five percent biodiesel (B5) by volume. In March 2007, DSNY launched a biodiesel (B5) initiative citywide on all diesel-powered equipment (on- highway and off-

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<sup>21</sup> About 22.4 pounds of CO<sub>2</sub> is produced from burning a gallon of ULSD; about 17.9 pounds of CO<sub>2</sub> is produced from burning a gallon of B20. Source: U.S. Energy Information Agency, accessed March 21, 2018 <https://www.eia.gov/tools/faqs/faq.php?id=307&t=11>.



highway), utilizing 5% biodiesel (made from soybeans) and 95% (petroleum- based) ULSD. To date, the B5 initiative resulted in no change in vehicle performance, no operator or mechanic complaints, no increase in down rate, and good winter operability.

Pursuant to LL 73/2013, beginning July 1, 2016, all diesel-powered motor vehicles owned or operated by the city of New York must use B5 from December through March, and at least B20 (20% biodiesel) from April through November. LL 73/2013 also established a pilot program beginning December 1, 2016 whereby at least five percent of all city-owned diesel-powered motor vehicles utilize at least B20 from December through March.

Previously, in August 2007, DSNY implemented its B20 pilot study (April through November) in Queens District 6. Based on those encouraging results, in July 2010 DSNY expanded the study to Brooklyn District 5. In advance of the LL 73/2013 mandate beginning July 1, 2016 DSNY expanded the B20 pilot study (April through November) citywide in CY 2013 (59 districts).

Since July 2016, DSNY's fleet has consumed over 37 million gallons of B20 biodiesel. Over the past few years, DSNY gradually increased the use of B20 (winter pilot) at various districts during winter months (December through March). During the 2018-2019 B20 winter pilot, DSNY dispensed B20 in 21 districts of the City. During the 2018-2019 B20 winter pilot, DSNY took proactive steps to mitigate/prevent potential operational issues with vehicles and fuel dispensers. About a month into the 2018-2019 B20 winter pilot, DSNY suspended B20 deliveries to the three locations utilizing above-ground fuel storage tanks due to persistent plugging and replacement of the fuel dispenser filters. To reduce the risk of fuel gelling/crystallization of the B20 product during extreme single-digit ambient temperatures, DSNY dispensed an anti-gel diesel fuel additive in all vehicle fuel tanks operating on B20. These steps helped DSNY to continue and complete the B20 winter pilot without any further operational issues. Test results of random fuel samples indicated the B20 biodiesel met all ASTM testing specifications during the winter and summer months. During the 2019-2020 winter, DSNY dispensed only B5 citywide at its 59 districts to minimize the risks encountered during the 2018-2019 B20 winter pilot and avoid the hardship of constantly addressing operational issues (i.e., ensuring proper additive dosing) at B20 locations.

B5 biodiesel costs slightly more than standard ULSD, while B20 biodiesel costs approximately \$0.12 more per gallon than B5. DSNY uses B20 generally from April 1 through November 1 and B5 during the remainder of the year (colder weather). In FY2019 DSNY used 9,639,906 gallons of diesel of various blends, of which 64% was B20 biodiesel and 29% was B5 biodiesel. The use of these grades of biodiesel reduced GHG emissions from the fleet in 2019 by 21,474.7 metric tons of CO<sub>2</sub>, from the FY2005 diesel fleet baseline, a 20.1% reduction. Using B20 yielded a net reduction in carbon emissions of approximately 20% compared to conventional fossil fuel diesel use.<sup>22</sup> To date, DSNY's use of biodiesel blends has displaced well over thirteen million gallons of petroleum-based diesel fuel. Good housekeeping of underground storage tanks (UST) and proper vehicle maintenance are key to a successful biodiesel program.

#### *D. Renewable Diesel*

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<sup>22</sup> To date, since 2006 DSNY's use of B20 has resulted in the saving of approximately 168,169,680 pounds of CO<sub>2</sub> emissions.

Hydrogenation-derived Renewable Diesel, also known as Renewable Diesel (RD), is produced from soybean, palm, canola, or rapeseed oil; animal tallow; vegetable oil waste or brown trap grease; and other fats or vegetable oils. It can be used alone (100%) or blended with petroleum and refined by a hydro treating process. RD meets the petroleum diesel ASTM specification (D975), which allows it to be used in existing diesel infrastructure and vehicles. RD derived from domestic biological materials is considered an alternative fuel under the Energy Policy Act of 1992 (Public Law 102-486). RD is a renewable fuel which has the potential to reduce GHG emissions over 60% compared to fossil-fuel petroleum-based diesel. Benefits of using RD include:

- **Fewer emissions**—RD feedstocks capture and recycle CO<sub>2</sub> from the atmosphere, partially offsetting CO<sub>2</sub> from burning RD, and blends of RD can reduce carbon monoxide and hydrocarbon emissions. In addition, RD’s ultra-low sulfur content enables the use of advanced emission control devices.
- **More flexibility**—RD that meets quality standards can fuel modern diesel vehicles. This fuel is compatible with existing diesel distribution infrastructure (not requiring new pipelines, storage tanks, or retail station pumps), can be produced using existing oil refinery capacity, and does not require extensive new production facilities.
- **Higher performance**—RD’s high combustion quality results in similar or better vehicle performance compared to conventional diesel.

DSNY was one of several city agencies participating in the NYC Renewable Diesel pilot, which utilizes a blend of 99% RD with 1% petroleum diesel. The pilot commenced upon receiving a June 13, 2018 Letter of No Objection from the New York City Fire Department. DSNY was the first city agency to receive a delivery of RD, at the Queens District 6 Garage in Woodside. DSNY gradually expanded the RD pilot to 17 district garages in all five boroughs. DSNY consumed 653,218 gallons of RD throughout the five-month period of the pilot program (June 2018 through October 2018). Test results of random fuel samples indicated that the RD met all ASTM testing specifications. RD did not negatively impact DSNY’s fleet or its operation, and no adjustments were necessary to the preventive maintenance schedule of the DSNY fleet. Although the pilot has ended, the use of RD in the future could help the agency achieve OneNYC’s fleet GHG reduction goals.

#### *E. Active Stop-Start Technology*

As part of the City’s goal to reduce fleet GHG emissions 80% by 2035, DSNY is also exploring the use of idle-stop technology designed to reduce/eliminate unnecessary idling. DSNY is currently pilot testing 12 collection trucks equipped with the Effenco Stop/Start technology. The Effenco Stop/Start technology is specifically designed for use in heavy-duty vehicles. Fourteen additional collection trucks equipped with the Effenco technology will be delivered to DSNY in CY2020. Effenco’s Active Stop-Start Technology is an electric system using ultracapacitor modules that is designed to shut down the engine of vocational trucks when they are stationary and to provide electric power to the vehicle equipment, cab and chassis accessories including the HVAC system. Since these vehicles spend a large proportion of their operating time immobile, the Active Stop-Start technology creates value by reducing engine operating hours and

corresponding fuel consumption, emissions and maintenance. On a preliminary basis, DSNY has found a 30-40% reduction in fuel use and GHG emissions with this technology.

## **V. Conclusion**

DSNY endeavors to operate its fleet in the most environmentally sustainable manner, consistent with available resources, and therefore seeks to minimize emissions of concern from such operations, notably PM, NOx, and greenhouse gases such as CO2. DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts with low emission technologies and has received a number of awards for operating one of the greenest municipal fleets in the country. The Department is currently working with various manufacturers to help advance the commercialization of environmentally-friendly technologies designed for use in heavy-duty vehicles.

Mayor De Blasio's Executive Order 53 seeks to expand on NYC's leadership in fleet sustainability and will allow NYC to serve as a national model for other 21st century cities in fighting climate change. The goal of the Order is for the City of New York to achieve an all-electric, carbon-neutral fleet by the year 2040. As discussed above, DSNY is advancing a pilot study to incorporate BEV street sweepers and collections trucks into its fleet, as well as continuing to incorporate zero-emission light-duty BEVs into its fleet. Achieving the ambitious goal of Executive Order 53 is expected also to require expanding the use of anti-idling, hybrid, and stop-start technologies in medium- and heavy-duty vehicles and increasing the use of alternatives to traditional diesel fuels, including renewable diesel.

DSNY has dramatically reduced fuel consumption and GHG emissions from its fleet of light-duty vehicles from the 2005 baseline. DSNY will continue to participate in research and development of new technologies and to evaluate the mechanical reliability and operability of alternative fuel collection trucks to assess their respective environmental and economic performances. DSNY's B20 initiative citywide has met with positive results and testing is ongoing. This initiative has the potential to further reduce truck emissions, including greenhouse gases. Also, DSNY hopes to add RD to its portfolio of reduced GHG renewable fuels. DSNY is committed to achieving the goals of Executive Order 53 and the NYC Clean Fleet Plan and sustainable fleet GHG reduction.

\* \* \*

Appendix 1: DSNY's CNG Collection Trucks

<b>Vehicle ID</b>	<b>Make / Model</b>	<b>Vehicle Type</b>	<b>VIN #</b>
25CNG-503	Crane Carrier LET2	Rear Loading	1CYCCZ4828T048570
25CNG-505	Crane Carrier LET2	Rear Loading	1CYCCZ4868T048572
25CNG-506	Crane Carrier LET2	Rear Loading	1CYCCZ4888T048573
25CNG-507	Crane Carrier LET2	Rear Loading	1CYCCZ48X8T048574
25CNG-508	Crane Carrier LET2	Rear Loading	1CYCCZ4818T048575
25CNG-509	Crane Carrier LET2	Rear Loading	1CYCCZ4838T048576
25CNG-510	Crane Carrier LET2	Rear Loading	1CYCCZ4858T048577
25CNG-601	Crane Carrier LET2	Rear Loading	1CYCCZ4819T049419
25CNG-602	Crane Carrier LET2	Rear Loading	1CYCCZ4889T049420
25CNG-603	Crane Carrier LET2	Rear Loading	1CYCCZ48X9T049421
25CNG-604	Crane Carrier LET2	Rear Loading	1CYCCZ4819T049422
25CNG-605	Crane Carrier LET2	Rear Loading	1CYCCZ4839T049423
25CNG-606	Crane Carrier LET2	Rear Loading	1CYCCZ4859T049424
25CNG-607	Crane Carrier LET2	Rear Loading	1CYCCZ4879T049425
25CNG-608	Crane Carrier LET2	Rear Loading	1CYCCZ4899T049426
25CNG-609	Crane Carrier LET2	Rear Loading	1CYCCZ4809T049427
25CNG-701	Mack	Rear Loading	1M2AU14C4DM001603
25CNG-702	Mack	Rear Loading	1M2AU14C6DM001604
25CNG-703	Mack	Rear Loading	1M2AU14C8DM001605
25CNG-721	Mack	Rear Loading	1M2AU14C9DM001709
25CNG-722	Mack	Rear Loading	1M2AU14C5DM001710
25CNG-723	Mack	Rear Loading	1M2AU14C7DM001711
25CNG-724	Mack	Rear Loading	1M2AU14C9DM001712
25CNG-725	Mack	Rear Loading	1M2AU14C0DM001713
25CNG-726	Mack	Rear Loading	1M2AU14C2DM001714
25CNG-727	Mack	Rear Loading	1M2AU14C4DM001715
25CNG-728	Mack	Rear Loading	1M2AU14C6DM001716
25CNG-729	Mack	Rear Loading	1M2AU14C8DM001717
25CNG-730	Mack	Rear Loading	1M2AU14CXDM001718
25CNG-731	Mack	Rear Loading	1M2AU14C9DM001726
25CNG-732	Mack	Rear Loading	1M2AU14C0DM001727
25CNG-733	Mack	Rear Loading	1M2AU14C2DM001728
25CNG-734	Mack	Rear Loading	1M2AU14C4DM001729
25CNG-735	Mack	Rear Loading	1M2AU14C0DM001730
25CNG-736	Mack	Rear Loading	1M2AU14C2DM001731
25CNG-737	Mack	Rear Loading	1M2AU14C4DM001732
25CNG-738	Mack	Rear Loading	1M2AU14C6DM001733
25CNG-739	Mack	Rear Loading	1M2AU14C8DM001734
25CNG-740	Mack	Rear Loading	1M2AU14CXDM001735

Appendix 2 : DSNY's Hybrid-Electric Street Sweepers

<b>Vehicle ID</b>	<b>Make</b>	<b>Vehicle Type</b>	<b>VIN #</b>
20XE-301	Global Environmental Products	Street Sweeper	1G9GH4LM1ES462002
20XE-302	Global Environmental Products	Street Sweeper	1G9GH4LMXES462001
20XE-304	Global Environmental Products	Street Sweeper	1G9GH4LMXFS462002
20XE-305	Global Environmental Products	Street Sweeper	1G9GH4LM1FS462003
20XE-306	Global Environmental Products	Street Sweeper	1G9GH4LM3FS462004
20XE-307	Global Environmental Products	Street Sweeper	1G9GH4LM5FS462005
20XF-001	Global Environmental Products	Street Sweeper	1G9GM4LM1HS462002
20XF-002	Global Environmental Products	Street Sweeper	1G9GM4LM3HS462003
20XF-003	Global Environmental Products	Street Sweeper	1G9GM4LM5HS462004
20XF-004	Global Environmental Products	Street Sweeper	1G9GM4LM7HS462005
20XF-005	Global Environmental Products	Street Sweeper	1G9GM4LM9HS462006
20XF-006	Global Environmental Products	Street Sweeper	1G9GM4LMXHS462001
20XG-001	Global Environmental Products	Street Sweeper	1G9GM4LL3JS462063
20XG-002	Global Environmental Products	Street Sweeper	1G9GM4LL5JS462064
20XG-003	Global Environmental Products	Street Sweeper	1G9GM4LL7JS462065
20XG-004	Global Environmental Products	Street Sweeper	1G9GM4LL9JS462066
20XG-005	Global Environmental Products	Street Sweeper	1G9GM4LL0JS462067
20XG-006	Global Environmental Products	Street Sweeper	1G9GM4LL2JS462068
20XG-007	Global Environmental Products	Street Sweeper	1G9GM4LL4JS462069
20XG-101	Global Environmental Products	Street Sweeper	1G9GH4LL6KS462001
20XG-102	Global Environmental Products	Street Sweeper	1G9GH4LL8KS462002
20XG-103	Global Environmental Products	Street Sweeper	1G9GH4LLXKS462003
20XG-104	Global Environmental Products	Street Sweeper	1G9GH4LL1KS462004
20XG-105	Global Environmental Products	Street Sweeper	1G9GH4LL3KS462005
20XG-106	Global Environmental Products	Street Sweeper	1G9GH4LL5KS462006
20XG-107	Global Environmental Products	Street Sweeper	1G9GH4LL7KS462007

Appendix 3: DSNY's Hybrid Collection Trucks

<b>Chassis Mfg</b>	<b>Fuel</b>	<b>Hybrid Sys</b>	<b>Series/Parallel</b>	<b># of Units in Service</b>
Mack	Diesel	Hydraulic	Parallel	47



# The City of New York Department of Sanitation



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## 2020 Annual Report on Alternative Fuel Vehicle Programs Pursuant to Local Law 38 of 2005



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*NYC's First Battery-Electric Mechanical Broom*

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Edward Grayson, Commissioner  
February 2021

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## DSNY Annual Report on Alternative Fuel Vehicle Programs

### I. Introduction

The Department of Sanitation (DSNY) operates a sizeable fleet of trucks and other vehicles to carry out its mission to keep New York City healthy, safe and clean by collecting, recycling and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. In 2005, the City Council enacted Local Law 38 (LL38/2005), which directs DSNY to report annually on its use and testing of alternative fuel vehicles.<sup>1</sup> This report, which is submitted to the Mayor, the Comptroller and the City Council in accordance with LL38/2005, discusses the testing, analyses and assessments of DSNY's alternative fuel sanitation collection vehicles and street sweepers, and the feasibility of incorporating new alternative fuel sanitation vehicles and technology into DSNY's fleet.<sup>2</sup>

#### Highlights for the 2020 Report

- DSNY's fleet of 5,955 heavy duty and light duty vehicles has 811 vehicles that operate on various alternative fuels (14%), including electric, hybrid-electric and natural gas.
- DSNY has begun pilot-testing its first Battery-Electric Collection Truck.
- DSNY has begun pilot-testing its first Battery-Electric Mechanical Broom.
- DSNY took delivery of 6 new Mack collection trucks with a new type of compressed natural gas engine.
- DSNY is now testing 12 trucks with "stop-start" ultra-capacitor technology to reduce emissions by shutting off the engine when idle, reducing fuel use and emissions by up to 30%.
- DSNY was one of six recipients of the prestigious CALSTART Blue Sky Award, presented to companies, organizations or individuals making outstanding contributions to clean air, climate change, and the clean transportation tech industry.
- In 2020, DSNY collection truck fleet traveled 12,045,992 vehicle miles, mechanical brooms traveled 1,178,904 miles.
- Diesel collection trucks and mechanical brooms comprise most of the heavy-duty fleet and use Ultra Low Sulfur Diesel fuel with 5% to 20% biofuels from soybeans.
- Collection Trucks: 2,298 diesel, 39 natural gas, 46 hybrid-hydraulic, and 1 electric.
- Mechanical Brooms: 427 diesel, 27 hybrid-electric, and 1 electric.
- Light Duty Fleet: 18 battery-electric, 520 gas-electric hybrids, 131 plug-in hybrid-electric, 394 gasoline, and 208 diesel.
- In FY2020, DSNY's fleet consumed approximately 8.1 million gallons of B5 to B20 biodiesel fuel, and 600,000 gallons of gasoline, with a 10% ethanol component made from corn.
- With state-of-the-art controls, DSNY diesel emissions of particulate matter (PM) and nitrogen oxides (NOx) are 95% lower per truck than in 2005.

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<sup>1</sup> NYC Administrative Code § 24-163.2(c)(1) & (2).

<sup>2</sup> DSNY's mandated pilot program that used alternative fuel street sweeping vehicles in four sanitation districts with one district in an area with high rates of asthma among residents has been reviewed in prior reports.

- DSNY diesel fuel use declined by 14% in FY2020 compared to FY2019, due to improved fuel efficiency and shorter routes to dump refuse at DSNY’s new Marine Transfer Stations built under the City’s Solid Waste Management Plan.
- DSNY gasoline use in FY2020 has declined by 48% compared to FY2005, due to improved gas mileage and use of hybrid-electric and battery-electric vehicles.

DSNY endeavors to operate the cleanest possible fleet and therefore seeks to minimize emissions of concern from such operations, notably particulate matter (PM), nitrogen oxides (NOx), and greenhouse gases (GHGs) such as carbon dioxide.<sup>3</sup> As of January 2021, DSNY’s active fleet of 5,955 vehicles includes 2,298 collection trucks, 427 street sweepers, 431 salt/sand spreaders, 450 front-end loaders, 1,271 light-duty vehicles and 1,078 various other support vehicles. Based on Fiscal Year 2020 figures, DSNY’s diesel fleet used approximately 8.1 million gallons of diesel fuel. As discussed below, thanks to new technologies DSNY has achieved great success in minimizing emissions of PM and NOx from its fleet. DSNY strives to operate the cleanest big city fleet and in 2013 won the prestigious federal USEPA “Breathe Easy Leadership Award.” DSNY was nominated for the 2019 ACT Expo Fleet Award recognizing government fleets that have shown true leadership deploying alternative fuel vehicles and achieve sustainability in fleet operations. In 2020, DSNY was one of six recipients of the prestigious CALSTART Blue Sky Award, which is presented to companies, organizations or individuals making outstanding contributions to clean air, climate change, and the clean transportation technologies industry. The Blue Sky Award recognized DSNY’s leadership and innovation in sustainable transportation technologies and solutions. Since LL 38/2005 was passed, DSNY’s heavy-duty truck fleet relies mostly on clean diesel technology and ultra-low sulfur fuel while the Department’s light-duty fleet increasingly incorporates hybrid-electric, plug-in hybrid-electric and all-electric technology to minimize vehicular emissions.

This report includes the total number of alternative fuel “sanitation vehicles” owned or operated by DSNY by type of alternative fuel used, discusses notable advances in DSNY’s clean diesel fleet, and provides information regarding DSNY efforts to further incorporate alternative fuel vehicles into its fleet to further reduce emissions, including GHGs, in accordance with City air quality and sustainability goals. “Sanitation vehicles” are defined by LL38/2005 as vehicles used by DSNY “for street cleaning purposes or for the collection of solid waste or recyclable materials.”<sup>4</sup>

## II. Air Quality

New York City’s air quality has improved and since 2013 met federal standards for fine particulate matter (PM<sub>2.5</sub>), but it remains out of compliance with standards for ozone. The ozone

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<sup>3</sup> While not known to cause asthma, PM, especially fine PM 2.5 microns in diameter or smaller (PM<sub>2.5</sub>) is associated with increased respiratory symptoms, while NOx can be a precursor in the formation of ground-level ozone (regional smog) which is associated with exacerbation of asthma-related symptoms. *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements*, 66 Federal Register at 5012 (Jan. 18, 2001); “Public Health” chapter in *New York City Comprehensive Solid Waste Management Plan Final Environmental Impact Statement* (April 2005).

<sup>4</sup> NYC Administrative Code § 24-163.2(a)(6).



levels for the City's counties have been trending downward since the 2005-2007 period. The USEPA proposed a new, more restrictive annual standard for PM<sub>2.5</sub> in June 2012, which took effect in December 2012. USEPA reduced the new annual standard from 15 micrograms per cubic meter to 12 micrograms per cubic meter. Based on 2017-2019 measurements, New York City's air meets the new 2012 standard.<sup>5</sup> In 2010, USEPA set a new 1-hour NO<sub>2</sub> standard of 100 parts per billion (ppb). The form for the 1-hour NO<sub>2</sub> standard is the 3-year average of the 98<sup>th</sup> percentile of the annual distribution of daily maximum 1-hour average concentrations. The City complies with this NO<sub>2</sub> standard. In October 2015, USEPA strengthened the annual standard for ozone. USEPA reduced the 8-hour primary standard for ozone from 0.075 parts per million (ppm) to 0.070 ppm, averaged over three years. New York City, like the surrounding counties in the metropolitan area, does not meet this standard based on 2017-2019 data.

### III. Continuing Improvements in DSNY's Fleet Emissions

DSNY's fleet is achieving greater than *95% reduction in PM and 95% reduction in NOx emissions* fleet-wide compared with DSNY's heavy duty diesel fleet in 2005, while the newest trucks achieve *98% reductions* in each pollutant as compared with pre-1988 diesel engines. In addition, since 2005 DSNY's fleet has cut annual diesel fuel use by 22% (8,154,134 gallons of B5 and B20 biodiesel consumed in FY2020) and cut its light duty fleet gasoline use by 48% (599,942 gallons consumed in FY2020).

#### A. ULSD Fuel, New Vehicle Standards, Diesel Particulate Filters, and Retrofits

Currently all the Department's light, medium and heavy-duty diesel vehicles utilize the industry's latest computer-controlled and regulated clean-diesel engines for their respective engine model years (MY). DSNY's Clean Fleet Program of testing and development of state-of-the-art technology and alternative fuels helped pioneer the improvements in heavy duty diesel emissions that the federal government subsequently mandated nationwide for the 2007 MY and later. DSNY's Program includes obtaining research grants, partnering with industry to test vehicles under real world conditions, and operating a vehicle testing facility for heavy duty trucks. DSNY's state-of-the-art heavy-duty Vehicles Testing Laboratory, one of only two east of the Mississippi, conducts research and development projects, and performs independent exhaust emissions testing of various emission control technologies, alternative fuels and novel diesel fuel blends.

- The Department pioneered the use of ultra-low sulfur diesel fuel (ULSD)—limited to 15 ppm of sulfur—in July of 2001 in certain districts and expanded its use to its entire fleet in 2004 in advance of the USEPA June 2006 nationwide ULSD mandate. The new standard represents a *reduction of 97%* from the previous low sulfur standard for on-road diesel fuel of 500 ppm that took effect in 1993. Prior to 1993, the average sulfur content for on-road diesel fuel was 2500 ppm.
- ULSD allowed DSNY to expand its use of various advanced emission-control after-treatment technologies, such as diesel particulate filters and diesel oxidation catalysts. Previously, higher sulfur content fuel would have clogged these devices. These controls reduce

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<sup>5</sup> The annual PM<sub>2.5</sub> NAAQS is the 3-year average annual mean concentration.

particulate matter by 90% or better, as verified in DSNY testing.

- Since mid-2006, all of DSNY’s new diesel truck purchases have met the stringent 2007 USEPA new-truck standards limiting particulate matter to 0.01 grams per brake horsepower-hour (g/bhp-hr), a reduction of 90% from the 2006 MY limit of 0.1 g/bhp-hr.<sup>6</sup> As of the 2010 MY NOx is limited to 0.2 g/bhp-hr, compared to 2.0 g/bhp-hr in the 2006 MY and 4.0 g/bhp-hr in the 2003 MY. NOx emission reductions are achieved mainly by diesel exhaust after-treatment technology called selective catalytic reduction (SCR). SCR technology utilizes diesel exhaust fluid (urea) to treat the exhaust and remove the NOx.
- To address the legacy of emissions from older trucks, DSNY mechanics have installed Best Available Retrofit Technology (BART) devices such as particulate filters on pre-2007 trucks, as mandated by Local Law 73 of 2013 (LL 73/2013). These devices achieve reductions of up to 90% in PM and up to 25% in NOx. By January 1, 2017 at least 90% of DSNY’s diesel-powered on-road fleet were required to utilize a diesel particulate filter or be equipped with an engine that meets USEPA 2007 PM standards. DSNY exceeded this target. Including both factory-installed equipment and retrofits, as of January 1, 2021 more than 99% of DSNY’s on-road diesel fleet was so equipped.

## B. Greenhouse Gas Emissions

GHG emissions from human activities cause climate change and global warming. Motor vehicles fueled by diesel and gasoline represent the largest single source of U.S. net GHG emissions.<sup>7</sup> To help reduce such emissions, the USEPA and the National Highway Traffic Safety Administration jointly developed a GHG emissions program and fuel efficiency standards applicable to all heavy- and medium-duty vehicles.<sup>8</sup> The GHG/fuel economy standards were adopted in two phases. Under the Phase 1 and Phase 2 regulations, different CO<sub>2</sub> and fuel consumption standards are applicable to different categories of vehicles, including combination tractors, trailers, vocational vehicles, and heavy-duty pickups and vans. Phase 1 regulations, adopted in 2011, require vocational vehicles (such as DSNY collection trucks) to achieve up to a 10% reduction in fuel consumption and CO<sub>2</sub> emissions by 2017 MY over the 2010 baselines. Phase 2 regulations, published in 2016, apply to MY 2021-2027 vehicles.

In FY2020, DSNY ordered 305 new collection trucks and expects to receive delivery in CY 2021; these new trucks will comply with EPA Phase-1 GHG standards, adding to the 446 Phase-1 GHG-compliant collection trucks acquired previously. The new reduced-GHG trucks will aid DSNY in making progress toward NYC’s *OneNYC* GHG reduction goals of net-zero GHG emissions citywide by 2050.<sup>9</sup>

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<sup>6</sup> 66 Fed. Reg 5001, 5005 (Jan. 18, 2001). By comparison, the 1990 federal standard for particulate matter for heavy duty diesel highway engines was 0.60 g/bhp-hr. NOx standards have been reduced over time from 10.7 g/bhp-hr in 1988 to 0.2 g/bhp-hr starting in 2007, with a phase-in allowed until 2010, yielding an effective limit of 1.2 g/bhp-hr for 2007-2009 MYs.

<sup>7</sup> USEPA’s Inventory of US Greenhouse Gas Emissions and Sinks: 1990-2018. <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>.

<sup>8</sup> The standards are applicable to all on-road vehicles rated at a gross vehicle weight  $\geq$ 8,500 lbs, and the engines that power them.

<sup>9</sup> *OneNYC 2050: Building a Strong and Fair City*; A Livable Climate, Volume 7 of 9; [nyc.gov/OneNYC](http://nyc.gov/OneNYC).

## IV. Alternative Fuel Vehicles

Despite the success of DSNY's Clean Diesel Program in minimizing PM and NOx fleet emissions, further improvements are possible as technology advances. DSNY therefore continues an active program of testing other kinds of fuels and technologies. Under LL38/2005, "alternative fuels" include natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether. Including collection trucks, sweepers, and light duty vehicles that are not used to collect refuse or recyclables, DSNY currently has 811 vehicles that operate on various alternative fuels, including electric and hybrid-electric vehicles.

In December 2015, Mayor de Blasio announced the launch of NYC Clean Fleet, a comprehensive plan which will: (1) add 2,000 electric vehicles (EVs) to its municipal vehicle fleet by 2025, which would give New York City the largest EV fleet in the country; and (2) achieve a 50% reduction in GHG emissions from fleet operations below 2005 levels by 2025, and an 80% reduction by 2035. DSNY is adapting its fleet to this important initiative.

In February 2020, Mayor de Blasio issued Executive Order 53, with the goal of New York City achieving an all-electric, carbon-neutral fleet by the year 2040. DSNY is exploring options for fleet compliance with this goal, including testing a battery-electric collection truck and a battery-electric mechanical broom street sweeper, as discussed below.

### A. Light-Duty Vehicles

DSNY's light duty fleet currently includes 669 advanced low- or zero-emission vehicles, such as hybrid-electric, plug-in hybrid-electric, and battery-electric vehicles (BEVs). Hybrid-electric vehicles operate on gasoline assisted by battery technology. Plug-in hybrid-electric vehicles can operate in battery mode for a certain distance before the gasoline engine must be used. BEVs operate on electric battery power alone. Consistent with LL38/2005 and NYC Clean Fleet, DSNY expects to increase its fleet of light-duty electric and hybrid-electric vehicles. However, due to the City's budget crisis caused by the Covid-19 pandemic, DSNY purchased no alternative-fuel light duty vehicles for delivery in FY2021.

#### 1. Hybrid-Electric Vehicles

DSNY currently owns and operates 520 hybrid-electric vehicles. These include Ford Fusion<sup>10</sup> and Escape, Toyota Prius and RAV4. In FY2019, DSNY ordered 70 additional Toyota RAV4 hybrid-electric 4-wheel drive vehicles replacing 70 older gasoline SUVs that have reached the end of their useful life. The 2019 RAV4's have an EPA rating of 41 mpg (combined) and benefit DSNY by increasing the SUV fleet average fuel economy. DSNY did not purchase any hybrid-electric light duty vehicles in FY2020.

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<sup>10</sup> EPA mileage estimates for the Fusion Hybrid MY2014 are 41 mpg highway and 44 mpg city.

## 2. Plug-In Hybrid-Electric Vehicles

DSNY's fleet includes 131 plug-in hybrid–electric vehicles: 14 Chevrolet Volt sedans, 82 Ford Fusion Energi Plug-in Hybrids, and 35 Mitsubishi Outlander Plug-in SUVs (4-wheel drive, delivered in FY2020). The Chevrolet Volt sedans can run on battery power for up to 40 miles before a gasoline engine starts up to charge the battery,<sup>11</sup> while the battery range is 19 miles for Ford Fusion Energi Plug-in Hybrids and 22 miles for the Mitsubishi Outlander Plug-in Hybrid SUVs.

## 3. Discussion: Plug-in Hybrid vs. Conventional Hybrid

The Ford Fusion Energi Plug-in Hybrid, Chevrolet Volt and Mitsubishi Outlander Plug-in Hybrid have the same California Air Resources Board (CARB) emissions rating (Alternate Technology Partial Zero Emission Vehicle, or AT-PZEV) as the (non-plug-in) Toyota Prius and Toyota RAV4 hybrids. As such, the Fusion Energi Plug-in Hybrid, the Volt, the Outlander and the Prius are capable of zero emissions when running only on battery power, but the Toyota Prius and RAV4 battery-only range is rated by the USEPA at under one mile. As a DSNY sedan shift averages 33 miles of driving, a Toyota Prius and RAV4 will utilize its internal combustion engine for almost the entire shift and have higher direct emissions than a Fusion Energi Plug-in Hybrid or Volt or Outlander, which have longer battery-mode ranges. The Fusion Energi Plug-in Hybrids in DSNY's current fleet will utilize their battery for approximately 19 miles and will use their internal combustion engine for the remaining 14 miles of the DSNY shift route. The Volt will operate in electric mode for the entire 33-mile shift. The Mitsubishi Outlander will operate in electric mode for approximately 22 miles and will use its internal combustion engine for the shift's remaining 11 miles.

The plug-in hybrids have performed well in the field. The advantage of the plug-in hybrid over a conventional hybrid is its ability to run on battery mode for an extended range, therefore emitting fewer direct air pollutant and GHG emissions during a typical duty cycle than a conventional hybrid. For example, according to the USEPA, a 2015 Fusion Energi Plug-in Hybrid gets the equivalent of 88 miles per gallon when operating in battery mode (MPGe), and 38 mpg when operating in gasoline mode. The USEPA rated the 2017 Volt for 53 miles of battery range and 106 MPGe in battery mode. The USEPA rated the 2019 Mitsubishi Outlander for 74 MPGe when operating in battery mode and 25 miles per gallon when operating in gasoline mode. The USEPA rated the 2017 Prius for 52 mpg combined/54 mpg City/50 mpg highway. The USEPA rated the 2019 RAV4 for 41 mpg combined/38 mpg City/40 mpg highway. In addition to the emission benefits, costs to be considered include fuel, depreciation and maintenance. As the City self-insures, any differential cost in insurance rates for these vehicles is not relevant.

In Fiscal Year 2019, the purchase price available to the City varied by hybrid model, with plug-ins more expensive than conventional hybrids: Mitsubishi Outlander Plug-in 4x4 SUV (\$36,700), Ford Fusion Energi Plug-in Hybrid (\$36,091), Chevrolet Volt Plug-in (\$35,369), Toyota Prius Prime Plug-in (\$24,994), Toyota RAV4 4x4 Hybrid (\$27,256), and Toyota Prius Hybrid (\$22,713), absent subsidies. As a public agency that does not pay income tax, DSNY is not eligible for the \$4,007 federal tax credit available to federal income tax payers for new hybrid models, for example Fusion Energi Plug-in Hybrid for the first 200,000 vehicles sold, or for the

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<sup>11</sup> Newer Chevrolet Volts (2019) can run on battery power alone for up to 53 miles.

similar tax credit of \$1,875 to \$7,500 that was available for the purchase of a Volt (ended March 31, 2020). Previously, DSNY has used federal Congestion Mitigation and Air Quality (CMAQ) grant funding to cover the incremental cost of the Volts over the cost of a Fusion Energi Plug-in Hybrid, Prius or Fusion. As for operational costs, at current rates, a 2017 Prius that is driven 10,000 miles annually (the average for a DSNY sedan, which is equivalent to 33 miles/day) for 8 years (the useful vehicle life for a DSNY sedan) will require 192 gallons of gasoline per year at a cost of \$1.62 per gallon as of December 2020, for a total of \$311.04 in annual fuel costs (excluding oil changes, etc). A Fusion Energi Plug-in Hybrid that is driven the same daily distances would drive 19 miles in pure electric mode and 14 miles in gasoline mode and would have \$181.44 in gasoline costs, plus the cost of electricity consumed (0.36 kWh/mile at \$0.14/kWh), which comes to approximately \$299.52, for a total annual fuel and electricity cost of \$480.96. Annual maintenance costs in CY 2018 were calculated to be \$893.31 for the Prius Hybrid and \$496.73 for the Fusion Energi Plug-in.<sup>12</sup> At this annual rate, and assuming constant fuel and electricity rates, the Fusion Energi Plug-in Hybrid would cost approximately \$7,000 more than the Prius Hybrid over the life of the car, absent subsidies.<sup>13</sup> Fusion Energi Plug-in gasoline use would be reduced by 42% as compared to the Prius Hybrid, for a savings of 641 gallons over that period. The carbon reduction from this fuel savings would be partially offset by the carbon emissions from the natural gas used to produce about 74% of New York City's electricity to charge the plug-in vehicle.<sup>14</sup> However, the net reduction in carbon emissions would still be substantial.<sup>15</sup> There would be similar incremental costs and gas and carbon savings for the Prius Hybrid Plug-in as compared to the Prius Hybrid.

DSNY has observed no significant difference in performance in the field between the Fusion Energi Plug-in Hybrid, the Volt, the Outlander, the Prius, the RAV4 or the Fusion Hybrid. The Fusion Energi Plug-in Hybrid, the Fusion and Prius have more cargo space than a Volt but this difference is not material for typical DSNY sedan operations; the RAV4 and the Outlander are both SUVs with 4-wheel drive capability, which is important for DSNY winter storm operations. The requirement of charging the Fusion Energi Plug-in Hybrid, the Volt, and the Outlander creates certain operational issues not posed by the Prius, RAV4 or Fusion Hybrid, including a comparatively long charge time (about three hours at 240V at a Level 2 charging station), the limited number of parking spots with charging equipment at DSNY facilities, and the need for electrical upgrades at certain DSNY facilities to accommodate the required amperage for vehicle charging. Furthermore, the required charge time for the Fusion Energi Plug-in Hybrid, the Volt, and the Outlander is inadequate for the Department's 12-hour shifts during snow operations. The environmental benefits of operating a plug-in hybrid over a conventional hybrid for DSNY's fleet (with lower local emissions and lower carbon emissions) can only be obtained via an adequate

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<sup>12</sup> City of New York, Department of Citywide Administrative Services, NYC Fleet Newsletter, Issue 255 (March 8, 2019). This information was not updated in CY2019 and CY2020.

<sup>13</sup> The salvage value of the two vehicles is roughly comparable, and not included in this analysis.

<sup>14</sup> Of the electricity used in the downstate region that includes New York City, 74% is from fossil fuel (primarily natural gas), 23% is from zero emission sources (mainly nuclear, some wind and solar), 2% from other renewables such as waste-to-energy plants, and 1% from hydroelectric pumped storage. Figures are for 2016. The Indian Point Energy Center nuclear power plant supplying the region is scheduled to close by April 2021. Source: New York Independent Service Operator, *Power Trends 2017*, p. 31.

<sup>15</sup> Considering the generation mix for New York City, the CO<sub>2</sub>-equivalent emissions (grams per mile) are estimated to be 181 for a 2015 Toyota Prius Plug-in, 191 for a 2018 Ford Energi Plug-in, 139 for a 2018 Prius Prime Plug-in, 141 for a 2018 Chevy Volt, and 102 for a 2016 Nissan Leaf (EV). Source: Union of Concerned Scientists, EV Emissions Tool, accessed on March 16, 2020: <https://www.ucsusa.org/clean-vehicles/electric-vehicles/ev-emissions-tool>.

infrastructure and flexibility in charging time.

The Department expects to take further advantage of the advances in plug-in hybrid electric vehicles, in accordance with the Clean Fleet directive of Mayor de Blasio and consistent with the Department's operational needs. In addition, as DSNY continues to install solar photovoltaic arrays at its garages, this clean, renewable source of electricity will further reduce the carbon footprint of plug-in vehicles and all-electric vehicles in the fleet.

#### 4. Zero-Emission Battery-Electric Vehicles

DSNY operates certain zero-emission battery-electric vehicles (BEVs) in its fleet under the mandate of LL 38/2005; none were added in CY2020, however. In CY2013, DSNY acquired 18 BEV Nissan Leafs for light duty use. Zero-emission vehicles have the potential to bring further benefits to local air quality, as well as fuel cost savings and GHG reduction, compared to DSNY's current hybrid fleet. The improvement over a plug-in hybrid vehicle may be insignificant however, when DSNY sedan usage stays under 19 miles per driving shift, so that the plug-in hybrid vehicle operates primarily in electric mode, as noted above. Moreover, such BEVs require additional charging infrastructure, and may limit DSNY's operational flexibility for such sedans and be impractical in winter emergency snow situations due to relatively slow charging times and lack of four-wheel drive capability that is essential in responding to winter emergency weather.

When a major snowstorm hits the City of New York, DSNY's light-duty fleet (passenger cars and SUVs) becomes part of the Department's snow-removal operation. DSNY's Field Supervisors utilize light-duty vehicles to survey, assess and assist in the snow-removal operation throughout the five boroughs. When snow accumulation reaches six inches or higher, Field Supervisors driving passenger cars experience great difficulty navigating through heavy snow due to low ground clearance and poor traction-control of front-wheel drive passenger cars. Passenger cars that lack four-wheel drive capability can get stuck in the snow, which further hampers the snow removal response as resources must be dedicated to tow these vehicles out, and DSNY loses the function of that Field Supervisor to manage the snow fighting response within the assigned area. Passenger cars impede the Department's ability to safely and effectively survey, assess and assist in the snow-removal operations. As a result, DSNY generally uses hybrid or plug-in hybrid SUVs with four-wheel drive capability in lieu of BEVs and/or plug-in hybrid cars lacking such capability for all jurisdictions responsible for snow-removal operations.

DSNY currently owns/operates one Level-3 and 104 Level-2 EV charging stations citywide, which include a total of 158 charging ports. Level-3 EV chargers are also known as Direct Current Fast Chargers (DCFC) and can deliver a very high rate of charge. Level-3 chargers are more suitable for heavy-duty vehicles with very large battery-packs. Level-2 EV chargers deliver a much lower rate of charge and are more suitable for light-duty passenger vehicles with much smaller battery packs.

In CY2011, DSNY also purchased and is testing two Ford Transit Connects (BEV vans). Both vehicles have been discontinued by the manufacturer. One vehicle was condemned in CY2018; the remaining vehicle continued in use in CY2020 and will remain as part of DSNY's fleet until the end of its useful life.

As new zero-emission vehicles come on the market, DSNY intends to conduct further studies on the economic and operational feasibility of incorporating more alternative fuel light-duty vehicles into its fleet.

## *B. Heavy-Duty Vehicles*

### 1. Heavy Duty Battery-Electric Vehicles

In the past few years, the development of heavy-duty BEVs has advanced. Cummins, Freightliner, Kenworth, and Mack Trucks are among the truck manufacturers who have announced on-going development of Class-8 BEVs. As noted above, DSNY's EV charging infrastructure has grown over the years to accommodate the increased number of plug-in vehicles in the DSNY fleet. To build on DSNY's experience and success in deploying a fleet of light-duty EVs and continue the progress of reducing GHG emissions from heavy-duty vehicles, DSNY expressed interest to Mack Trucks and Global Environmental Products about exploring the development of a BEV collection truck and street sweeper, respectively. Based on DSNY's pioneering R&D record and expressed interest, both Mack Trucks and Global Environmental Products agreed to begin development of a BEV collection truck and BEV street sweeper, respectively. The pilot/prototype BEV street sweeper and collection truck (see cover photo of this report) are among the first in the country in their weight-class. In anticipation of this pilot, DSNY installed its first Level 3 DC fast charger at DSNY's Brooklyn District 1 Garage, where the BEV collection truck has been assigned.

#### BEV Collection Truck

Under a written Agreement with Mack Trucks, and at no cost to the City, DSNY is among the first public or private fleets in the country to pilot-test an all-electric BEV collection truck. The term of the pilot is for one year, which will allow DSNY to test the BEV collection truck throughout four seasons and various operating conditions. The DSNY BEV collection truck is the first in its weight class at 72,000 lbs GVW. The BEV collection truck features Mack's fully integrated electric powertrain with twin electric motors and four NMC lithium-ion batteries providing vehicle propulsion, as well as power for all onboard accessories. A unique three-mode regenerative braking system takes into account the truck's increasing load and helps recapture energy from the hundreds of stops collection trucks make each day.

DSNY's collection trucks are part of NYC's snow-removal arsenal. Each one of DSNY's collection trucks is equipped with a snowplow hitch. As a pre-production prototype, the DSNY BEV collection truck does not have the capability to plow snow. However, it is anticipated that future generations of BEV collection truck will be able to plow snow.

Due to COVID-19, delivery of the BEV collection truck was extremely delayed. Upon its arrival in September 2020, and after completing initial inspection and mechanic/operator training, the official launch of the Department's first BEV collection truck was on November 18, 2020. DSNY's staff will closely monitor the daily performance of the truck and collect various data points to help in the assessment process when the pilot test concludes.

## BEV Street Sweeper

DSNY is among the first public or private fleets in the country to pilot-test an all-electric BEV street sweeper. Under a Research and Development grant funded by NYS Energy & Research Development Authority (NYSERDA), DSNY was awarded \$255,000 towards the incremental cost of an all-electric street sweeper (compared to the base cost of a diesel hybrid-electric vehicle (HEV) street sweeper).<sup>16</sup>

The DSNY BEV street sweeper is manufactured by Global Environmental Products (GEP) and is the same “M4” model currently in use by DSNY today. The US Hybrid Corporation (Torrance, CA) designed and built the propulsion on the BEV sweeper. The BEV sweeper incorporates a regenerative braking system designed to capture kinetic energy during braking events when in travel or sweeping modes. Under certain conditions, regenerative braking can help improve the range of BEV. The BEV features a fully integrated electric powertrain with a single traction motor and a 180 kWh battery pack.

After the BEV sweeper arrived in January 2020, DSNY conducted preliminary shakedown testing. DSNY identified various technical issues and worked with GEP and US Hybrid to address them. Due to COVID-19, the official launch of the Department's first BEV sweeper has been delayed; DSNY anticipates it will go into service in March 2021. The BEV sweeper will be assigned to DSNY's Brooklyn District 4 (BK4) garage. The BK4 street sweeping routes are located in a NYC environmental justice community. Under the grant, CalStart will participate in the BEV street sweeper program by assisting in the data collection process and preparing periodic and final reports as outlined by NYSERDA. DSNY staff will closely monitor the daily performance of the truck and collect various data points to help in the assessment process when the pilot test concludes.

## 2. Compressed Natural Gas (CNG)

DSNY currently owns and operates 39 dedicated CNG sanitation collection trucks, including a new design for 6 CNG trucks acquired in CY2020 (see Appendix 1). DSNY phased out its older fleet (2001-2003 vintage) of CNG collection trucks that were problematic. CNG-fueled trucks are longer than conventional sanitation vehicles, making it more difficult to access certain narrower streets because of their wider turning radius. In CY 2008, DSNY put into service 10 new CNG collection trucks from Crane Carrier Corporation equipped with the new generation of the Cummins ISL-gas CNG engines to replace 10 of the oldest CNG trucks in the fleet. In CY 2009, DSNY put into service one front-loading Crane Carrier Corporation CNG collection truck equipped with a Cummins ISL-gas CNG engine. Also in CY 2009, DSNY ordered 10 additional CNG trucks from Crane Carrier Corporation, which were delivered in November/December 2009. In order to address the repeated failed cold starts of the fleet of Crane Carrier CNG trucks, at DSNY's request Cummins made improvements to the engine calibration software. With the problem corrected, DSNY formally added the last 10 Crane Carrier CNG trucks to the fleet in the third quarter of CY 2010. The cold-weather operation of the newest CNG trucks with the Cummins ISL-Gas CNG engines has been satisfactory. In CY 2013, DSNY ordered and received delivery of 23 additional CNG trucks from Mack Trucks, equipped with a Cummins ISL-gas CNG engine. DSNY

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<sup>16</sup>The cost of an HEV street sweeper is \$379,800. The cost of a BEV street sweeper is \$734,800.



put these 23 additional trucks into service in January 2014.

From an operational perspective, results on testing the latest generation of CNG collection trucks indicate they have improved in reliability from earlier model CNG trucks, but they are still not as reliable as clean diesel trucks. NOx emissions from the two technologies have been comparable; with CNG truck NOx emissions slightly lower than the NOx emissions from diesel trucks with advanced after-treatment technologies.<sup>17</sup> As a result of the use of ULSD and new emissions control technologies, heavy duty diesel truck PM emissions are very low, and are comparable to those from CNG-fueled heavy duty vehicles. On the other hand, GHG emissions from CNG trucks are reportedly 20-23% lower than those from diesel trucks.<sup>18</sup> It has been noted that CNG trucks are somewhat quieter than diesel trucks,<sup>19</sup> but compaction noise from CNG collection trucks and diesel collection trucks is generally comparable.

From an economic perspective, with increased recoverable domestic reserves due to new technology natural gas prices have fallen and have been competitive with diesel prices. As of December 2020, a gallon of diesel fuel cost \$2.13 while a gallon-equivalent of CNG cost approximately \$2.50; in February 2020, a gallon of diesel fuel cost \$2.36 while a gallon-equivalent of CNG cost approximately \$2.57. CNG-fueled vehicles have lower fuel efficiency than diesel and a CNG-fueled collection truck costs approximately \$24,114 more per unit than a diesel collection truck<sup>20</sup>. For a collection truck that drives 6900 miles in a year at an average 2.5 miles per gallon, the annual diesel fuel cost at \$2.13/gal is \$5,879 (versus last year's annual cost of \$6,514); the equivalent in CNG fuel at \$2.50/gal eq. is \$6,900 (versus last year's annual cost of \$7,093). Further, DSNY has only one CNG fueling station for its 59 district garages,<sup>21</sup> and the handful of private CNG filling stations in the City are generally not equipped for rapid filling of heavy-duty trucks. Thus, any move to significantly expand DSNY's CNG truck fleet would require additional investment to build CNG fueling infrastructure and undertake facility modifications required by the New York City Building Code.

In October 2015, Cummins announced that its new ISL G Near Zero (NZ) NOx natural gas engine is the first Mid-Range engine in North America to receive emission certifications from both USEPA and CARB as meeting the 0.02 g/bhp-hr optional Near Zero NOx Emissions standards for collection trucks. Cummins ISL GNZ NOx emissions will be 90% lower than the current USEPA NOx limit of 0.2 g/bhp-hr which is even cleaner than clean diesel. In FY2018, DSNY purchased 6 new Mack Trucks powered by the Cummins ISL GNZ CNG engine for its fleet; DSNY put these 6 trucks in service in CY2020.

As explained in prior annual reports, DSNY has previously completed the LL38/2005-mandated evaluation pilot study of CNG sweepers. DSNY currently has no CNG sweepers in

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<sup>17</sup> Ayala, *et al.*, *CNG and Diesel Transit Bus Emissions in Review* (August 2003); Ayala, *et al.*, *Diesel and CNG Heavy-Duty Transit Bus Emissions over Multiple Driving Schedules: Regulated Pollutants and Project Overview* (Society of Automotive Engineers, 2002).

<sup>18</sup> Peter Hildebrandt, "NGVs & Onboard Equipment," *MSW Management*, March/April 2011, *NGV Fleet Manager Supplement*, at 14 (citing figures from Clean Vehicle Education Foundation).

<sup>19</sup> INFORM, Inc., *Greening Garbage Trucks: New Technologies for Cleaner Air* (2003).

<sup>20</sup> Cost as of 2019. In 2019, CNG-fueled collection trucks were redesigned.

<sup>21</sup> This project was undertaken as part of a settlement of a lawsuit brought against the City and DSNY by the United States for violations of the Clean Air Act. *United States v. City of New York*, 99 Civ. 2207 (LAK) (S.D.N.Y.).

service.

### 3. Heavy Duty Hybrid-Electric Vehicles (HEV)

DSNY is currently testing 27 diesel-powered HEV street sweepers in eight districts (see Appendix 2). In CY2010, DSNY put into service the world's first Class-7 HEV street sweeper. In FY2019, DSNY purchased seven diesel-powered HEV street sweepers at \$379,800 per vehicle (five of which were subsidized by \$30,000 in CMAQ funds each), which is \$125,000 more than the purchase price of a conventional diesel sweeper. In FY2020, DSNY purchased 14 more diesel-powered HEV street sweepers. All 14 HEV street sweepers have been inspected, accepted and put into service. All 14 units are equipped with an export-power module which gives these vehicles the ability to provide up to 10kW of shore power to a DSNY garage facility in the event of a blackout. Preliminary test results indicate that these diesel HEV street sweepers have better fuel mileage and are approximately 42% more fuel efficient than the latest Clean Diesel engines. DSNY continues to collect service records throughout the evaluation process.

### 4. Hybrid-Hydraulic Diesel Collection Trucks

As discussed in prior Annual Reports, hybrid-hydraulic technology has the potential to reduce diesel fuel use and related emissions by capturing and reusing energy that is otherwise wasted during the frequent braking of collection vehicles. DSNY ordered two experimental (prototype) hybrid-hydraulic diesel trucks from Crane Carrier Corporation in 2008, which were put into service in October 2009. This initiative was sponsored by the New York State Energy Research and Development Authority and the Hybrid Truck Users Forum. The hybrid-hydraulic diesel trucks utilize Bosch Rexroth's HRB System technology. These were the first such trucks in North America; they have also been tested in Germany. In CY2013, DSNY put into service 17 additional next-generation Bosch Rexroth hybrid-hydraulic trucks. DSNY applied for and obtained federal CMAQ grant funds for 80% of the cost of these new purchases. Also in CY2013, DSNY successfully applied for federal CMAQ grant funding to purchase 32 additional diesel-powered hybrid-hydraulic trucks from Mack Trucks for CY2014 delivery. Currently, DSNY has a total of 46 hybrid-hydraulic diesel trucks in service.

Due to the dramatic drop in the price of diesel fuel that ultimately eliminated the potential for return on investment for hybrid-hydraulic system manufacturers, these manufacturers have discontinued production of the hybrid-hydraulic trucks. Therefore, currently DSNY has no viable option for new hybrid-hydraulic heavy duty trucks. Because the manufacturer can no longer support this first-generation design, the hybrid-hydraulic technology had to be disabled on the first two Crane Carrier diesel-powered collection trucks. The 46 hybrid-hydraulic collection trucks in the fleet will continue in service until they reach the end of their operational life.

#### *C. Testing of Biodiesel Blends*

Biodiesel is a renewable, biodegradable fuel manufactured domestically from vegetable oils, animal fats, or recycled restaurant grease. It is a cleaner-burning replacement for petroleum-based diesel fuel. The biodiesel fuel used by DSNY comes from soybeans. Biodiesel reduces GHG emissions because CO<sub>2</sub> released from biodiesel combustion is largely offset by the CO<sub>2</sub>

absorbed from growing soybeans or other feedstocks used to product the fuel.<sup>22</sup> LL 73/2013 requires the use of biodiesel fuel in diesel fuel-powered motor vehicles owned or operated by the city of New York. According to LL 73/2013, for fiscal year beginning July 1, 2014, these vehicles must use at least five percent biodiesel (B5) by volume. In March 2007, DSNY launched a biodiesel (B5) initiative citywide on all diesel-powered equipment (on- highway and off-highway), utilizing 5% biodiesel (made from soybeans) and 95% (petroleum-based) ULSD. To date, the B5 initiative resulted in no change in vehicle performance, no operator or mechanic complaints, no increase in down rate, and good winter operability.

Pursuant to LL 73/2013, beginning July 1, 2016, all diesel-powered motor vehicles owned or operated by the city of New York must use B5 from December through March, and at least B20 (20% biodiesel) from April through November. LL 73/2013 also established a pilot program beginning December 1, 2016 whereby at least five percent of all city-owned diesel-powered motor vehicles utilize at least B20 from December through March.

Previously, in 2008, DSNY implemented its B20 pilot study (April through November) in Queens District 6. Based on those encouraging results, in July 2010 DSNY expanded the study to Brooklyn District 5. In advance of the LL 73/2013 mandate beginning July 1, 2016 DSNY expanded the B20 pilot study (April through November) citywide in CY 2013 (59 districts).

Since July 2008, DSNY's fleet has consumed over 42 million gallons of B20 biodiesel. Over the past few years, DSNY gradually increased the use of B20 (winter pilot) at various districts during winter months (December through March). During the 2018-2019 B20 winter pilot, DSNY dispensed B20 in 21 districts of the City and took proactive steps to mitigate/prevent potential operational issues with vehicles and fuel dispensers. About one month into the 2018-2019 B20 winter pilot, DSNY suspended B20 deliveries to the three locations utilizing above-ground fuel storage tanks due to persistent plugging and replacement of the fuel dispenser filters. To reduce the risk of fuel gelling/crystallization of the B20 product during extreme single-digit ambient temperatures, DSNY dispensed an anti-gel diesel fuel additive in all vehicle fuel tanks operating on B20. These steps helped DSNY to continue and complete the B20 winter pilot without any further operational issues. Test results of random fuel samples indicated the B20 biodiesel met all ASTM testing specifications during the winter and summer months. During the 2019-2020 and 2020-2021 winters, DSNY discontinued the B20 winter pilot and dispensed only B5 citywide at its 59 districts to minimize the risks encountered during the 2018-2019 B20 winter pilot and avoid the hardship of constantly addressing operational issues (i.e., ensuring proper additive dosing) at B20 locations.

B5 biodiesel costs slightly more than standard ULSD, while B20 biodiesel costs approximately \$0.17 more per gallon than B5. In FY2020 DSNY used 8,154,131 gallons of diesel of various blends, of which 60% was B20 biodiesel and 40% was B5 biodiesel. The use of these grades of biodiesel reduced GHG emissions from the fleet in 2020 by 34,117 metric tons of CO<sub>2</sub>, from the FY2005 diesel fleet baseline, a 31% reduction. Using B20 yielded a net reduction in carbon

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<sup>22</sup> About 22.4 pounds of CO<sub>2</sub> is produced from burning a gallon of ULSD; about 17.9 pounds of CO<sub>2</sub> is produced from burning a gallon of B20. Source: U.S. Energy Information Agency, accessed March 21, 2018 <https://www.eia.gov/tools/faqs/faq.php?id=307&t=11>.

emissions of approximately 20% compared to conventional fossil fuel diesel use.<sup>23</sup> To date, DSNY's use of biodiesel blends has displaced well over twelve million gallons of petroleum-based diesel fuel. Good housekeeping of underground storage tanks (UST) and proper vehicle maintenance are key to a successful biodiesel program.

#### *D. Renewable Diesel*

Hydrogenation-derived Renewable Diesel, also known as Renewable Diesel (RD), is produced from soybean, palm, canola, or rapeseed oil; animal tallow; vegetable oil waste or brown trap grease; and other fats or vegetable oils. It can be used alone (100%) or blended with petroleum and refined by a hydro treating process. RD meets the petroleum diesel ASTM specification (D975), which allows it to be used in existing diesel infrastructure and vehicles. RD derived from domestic biological materials is considered an alternative fuel under the Energy Policy Act of 1992 (Public Law 102-486). RD is a renewable fuel which has the potential to reduce GHG emissions over 60% compared to fossil-fuel petroleum-based diesel. Benefits of using RD include:

- **Fewer emissions**—RD feedstocks capture and recycle CO<sub>2</sub> from the atmosphere, partially offsetting CO<sub>2</sub> from burning RD, and blends of RD can reduce carbon monoxide and hydrocarbon emissions. In addition, RD's ultra-low sulfur content enables the use of advanced emission control devices.
- **More flexibility**—RD that meets quality standards can fuel modern diesel vehicles. This fuel is compatible with existing diesel distribution infrastructure (not requiring new pipelines, storage tanks, or retail station pumps), can be produced using existing oil refinery capacity, and does not require extensive new production facilities.
- **Higher performance**—RD's high combustion quality results in similar or better vehicle performance compared to conventional diesel.

DSNY was one of several city agencies participating in the NYC Renewable Diesel pilot, which utilizes a blend of 99% RD with 1% petroleum diesel. The pilot commenced upon receiving a June 13, 2018 Letter of No Objection from the New York City Fire Department. DSNY was the first city agency to receive a delivery of RD, at the Queens District 6 Garage in Woodside. DSNY gradually expanded the RD pilot to 17 district garages in all five boroughs. DSNY consumed 653,218 gallons of RD throughout the five-month period of the pilot program (June 2018 through October 2018). Test results of random fuel samples indicated that the RD met all ASTM testing specifications. RD did not negatively impact DSNY's fleet or its operation, and no adjustments were necessary to the preventive maintenance schedule of the DSNY fleet. Although the pilot has ended, the use of RD in the future could help the agency achieve OneNYC's fleet GHG reduction goals. Despite delays due to COVID-19, DCAS is in the process of evaluating bids for RD and anticipates having a two-year RD contract in place by March/April 2021.

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<sup>23</sup> To date, since 2008 DSNY's use of B20 has resulted in the saving of approximately 190,109,696 pounds of CO<sub>2</sub> emissions.

### *E. Active Stop-Start Technology*

As part of the City's goal to reduce fleet GHG emissions 80% by 2035, DSNY is also exploring the use of idle-stop technology designed to reduce/eliminate unnecessary idling. DSNY is currently pilot testing 12 collection trucks equipped with the Effenco Stop/Start technology. The Effenco Stop/Start technology is specifically designed for use in heavy-duty vehicles. Fourteen additional collection trucks equipped with the Effenco technology were to be delivered to DSNY in CY2020 but the delivery was delayed due to COVID-19. The first truck arrived in December 2020; complete delivery of the remaining thirteen trucks is projected to take place in CY2021. Effenco's Active Stop-Start Technology is an electric system using ultracapacitor modules that is designed to shut down the engine of vocational trucks when they are stationary and to provide electric power to the vehicle equipment, cab and chassis accessories including the HVAC system. Since these vehicles spend a large proportion of their operating time immobile, the Active Stop-Start technology creates value by reducing engine operating hours and corresponding fuel consumption, emissions and maintenance. On a preliminary basis, DSNY has found a 30-40% reduction in fuel use and GHG emissions with this technology.

## **V. Conclusion**

DSNY endeavors to operate its fleet in the most environmentally sustainable manner, consistent with available resources, and therefore seeks to minimize emissions of concern from such operations, notably PM, NO<sub>x</sub>, and greenhouse gases such as CO<sub>2</sub>. DSNY is nationally recognized for its experience with alternative fuels and pioneering efforts with low emission technologies and has received a number of awards for operating one of the greenest municipal fleets in the country. The Department is currently working with various manufacturers to help advance the commercialization of environmentally-friendly technologies designed for use in heavy-duty vehicles.

Mayor De Blasio's Executive Order 53 seeks to expand on NYC's leadership in fleet sustainability and will allow NYC to serve as a national model for other 21st century cities in fighting climate change. The goal of the Order is for the City of New York to achieve an all-electric, carbon-neutral fleet by the year 2040. As discussed above, DSNY is advancing a pilot study to incorporate BEV street sweepers and collections trucks into its fleet, as well as continuing to incorporate zero-emission light-duty BEVs into its fleet. Achieving the ambitious goal of Executive Order 53 is expected also to require expanding the use of anti-idling, hybrid, and stop-start technologies in medium- and heavy-duty vehicles and increasing the use of alternatives to traditional diesel fuels, including renewable diesel.

DSNY has dramatically reduced fuel consumption and GHG emissions from its fleet of light-duty vehicles from the 2005 baseline. DSNY will continue to participate in research and development of new technologies and to evaluate the mechanical reliability and operability of alternative fuel collection trucks to assess their respective environmental and economic performances. DSNY's B20 initiative citywide has met with positive results. This initiative has the potential to further reduce truck emissions, including greenhouse gases. Also, DSNY hopes to add RD to its portfolio of reduced GHG renewable fuels. DSNY is committed to achieving the goals of Executive Order 53 and the NYC Clean Fleet Plan and sustainable fleet GHG reduction.

Appendix 1: DSNY's CNG Collection Trucks

<b>Vehicle ID</b>	<b>Make</b>	<b>Vehicle Type</b>	<b>VIN #</b>
25CNG-507	Crane Carrier LET2	Rear Loading	1CYCCZ48X8T048574
25CNG-508	Crane Carrier LET2	Rear Loading	1CYCCZ4818T048575
25CNG-509	Crane Carrier LET2	Rear Loading	1CYCCZ4838T048576
25CNG-510	Crane Carrier LET2	Rear Loading	1CYCCZ4858T048577
25CNG-601	Crane Carrier LET2	Rear Loading	1CYCCZ4819T049419
25CNG-602	Crane Carrier LET2	Rear Loading	1CYCCZ4889T049420
25CNG-603	Crane Carrier LET2	Rear Loading	1CYCCZ48X9T049421
25CNG-604	Crane Carrier LET2	Rear Loading	1CYCCZ4819T049422
25CNG-605	Crane Carrier LET2	Rear Loading	1CYCCZ4839T049423
25CNG-606	Crane Carrier LET2	Rear Loading	1CYCCZ4859T049424
25CNG-608	Crane Carrier LET2	Rear Loading	1CYCCZ4899T049426
25CNG-609	Crane Carrier LET2	Rear Loading	1CYCCZ4809T049427
25CNG-701	Mack	Rear Loading	1M2AU14C4DM001603
25CNG-702	Mack	Rear Loading	1M2AU14C6DM001604
25CNG-703	Mack	Rear Loading	1M2AU14C8DM001605
25CNG-721	Mack	Rear Loading	1M2AU14C9DM001709
25CNG-722	Mack	Rear Loading	1M2AU14C5DM001710
25CNG-723	Mack	Rear Loading	1M2AU14C7DM001711
25CNG-724	Mack	Rear Loading	1M2AU14C9DM001712
25CNG-725	Mack	Rear Loading	1M2AU14C0DM001713
25CNG-726	Mack	Rear Loading	1M2AU14C2DM001714
25CNG-727	Mack	Rear Loading	1M2AU14C4DM001715
25CNG-728	Mack	Rear Loading	1M2AU14C6DM001716
25CNG-729	Mack	Rear Loading	1M2AU14C8DM001717
25CNG-730	Mack	Rear Loading	1M2AU14CXDM001718

25CNG-731	Mack	Rear Loading	1M2AU14C9DM001726
25CNG-732	Mack	Rear Loading	1M2AU14C0DM001727
25CNG-733	Mack	Rear Loading	1M2AU14C2DM001728
25CNG-734	Mack	Rear Loading	1M2AU14C4DM001729
25CNG-735	Mack	Rear Loading	1M2AU14C0DM001730
25CNG-736	Mack	Rear Loading	1M2AU14C2DM001731
25CNG-737	Mack	Rear Loading	1M2AU14C4DM001732
25CNG-738	Mack	Rear Loading	1M2AU14C6DM001733
25CNG-739	Mack	Rear Loading	1M2AU14C8DM001734
25CNG-740	Mack	Rear Loading	1M2AU14CXDM001735
25CNG-803	Mack	Rear Loading	1M2LR7GC1LM001260
25CNG-804	Mack	Rear Loading	1M2LR7GC3LM001261
25CNG-805	Mack	Rear Loading	1M2LR7GC5LM001262
25CNG-806	Mack	Rear Loading	1M2LR7GC7LM001263

Appendix 2 : DSNY's Hybrid-Electric Street Sweepers

<b>Vehicle ID</b>	<b>Make</b>	<b>Vehicle Type</b>	<b>VIN #</b>
25XG-001	Global Environmental Products	Street Sweeper	1CYCCZ48X9T049418
20XG-001	Global Environmental Products	Street Sweeper	1G9GM4LL3JS462063
20XG-002	Global Environmental Products	Street Sweeper	1G9GM4LL5JS462064
20XG-003	Global Environmental Products	Street Sweeper	1G9GM4LL7JS462065
20XG-004	Global Environmental Products	Street Sweeper	1G9GM4LL9JS462066
20XG-005	Global Environmental Products	Street Sweeper	1G9GM4LL0JS462067

20XG-006	Global Environmental Products	Street Sweeper	1G9GM4LL2JS462068
20XG-007	Global Environmental Products	Street Sweeper	1G9GM4LL4JS462069
20XG-101	Global Environmental Products	Street Sweeper	1G9GH4LL6KS462001
20XG-102	Global Environmental Products	Street Sweeper	1G9GH4LL8KS462002
20XG-103	Global Environmental Products	Street Sweeper	1G9GH4LLXKS462003
20XG-104	Global Environmental Products	Street Sweeper	1G9GH4LL1KS462004
20XG-105	Global Environmental Products	Street Sweeper	1G9GH4LL3KS462005
20XG-106	Global Environmental Products	Street Sweeper	1G9GH4LL5KS462006
20XG-107	Global Environmental Products	Street Sweeper	1G9GH4LL7KS462007
20XG-201	Global Environmental Products	Street Sweeper	1G9FH7A25LS462015
20XG-202	Global Environmental Products	Street Sweeper	1G9FH7A27LS462016
20XG-203	Global Environmental Products	Street Sweeper	1G9FH7A29LS462017
20XG-204	Global Environmental Products	Street Sweeper	1G9FH7A20LS462018
20XG-205	Global Environmental Products	Street Sweeper	1G9FH7A22LS462019
20XG-206	Global Environmental Products	Street Sweeper	1G9FH7A29LS462020
20XG-301	Global Environmental Products	Street Sweeper	1G9FH7A20LS462021
20XG-302	Global Environmental Products	Street Sweeper	1G9FH7A22LS462022
20XG-303	Global Environmental Products	Street Sweeper	1G9FH7A24LS462023
20XG-304	Global Environmental Products	Street Sweeper	1G9FH7A23MS462001
20XG-305	Global Environmental Products	Street Sweeper	1G9FH7A25MS462002
20XG-306	Global Environmental Products	Street Sweeper	1G9FH7A27MS462003



20XG-307	Global Environmental Products	Street Sweeper	1G9FH7A29MS462004
20XG-308	Global Environmental Products	Street Sweeper	1G9FH7A20MS462005

## **ATTACHMENT 6**

# **Updates on Fresh Kills Landfill Closure, Post-Closure Updates and End-Use Initiatives**

## **Fresh Kills Landfill Closure**

### *Overview*

All activities at the Fresh Kills Landfill are performed under a 1990 Order on Consent, as amended (“Consent Order”), with NYSDEC (DEC Case #D2-9001-89-03).

In March 1996, DSNY applied to NYSDEC for a 6NYCRR Part 360 permit (“Part 360”) to continue operating two landfill sections (6/7 and 1/9). Under the provisions of the Consent Order, the City had agreed to early closure dates for the other operating sections. Under the provisions of the Consent Order, the City had agreed to early closure dates for the other operating sections. Sections 3 /4 and 2/8 ceased accepting waste in November 1992 and June 1993, respectively. On May 15, 1996, NYSDEC issued a Notice of Complete Application to DSNY. However, Governor Pataki and Mayor Giuliani agreed to close Fresh Kills Landfill to further receipt of waste by December 31, 2001 in state legislation on June 2, 1996.

Accordingly, the Consent Order was modified in April 2000 to formalize the withdrawal of the Part 360 application and to accommodate an accelerated closure schedule. It was modified again in January 2002 to allow acceptance of World Trade Center debris from September 11, 2001 and to extend the closure deadlines for Sections 6/7 and 1/9. A Final Closure Report was approved by NYSDEC in 2003. Closed construction of Section 6/7 was completed in September 2001, three months ahead of schedule.

The environmental management systems at the closed sections continue to operate subject to the requirements of the Consent Order and Part 360 post-closure monitoring and maintenance operations.

The Consent Order was further modified in December 2016 (Modification 10), to, among other things:

- Remove all Consent Order provisions no longer needed due to satisfactory completion of their requirements by DSNY, approval thereof by NYSDEC, and incorporation of approved textual changes made by previous modifications
- Establish a publicly accessible document repository through a City of New York website; and
- Extend the closure completion date for Section 1/9 to the end of 2021.

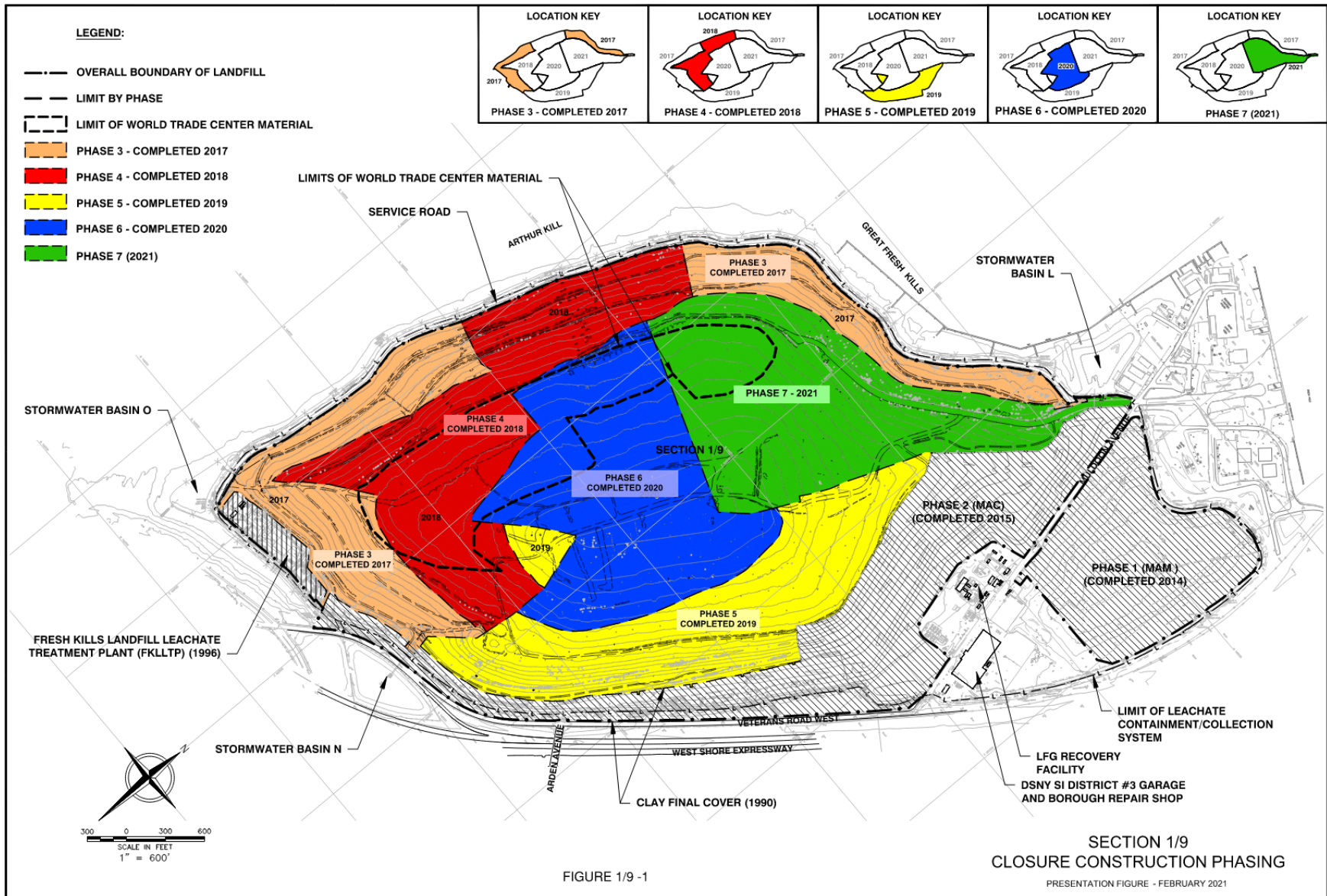
Modifications to Part 360 municipal solid waste regulations took effect on November 4, 2017. Although certain provisions of the new regulations, apply to closed as well as new landfills, obligations at the Fresh Kills Landfill will adhere to the engineering construction and closure designs previously approved by NYSDEC as well as the transition rules for landfills that ceased accepting waste between October 9, 1993 and the effective date of the new Part 360 and Part 363 regulations [(Part 360.4(o)(3)]. The Fresh Kills Landfill falls under the Part 360 regulations made effective on November 26, 1996.

### **On-Going Closure Construction**

As of the commencement of the Reporting Period, Section 1/9 is the only solid waste management unit undergoing closure construction. The sequence of closure

construction for Section 1/9 is listed below and illustrated in Figure 1/9-1:

- Phases 1 and 2: Muldoon Avenue Mound (MAM), Muldoon Avenue Corridor (MAC) and reclamation of approximately five acres for beneficial use, which will support the Staten Island District 3 garage expansion (approximately 81.8 acres)
- Phases 3-7: Main Mound (approximately 314.8 acres)
- Prior to the start of construction under the amended final cover design, approximately 41.2 acres of final cover had been placed along the periphery of Section 1/9 between the limits of Muldoon Avenue Corridor and the Fresh Kills Landfill Leachate Treatment Plant.



*During the Reporting Period*

Design: Previously approved adjustments to the Section 1/9 Final Cover Design Report and contract for Engineering and Design Services for the Closure of Section 1/9 and Related Activities at Fresh Kills Landfill provided the basis for construction activities during this Reporting Period. The revised phasing plan continues to be implemented as memorialized in Modification 10 to the Consent Order and as depicted in Figure 1/9-2:



Construction:

- Closure construction of Phase 5 (approximately 61 acres) was completed in 2019. A *Construction Certification Report* was submitted to NYSDEC in April 2020 and approved in August 2020;

- Closure construction of Phase 6 (approximately 65 acres) was completed in October 2020. A *Construction Certification Report* will be submitted for NYSDEC approval in the next Reporting Period; and
- The planned limits of Phase 7 closure construction (approximately 65 acres) have been confirmed and will be completed during the next Reporting Period (expected by the end of CY 2021).

In all:

<b>Section 1/9 Limits of new final cover</b>	<b>Completed through 2020 (Periphery and Phases 1-6)</b>	<b>Remaining area to cover (Phase 7)</b>
437.8	372.8 acres	65 acres

- Final cover in the periphery area includes the areas under the roadways and completed clay cap.

Permitting: In support of DSNY’s ongoing environmental monitoring program and the approved design revisions required to complete the Section 1/9 closure construction, the following regulatory actions, permits and/or modifications were issued during the Reporting Period:

- Modification #2 to the State Pollutant Discharge Elimination System (SPDES) permit (#2-6499-00029/00037) removed seven (7) outfalls from monitoring requirements. NYSDEC issued its approval to the modification request in a letter dated January 7, 2020. The approval took effect on February 1, 2020. Monitoring requirements for stormwater Outfalls 115, 117 to 121 and 124 were re-classified as “non-monitoring required”.



## **Post-Closure**

### *Overview*

Federal and State solid waste regulations stipulate that landfill environmental control systems continue to operate for a minimum of 30 years beyond the closure of the landfill and that the integrity and effectiveness of the systems be monitored and maintained. The post-closure care requirements apply to the operation and maintenance of the landfill gas control, leachate control, final cover and stormwater control systems as well as monitoring the performance of these systems for changes in quality of groundwater, surface water, and landfill gas. DSNY prepared a comprehensive *Post-Closure Monitoring and Maintenance Manual* that defines the inspection, monitoring, and reporting schedules for each component of the environmental control systems and has complied with all requirements of the Fresh Kills Consent Order and Part 360 regulations.

## **Leachate Management**

### *Overview*

Landfill leachate is a wastewater created when rain percolates through garbage. The regulatory concern is that contaminants picked up in the leachate could impair the quality of surface and groundwater; therefore, its release into the surface and groundwaters must be controlled.

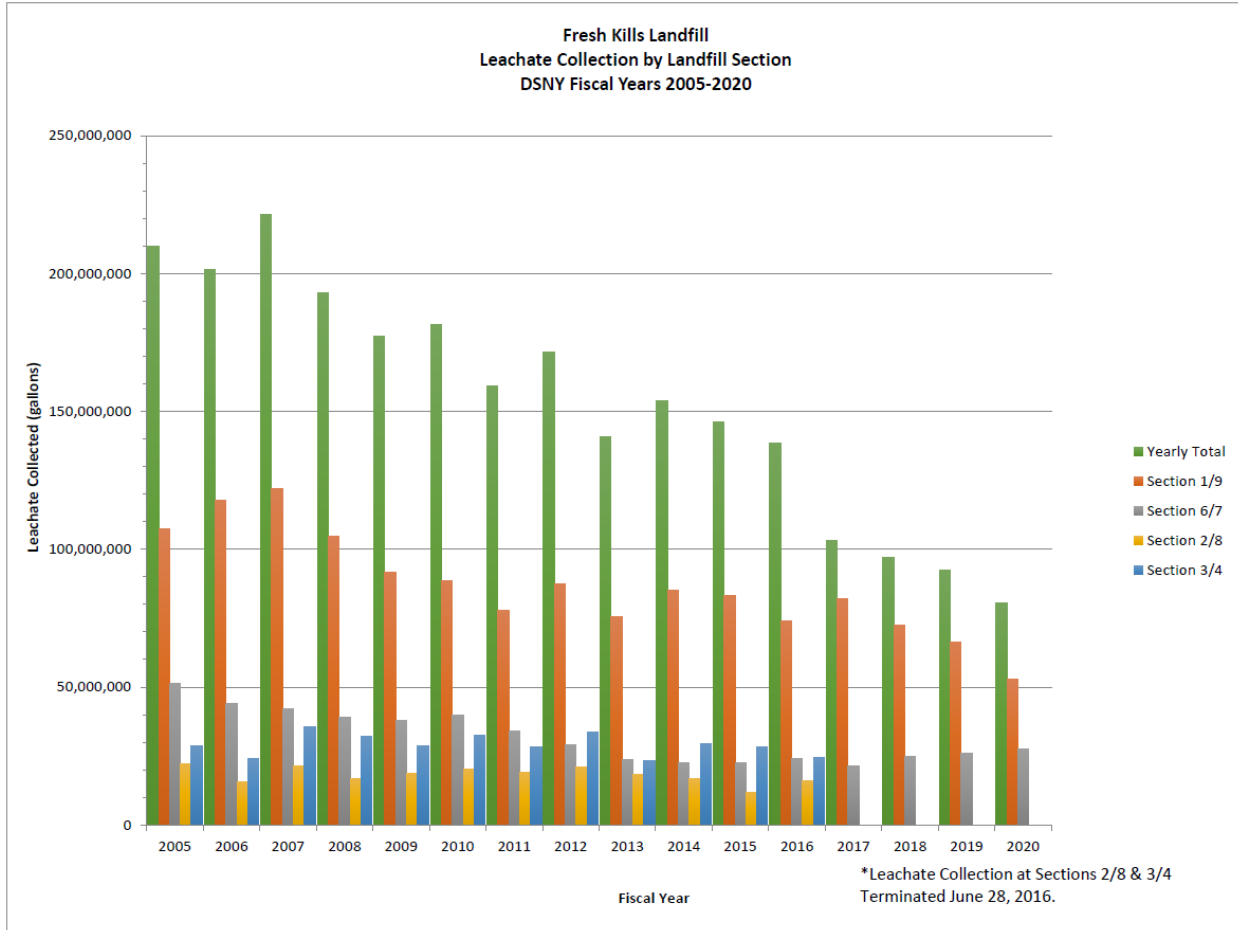
Under the Consent Order, DSNY conducted comprehensive investigations to characterize the hydrogeological, surface water, groundwater and leachate flows and proposed leachate mitigation strategies that included containment, collection, and treatment. The principal contaminants of concern were ammonia (a by-product of

the decomposition of organic matter), copper, lead, nickel, and zinc. The leachate management system consists of a perimeter leachate collection system around the circumference of the landfill, collection wells, monitoring wells, and pipes that convey the leachate to a dedicated treatment facility at the base of Section 1/9, constructed in 1994 with a design capacity of 1.3 million gallons per day (gpd) based on estimated discharges at that time. The pollutants are removed through a combination of biological and chemical processes, then discharged to the Arthur Kill under the allowable conditions of a SPDES permit issued by NYSDEC.

*During the Reporting Period*

Leachate generation has declined with the installation of final cover at each of the landfill mounds, as reflected in the accompanying graph. It was previously reported that during FY'17 and FY'18, some 378,082 gpd (138 million gallons per year) were treated at the plant. During FY'19 and FY'20 (i.e., July 1, 2018 thru June 30, 2020) those quantities dropped to an approximate average of 237,000 gpd (between 86 million and 87 million gallons per year).

*Leachate controls.* As previously reported, active collection and treatment at Sections 3 /4 and 2/8, where final cover had been placed nearly 20 years previously, were terminated in June 2016, followed by two years of quarterly contingency monitoring. The results of the contingency monitoring demonstrated that final cover had been an effective passive control and no adverse impacts were reported. Active collection and treatment of leachate from Sections 6/7 and 1/9 have continued.



## Landfill Gas Management

### *Overview*

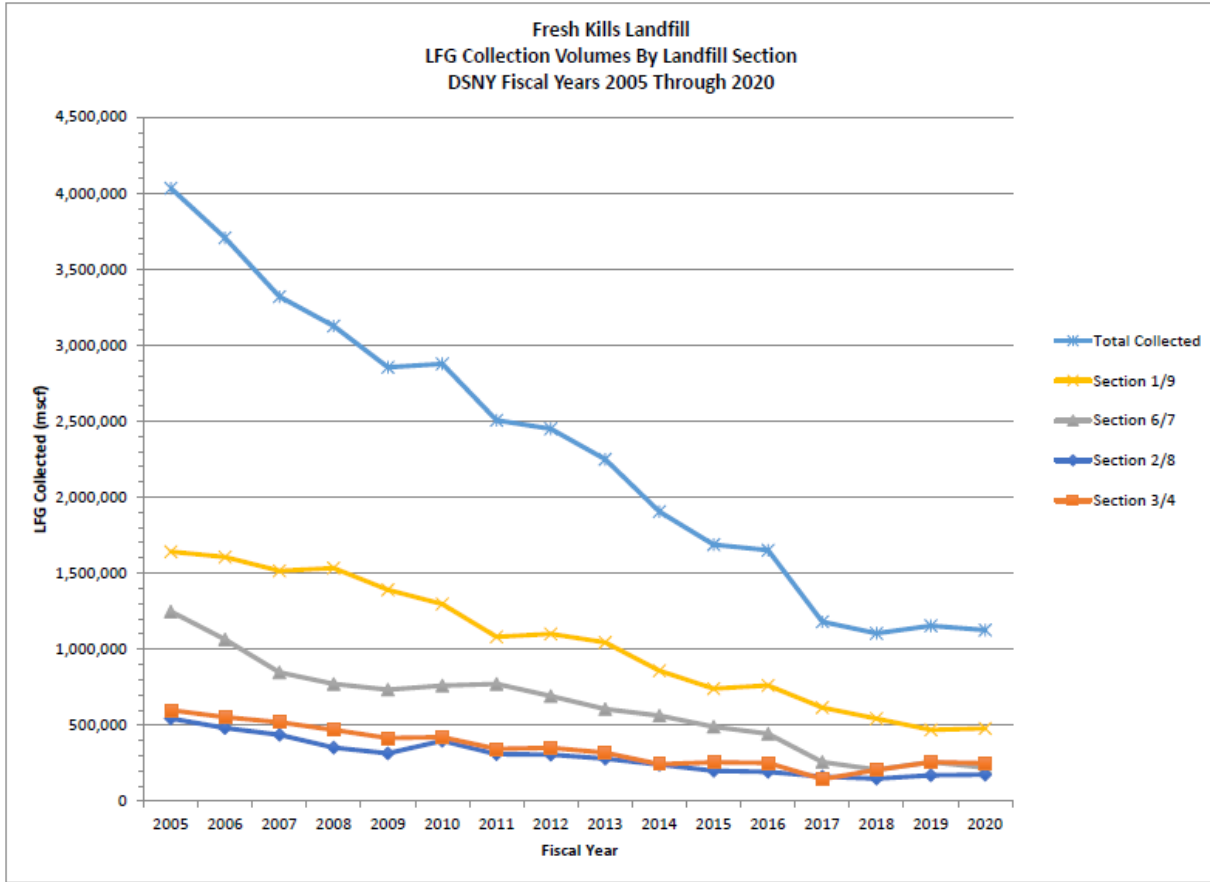
Landfill gas (LFG) is generated as garbage decomposes. Typically, the peak of LFG generation occurs one to two years after a landfill stops receiving municipal solid waste and then decreases over time.

At Fresh Kills, LFG consists of approximately 60% methane and 40% carbon dioxide, a regulated greenhouse gas emission, and is managed through active collection, purification and flaring, passive venting systems, regular monitoring, and reporting for all four landfill units. The LFG collection wells are connected by pipeline to flare stations at Sections 2/8, 3 /4 and 6/7 and to a gas transmission

pipeline leading to the Fresh Kills Landfill gas recovery and purification plant (“LFG Purification Plant”) at Section 1/9. The LFG Purification Plant was designed to process a maximum of 14.1 million standard cubic feet per day (MMscf/day) and produce up to 7.0 MMscf of pipeline quality LFG for sale.

*During the Reporting Period*

At Fresh Kills, the LFG generation rate has continued to decline, as reflected in the accompanying chart. Over the last ten years, the rate has declined by approximately 55% (5.5% per year) from 2,506,742 standard cubic feet during FY 2011 to 1,126,305 standard cubic feet during FY 2020. Based on these trends, it is estimated that the LFG Purification Plant was operating at about 20% capacity during the Reporting Period. Of the 1,126 MMscf generated during FY '20 (July 1, 2019-June 30, 2020), approximately 1,070 MMscf, (95.3%) of the gas was processed at the LFG Purification Plant, where methane (natural gas) was separated from the carbon dioxide, purified, and sold to National Grid. At times of interruption to plant operations (such as planned maintenance, work by National Grid on its distribution system, electrical outages, or other disruptions affecting the production or quality of the gas), the gas was directed to the flare stations to be burned. The gas burned at the flares during FY '20 comprised, roughly, five percent of the LFG collected during the year.



*Conditions for Future LFG Management*

Air emissions from the Fresh Kills Landfill are regulated under a Title V Facility permit issued by NYSDEC and pursuant to 6 NYCRR Part 208: Landfill Gas Collection and Controls Systems for Certain Municipal Solid Waste Landfills. Under Part 208.3(b)(2)(v), a landfill operator may petition the State to cap or remove a LFG collection and control system subject to three conditions, all of which DSNY has now met:

1. The landfill no longer accepts solid waste and is permanently closed under the requirements of Part 360 [Fresh Kills stopped accepting municipal waste in 2001 and then permanently ended all activities in 2002 following the conclusion of 9/11 sorting operations];

2. The collection and control system must have been in operation a minimum of 15 years [the systems at Fresh Kills have operated for 20+ years]; and
3. The calculated non-methane organic compounds (NMOC) emission rate must be less than 50 megagrams (Mg) per year on three successive test dates. The tests must occur no less than 90 days apart and no more than 180 days apart.

As previously reported, DSNY met the third condition by conducting emission rate tests in January, May, and August of 2017. The results, reported to NYSDEC, in August 2018, demonstrated that the emission rates of NMOCs continued to fall well below the annual 50 Mg threshold. Separately, by letter dated May 11, 2017, NYSDEC had granted DSNY's request to abandon certain LFG migration monitoring wells based on 10+ years of data on methane concentrations below the lower explosive limit (5%) for methane.

DSNY is now developing a pilot program to demonstrate the long-term feasibility of transitioning from active to passive controls throughout the Fresh Kills Landfill. In addition to dramatic reductions in LFG production over the years and a successful track record of emissions compliance, the transition is being propelled by other factors, chiefly, the aging components of the purification plant (now 30-40 years old) and the unfavorable balance of operational costs and revenues in that the operational costs of the system have exceeded the revenues generated by the sale of gas throughout most of this reporting period. (*see below for further discussion*).

The transition includes terminating operations of the LFG Purification Plant, redirecting the collected gas to the Section 2/8 flare station and modifying applicable facility permits. Operation of the Plant ended on December 14, 2020. In a letter to NYSDEC, dated December 21, 2020, DSNY provided a draft list of proposed modifications to the Part 360 operating permit.

During the next Reporting Period, the interim and long-term plans for the control and management of landfill gas will be further developed. In consultation with NYSDEC, DSNY will establish an appropriate monitoring and contingency program to demonstrate an adequate factor of safety and ensure that potential odors from LFG emissions do not create an off-site nuisance. In conjunction with those plans, formal requests to modify the Part 360 and Title V facility permits will be prepared, and Volume D of the Fresh Kills Landfill post-closure maintenance, monitoring and operations manual, which addresses LFG management, will be updated accordingly.

### **Generation and Marketing of Renewable Fuel Credits**

During the Reporting Period, EM Gas Marketing, LLC, a DSNY consultant, continued to manage LFG produced at the Fresh Kills Landfill to generate and sell Federal Renewable Fuel Standard (RFS) and California-based Low-Carbon Fuel Standard credits (together renewable fuel credits) for DSNY.

The revenue contract between EM Gas Marketing and DSNY entered into April 2015 resulted in the June 2015 registration of Fresh Kills Landfill as a biogas facility under the RFS program, administered by the United States Environmental Protection Agency. Under the multi-year agreement which ended on December 31, 2020, EM Gas Marketing was responsible for contracting for processing Fresh Kills biogas into CNG or LNG that is used in transportation, the marketing/ sale of all Federal RFS and California LCFS credits from the landfill's biogas, as well as the maintenance of the Fresh Kills Landfill registration under these programs and the validation of the renewable fuel credits. While Fresh Kills Landfill ceased accepting waste in 2001, the facility continues to produce LFG (in declining amounts over time) as the waste in place continues to degrade. Until the FK Purification Plan closed on December 14, 2020, the LFG collected was processed and injected into the common carrier

pipeline. EM Gas Marketing marketed the environmental attributes of LFG (renewable fuel potential) and National Grid paid DSNY revenue for the Fresh Kills LFG stripped of environmental attributes (natural gas).

Based on the currently low price of natural gas and declining gas volumes, net revenue from National Grid's purchase of Fresh Kills LFG stripped of its environmental attributes was approximately \$900,000 in both 2019 and 2020. Through the EM Gas Marketing contract, DSNY realized revenue in the amount of \$8.7 million in 2019 and \$7.3 million in 2020 from renewable fuel credits sold from Fresh Kills LFG generated during the Reporting Period.

In all, DSNY realized a total of \$54.5 million in added value from EM Gas Marketing's sale of renewable fuel credits derived from Fresh Kills LFG generated during the contract term. The contract also made New York City part of efforts by some states and USEPA to foster profitable renewable fuel markets in the U.S.

### **Change of Landfill End Use – Freshkills Park Development**

#### *Overview*

Prior to the NYC Department of Parks and Recreation's (DPR) formal commencement of plans to develop Freshkills Park, the approved *Fresh Kills Landfill Final Closure Plan (2003)* proposed an end-use landscaping plan that incorporated a permanent, stabilizing ground cover with the potential for long-term placement of herbaceous and woody plant communities. Because any change of land use may modify the landfill post-closure care plans, whether classified as a major or minor modification, a proposed action cannot interfere with DSNY's infrastructure or ability to execute its post-closure obligations under the Fresh Kills Consent Order, Part 360 or Part 363 regulations. Proposed changes in land use also require an



appropriate level of environmental review and technical analysis. All such analyses and reports must be approved by NYSDEC.

Although DPR is responsible for preparing the *Request for Change in Landfill End Use* (CEU) reports related to park development, DSNY, as the regulated entity, is responsible for reviewing the plans prior to their submittal to NYSDEC. To date, DPR has been preparing project-by-project redevelopment plans. Memoranda of Understandings have been prepared for the individual projects. However, it should be noted that the city's overall plans are to relinquish the majority of the Fresh Kills site to DPR with associated regulatory obligations: these will be established in a site-wide MOU, under which DSNY's direct involvement can be reduced, once the property is relinquished to DPR and DPR works with NYSDEC, directly, to redevelop whole landfill sections at a time.

DPR's ambitious, multi-phased plans for Freshkills Park are at varying stages of development.

#### *During the Reporting Period*

North Park Phase 1: Once opened, this 21-acre parcel will contain a pedestrian connection to Schmul Park on the northern edge of Section 3/4, a vehicular entrance and parking lot adjacent to Wild Avenue, a bird tower, waterfront overlook deck near the restored wetlands, multi-use paths, picnic areas and other amenities.

During the Reporting Period, DPR continued to import soils, resolve engineering issues and lay the groundwork for park structures and amenities. Completion is anticipated during the next Reporting Period,

North Mound: DPR's goal is to prepare the Section 3/4 mound for passive recreational activities, such as walking, bird watching, etc. with connecting paths to

North Park Phase 1. During the Reporting Period, DPR conducted soil sampling and analyses to assess the compatibility of existing soils on the Section 3/4 mound with current Part 375 soil standards for public use. NYSDEC agreed that the initial results were promising for future alternative uses. Pending additional funding, an implementation schedule will be prepared during the next Reporting Period.

Plant 2. During the Reporting Period, DPR prepared a Remedial Investigation Work Plan as the basis for future procurement of services to characterize the soil and groundwater conditions at Plant 2, a former barge unloading area at the base of Section 3 /4 that was contemplated for public use in the Freshkills Park Draft Master Plan and FGEIS. By letter dated November 13, 2020. NYSDEC provided comments on the initial workplan. Pending additional funding, an implementation schedule for the full scope of work will be prepared during the next Reporting Period.

South Park Anchor Park: As part of the Mayor's Anchor Park initiatives for each borough, DPR received funding in late 2016 to develop additional recreational facilities and connections to the active Owl Hollow ball fields along Arthur Kill Road at the southern edge of Section 2/8. At DPR's request, they have been working with NYSDEC; DSNY is limiting its involvement to specific issues of Consent Order compliance. Anchor Park marks the final "carve-out" project in the transition to section-by-section development and implementation of a site-wide plan to relinquish Fresh Kills Landfill to DPR.

The conceptual designs include walking paths, a vehicular entrance and parking lot, multi-purpose recreational fields, playgrounds, and comfort stations within an approximately 36--acre footprint. During the Reporting Period, DPR further developed their designs and prepared preliminary drafts of the end-use report for DSNY review and comment. DPR and DSNY jointly prepared a Memorandum of

Understanding that will be incorporated into a revised CEU and submitted to NYSDEC in 2021, during the next Reporting Period. DPR anticipates that construction will begin in late 2022. When completed, Anchor Park will comprise Phase 1 of the full South Park design at Section 2/8.

### **Other Changes of Landfill End Use**

#### *Overview*

The Office of the Chief Medical Examiner for the City of New York (“OCME”) maintains a cache of disaster response equipment, which is stored at sites throughout the City for use during response functions required by the Citywide Incident Management System. OCME must relocate the contents of one of its storage sites, known as Memorial Park, and proposes to construct a temporary tent structure within an approximately 32,700 square foot footprint of Plant 1 at the Fresh Kills Landfill. In the event of a catastrophic event, OCME would mobilize the necessary equipment for use at the site of the event. Although Plant 1 falls outside the limits of the former Section 1/9 solid waste management unit, it remains within the Consent Order boundaries and is subject to current regulations governing closed landfills.

During the previous Reporting Period, NYSDEC approved a request to modify the FKL post-closure care plan based on a demonstration report that the temporary facility would not intrude on or compromise DSNY’s obligation or the environmental integrity of the site.

#### *During the Reporting Period*

OCME and EDC updated the designs to comply with permit requirements. Site work for components of the tent were completed. The relocation and construction will be

done by EDC, on OCME's behalf. Due to unforeseen delays, anticipated completion is in the first part of 2021, during the next Reporting Period. The operating period remains through the end of 2026.

**ATTACHMENT 7A**

## **Update: USACE Dredging and Drift and Floatables Collection Programs And Processed Dredge Use at Fresh Kills Landfill**

### **USACE New York District Dredging Projects and Regulatory Program**

The United States' national waterway network which supports U.S. commerce, national security and recreational uses must be carefully managed and continuously improved to keep water borne traffic moving efficiently and operating safely. The United States Army Corps of Engineers (USACE) has the responsibility to both maintain and improve the network which consists of approximately 12,000 miles of shallow-draft (9'-14') inland and intra-coastal waterways, 13,000 miles of deep-draft (14' and greater) coastal channels, and 400 ports, harbors, and turning basins.

To keep the network sufficiently deep, most channels are first excavated to a congressionally mandated depth and then dredged as needed. As such, dredging keeps the U.S. network passable so that national security interests can be maintained, commercial vessels can effectively navigate to bring goods to our ports and harbors, and recreational pursuits on the water can continue.

### **USACE New York District Dredging Projects**

USACE New York District contracted for eleven dredging projects to be completed during the Reporting Period. In 2019, Sea Bright to Manasquan (hopper method), East Rockaway Inlet (pipeline method), Fire Island (hopper method), Newark Bay to 40 ft. and 50 ft. maintenance depths (bucket method) and a portion of the Intracoastal Highway (pipeline method) were to be dredged. These projects were estimated to cost \$190 million and resulted in the removal of approximately 6,300,000 cubic yards of dredge spoils. In 2020, contracts were awarded for dredging the Shinnecock Inlet (pipeline method), Cheesequake Creek maintenance (bucket method), Perth Amboy maintenance (bucket method), Hudson River (Kingston & Germantown) and Pt. Jersey Channel (bucket method). The cost of these projects totaled approximately \$27,490,000 and resulted in the removal of an estimated 1,851,900 cubic yards of dredge spoils.

<https://publibrary.planusace.us/#/series/Dredging%20Information> The Dredge Material Management Plan remains in place. While detailed information on the USACE dredge disposal locations/schedule for these projects was requested, it was not provided. <https://www.iwr.usace.army.mil/About/Technical-Centers/NDC-Navigation-and-Civil-Works-Decision-Support/>

## **USACE Regulatory Program**

Because water is a valuable resource, USACE has been regulating activities in U.S. waters since 1890. In this role, USACE issues permits related to waters of the U.S. which include navigable waters, non-navigable waterbodies, perennial and intermittent streams, wetlands, mudflats, and ponds. A primary component of the USACE Regulatory Program is to ensure water quality and prevent unregulated discharges of dredged or fill material that could permanently alter or destroy water resources.

USACE issues Individual, Nationwide and Regional permits and its regulatory authorities and responsibilities are governed by Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403 or Section 10), the Clean Water Act (33 U.S.C. 1344), Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413) and Section 307(c) of the Coastal Zone Management Act of 1972, as amended (Section 307 of the CZM). Section 10 prohibits the obstruction or alteration of navigable waters of the U.S. without a USACE permit. Activities that require Section 10 permits include construction of piers, wharves, bulkheads, dolphins, marinas, ramps, floats, intake structures, and cable or pipeline crossings. Dredging and excavation regulatory responsibilities are governed by Section 404 of the Clean Water Act which prohibits the discharge of dredged or fill material into U.S. waters without a USACE permit. Typical activities that require Section 404 permits are the depositing of fill or dredged material for utility installations, stream relocations, culverting, site development fills for residential, commercial, or recreational developments, construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs, and placement of riprap and road fills. Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 authorizes USACE to issue permits to transport dredged material for ocean disposal. Section 307(c) of the CZM requires applicants to obtain a certification or waiver that the activity complies with the state's coastal zone management program for activities affecting a state's coastal zone.

## **USACE New York District Regulatory Program**

USACE New York District is responsible for the issuance of permits for the U.S. waters in and around New York and New Jersey. Information on the quantities of dredge removed as a result of permits issued by the New York District during the Reporting Period and associated disposal locations for the dredge debris was requested, but not provided.

With respect to New York State waters, the New York State Department of Environmental Conservation (NYSDEC) issues permits for dredging and dredge disposal, and for the construction or rehabilitation of structures on or in tidal wetlands pursuant to the New York State Environmental Conservation Law. In addition, Section 401 of the Clean Water Act requires applicants to obtain a certification or waiver from NYSDEC for any activity that may result in a discharge of a pollutant into waters of the U.S., including any dredged or fill material; NYSDEC has the responsibility to review the effect of these activities on water quality standards.

### **New York Harbor and New Jersey Drift and Floatables Collection Program**

The U.S. Army Corps of Engineers, New York District (USACE) is responsible for the management of the New York Harbor and New Jersey Drift and Floatables Collection Program. Under the Program, USACE manages the removal, and contracts for the disposal of drift and floatables (floating debris that has washed into the waterways) in the New York and New Jersey Harbor Estuary. The majority of the debris is collected within the Harbor Complex including the Kill Van Kull, Newark Bay, Hackensack and Passaic Rivers, Gravesend Bay, and the North and East Rivers. Debris is also collected east to Execution Rocks, Jamaica Bay, south to Sandy Hook and Ambrose Channel, Raritan and Sandy Hook Bays. The debris collected typically consists of wood, trees, pilings, wreckage, derelict boats, plastics, polystyrene foam, sea grass and rubber tires.

USACE uses three drift collection vessels which work daily (one vessel works on each weekend day) to collect the floating drift which poses a threat to vessels in navigation. The Program, authorized by the Water Resources Development Act of 1990, also ensures that floatables, especially increased floatables brought on by heavy rain events, are effectively and efficiently collected to protect the shoreline of New York and New Jersey beaches.

The Program, which is an ongoing year-round maintenance effort, consists of locating, collecting, removing and disposing of up to 530,000 cubic feet of drift and floatables per year, which equates to 450 TEUs (Twenty-Foot Equivalent Units) of intermodal cargo containers or 225 forty-foot highway tractor trailers. During calendar year 2019, 327,152 cubic feet of drift and floatables were collected, and in calendar year 2020, 367,500 cubic feet were collected.



Drift and floatables collected through the Program are stored in a barge. Once the barge is full, USACE contracts for disposal of the materials. No information was provided on the disposal location(s) for debris collected in the Reporting Period.

Removing drift and floatables each year results in the avoidance of approximately \$25,000,000 of damages to the many cargo vessels, tankers, barges, passenger commuter ferries, cruise ships, and recreational vessels. The Program is 100% federally funded. The estimated annual cost of the Program in 2017 was \$9,300,000. Since USACE's implementation of the Program, there has not been a major beach closure because of fugitive drift and debris from the areas covered by the Program (according to the U.S. Environmental Protection Agency Region 2 Floatables Action Plan annual report). Before the Program was in place, area beaches were often closed because of wash ups of fugitive debris and drift.

#### **Processed Dredge Use at Fresh Kills Landfill**

Prior to SWMP approval, the Fresh Kills Landfill received a Beneficial Use Determination from NYSDEC for the use of processed dredged material as an alternative grading material to assist in the closure of the landfill. An estimated three to four million cubic yards of material were potentially available for use as part of this effort. Initial materials for use at the landfill were projected to come from access dredging within Fresh Kills Creek and approximately 680,000 cubic yards from Phase 1 of the Harbor Deepening Project.

DSNY stopped placing processed dredge material at Fresh Kills Landfill during FY 2009 or by the end of CY 2009. DSNY has not accepted and does not plan to accept additional processed dredge material at Fresh Kills. In all, DSNY accepted about 900,000 cubic yards of processed dredge material for alternative grading material.

# **ATTACHMENT 7B**

## **UPDATE: Biosolids Management/Disposal**

New York City's wastewater system, operated by the New York City Department of Environmental Protection (DEP), relies on 14 wastewater treatment plants [wastewater resource recovery facilities] located throughout the City which produce sludge as a waste byproduct that is then digested to produce anaerobic digester gas. When the sludge is dewatered, the remaining solids are referred to as biosolids. Approximately 500,000 wet tons of biosolids were produced in the City annually during FY 20. The City's biosolids are managed by outside contractors that have been awarded long- and short-term contracts for biosolids reuse and disposal by DEP. Approximately 77 percent of the City's biosolids are either trucked or rail-hauled to landfills on the East Coast. The remaining 23 percent of biosolids are composted, alkaline stabilized or thermally dried for reuse at various sites.

In 2020, DEP completed an interim biosolids management plan, outlining a pathway to zero landfilling of biosolids by 2030. The interim plan relies on a market facing approach, strategically contracting with third parties for biosolids processing capacity. such as composting, thermal drying, and mine reclamation. Also, DEP's Office of Energy and Resource Recovery Programs is leading the Agency's Energy and Carbon Neutrality Plan "the ECN Plan", which will chart a course to those climate goals outlined in OneNYC, as well as continued biosolids beneficial use, by 2050.

Co-digestion is identified as a key strategy in the ECN Plan. The demonstration of this practice at the Newtown Creek (NC) WRRF in Brooklyn concluded successfully and has transitioned to continuous operation. NC continues to co-digest processed organics from Waste Management's CORE® facility at its Varick Avenue transfer station in Brooklyn. The tail end of FY 20 saw drastic reductions in diverted organics to co-digestion due to the COVID 19 pandemic. From a high of almost 200 tons/day of food scraps, FY 20 ended with an average of 25 tons/day that has not returned to even half of pre-pandemic levels. Waste Management is now receiving almost exclusively commercial waste; DSNY and school organics programs were discontinued in May 2020 due to budget cuts. DEP and DSNY are hopeful that volumes will return as part of the City's efforts to achieve zero waste to landfills once DSNY's organics collection pilot program resumes in October 2021. Detailed information on DEP's biosolids management contracts in FY 19 and FY 20 is provided below:

## NYCDEP Biosolids Management Contract Coverage

Biosolids Management Contract Number (Renewal Status)	Dewatering Locations Serviced	Maximum Allowable Daily Tonnage As Per Contract (Wet Tons/day)	Daily Tonnage Received from WRRFs (Range of Wet Tons/day, on average)	Contract End Date	Transporters Utilized & Part 364 Permit Numbers	Utilization of ETS Transfer Station*
1436-BIO-1 (REN-1)	2	500	230-275	6/5/2021	Tully: 2A-263	Yes
1436-BIO-2 (REN-1)	2	500	270-325	7/17/2021	Action: 3A-823	No
1436-BIO-3 (REN-1)	2	400	300-350	6/5/2021	Tully: 2A-263	No
1425-BIO (REN-1)	6	500	350-400	9/7/2020	EPIC: NJ-532	Yes
<b>End sites</b>				<b>End Uses</b>		
<b>Location of Treatment or Disposal Locations By State</b>		<b>% of Total Wet Tons Produced delivered**</b>		<b>Disposition</b>	<b>FY 19 Wet Tons</b>	<b>% of Total</b>
PA		39%		Landfill	438,500	84%
NY		9%		Composting	81,017	15%
OH		49%		Alkaline Stabilization/Agricult ural use	4,811	1%
GA		3%		Total	524,327	

\* ETS is Environmental Transload Services

\*\* this is a running average for FY 19; there is variation year to year

## Current NYCDEP Biosolids Management Contract Coverage

Biosolids Management Contract Number (Renewal Years Status)	Dewatering Locations Serviced	Maximum Allowable Daily Tonnage As Per Contract (Wet Tons/day)	Daily Tonnage Received from WRRFs (Range of Wet Tons/day, on average)	Contract End Date	Transporters Utilized & Part 364 Permit Numbers	Utilization of ETS Transfer Station*
1436-BIO-1 cancelled as of Nov 30, 2020						
1436-BIO-2 (REN-2)	2	500	270-325	7/17/2021	Action: 3A-823	No
1436-BIO-3 (REN-2)	2	400	300-350	6/5/2021	Tully: 2A-263	No
1515-BIO	1	100	30	8/1/2023	Denali: KA-619	No
1534-BIO	6	935	350-400	9/8/2023	EPIC NJ-532	No

### End sites – FY20

Location of Treatment or Disposal Locations By State	% of Total Wet Tons Produced delivered**
Pennsylvania	41%
New York	6%
Ohio	39%
Georgia	1%
New Jersey	13%

### End Uses – FY20

Disposition	FY20 Wet Tons	% of Total
Landfill	381,924	76.5%
Composting	103,088	20.7%
Alkaline Stabilization/Mine or Agricultural use	13,267	2.7%
Thermal Drying	694	0.1%
Total	498,973	100%

\* ETS is Environmental Transload Services

\*\* this is a running average for FY20; does not match EPA 503 annual reporting. Note volume decrease due to the COVID-19 pandemic.

# **ATTACHMENT 7C**

## **Water Quality, Harbor Monitoring and Floatables Programs**

When it rains, trash and debris on the street can end up in the city's catch basins. While DSNY is responsible for street sweeping to keep trash and debris from reaching the City's sewers, the New York City Department of Environmental Conservation (DEP) is responsible for the City's sewer system and implements a variety of programs to intercept trash and debris before it becomes waterborne and to manage debris and trash that enters the City's waterways (floatables), including plastics. These programs are ongoing and are expected to be continued through the end of the SWMP planning period (though some aspects of DEP's programs may be affected or suspended due to budget cuts as a result of the COVID-19 epidemic).

Specifically, DEP implements a Catch Basin Inspection Program, operates the City's wastewater treatment plants and manages end-of-pipe controls, education and outreach to keep trash and debris out of waterways. These programs are described in detail on DEP's website at <https://www1.nyc.gov/site/dep/water/how-nyc-is-keeping-our-waterways-trash-free.page>.

More generally, DEP is responsible for the City's drinking water supply and quality. Information about the City's drinking water system and DEP's 2020 Water Quality Report appear at <https://www1.nyc.gov/site/dep/about/drinking-water-supply-quality-report.page>.

### **Harbor Water Quality and Floatables Monitoring Reporting**

Information about DEP's floatables and harbor monitoring programs appears at <https://www1.nyc.gov/site/dep/water/harbor-water-quality.page>. DEP's 2018 Floatables Monitoring Progress Report, the most recent report it has issued on floatables, appears at <https://www1.nyc.gov/assets/dep/downloads/pdf/water/nyc-waterways/harbor-water-quality-report/2018-new-york-harbor-water-quality-report.pdf>.

## State of the Sewers Reporting

Information on the operation of the City's sewer system, including on the role of catch basins, can be found in DEP's annual State of the Sewer reports. The 2019 State of the Sewer Report appears at

<https://www1.nyc.gov/assets/dep/downloads/pdf/water/wastewater/state-of-the-sewers-2019.pdf> and the 2020 State of the Sewer Report appears at <https://www1.nyc.gov/assets/dep/downloads/pdf/water/wastewater/state-of-the-sewers-2020.pdf>

## NYC Storm Water Management Plan

DEP's 2018 Storm Water Management Plan, NYC's first comprehensive planning effort to address the pollution generated by the areas of NYC served by the City's municipal separate storm sewer system (MS4), appears at

<https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/ms4/nyc-swmp-plan-full.pdf>. Among other things, the Plan discusses the issuance and requirements of the NYC MS4 permit issued by DEC in 2015.

## NYC Green Infrastructure Plan

The Green Infrastructure Plan issued in 2010 outlines the controls designed to keep NYC streets and waterways clean and focuses on the implementation of initiatives in areas where the City's combined sewer system operates. For details, see

<https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/green-infrastructure/nyc-green-infrastructure-plan-2010.pdf>.

## [Trash in Waterways and Harbor Protectors Program](#)

DEP has recently begun a new public education campaign designed to engage the public on how to keep trash from getting in the City's waterways and prevent floatables that focuses on getting people to become Harbor Protectors. Information on this program appears at <https://www1.nyc.gov/site/dep/whats-new/harbor-protectors.page>



## **ATTACHMENT 8**

# **Report on the Delivery of Commercial Waste to Converted Marine Transfer Stations**

Issued Pursuant to the 2006 Comprehensive New York City Solid Waste Management Plan

April 1, 2019

Steven Costas  
Acting Commissioner  
New York City Department of Sanitation

## **I. Introduction**

New York City's Comprehensive Solid Waste Management Plan (SWMP), adopted by the New York City Council and approved by the New York State Department of Environmental Conservation in 2006, outlines the Department's long-term plan to achieve a more sustainable and equitable system for recycling and disposing waste. Recognizing that the systems for managing residential waste and commercial waste are interdependent, the SWMP lays out an ambitious strategy of utilizing a network of sites, both public and private, across the City to support both systems. Another critical component of the SWMP is the continuing growth of a robust and diverse recycling program for residential, institutional, and commercial generators in New York City.

The 2006 SWMP includes projected waste quantities and identification of the facilities that would manage the transfer of residential and commercial waste, including designated recyclables, putrescible waste, construction and demolition debris, and fill material such as dirt, concrete, brick and rock. The adopted SWMP emphasizes three broad categories of goals: (1) transitioning from a system reliant on trucks to export waste from local waste transfer stations to one that takes advantage of barge and rail transport, reducing local waste truck traffic; (2) the improvement of conditions around transfer stations upon which both public and private carters currently rely; and (3) ensuring that waste is redistributed to facilities outside of the communities that are historically overburdened with transfer stations. In addition, the SWMP set ambitious goals for recycling within the City that will reduce the exportation of waste.

The current SWMP is in effect through 2025, at which time a new plan will be evaluated, undergo a public review process, and become implemented. Under the SWMP, the Department of Sanitation provides biennial updates to the State DEC, with the next update report due May 1, 2019 covering the period from January 1, 2017 through December 31, 2018. This Report is being submitted pursuant to Section 4.3.1.4 of the SWMP.

## **II. Completion of Marine Transfer Station Infrastructure**

The SWMP provides for the conversion of four Department marine transfer stations (MTSs) where Department-managed waste would be delivered for containerization and export out of the City. Construction of the converted MTSs has been completed and each began accepting waste delivered by the Department as follows:

North Shore MTS (Queens Community Districts 7, 8, 9, 10, 11, 12, 13, 14)

- Began 90-day ramp up operation in March 2015; and
- Full operation began at the end of October 2015.

Hamilton Avenue MTS (Brooklyn Community Districts 2, 6, 7, 8, 9, 10, 14, 16, 17, 18)

- Began operating in September 2017, accepting half of the DSNY-managed waste from its watershed; and
- Full operation began in September 2018.

Southwest Brooklyn MTS (Brooklyn Community Districts 11, 12, 13, 15)

- Began 90-day ramp up operation in October 2018; and
- Full operation began at the end of December 2018.

East 91<sup>st</sup> Street MTS (Manhattan Community Districts 5, 6, 8 and 11)

- Began 90-day ramp up operation on March 25, 2019; and
- Full operation is expected to begin at the end of June 2019.

With the converted MTS infrastructure system now in place, there will be approximately 55 million vehicle miles traveled saved from the City's roads and regional highways annually. By eliminating the City's reliance on a network of land-based transfer stations and long-haul trucking to export residential waste, the SWMP allows us to achieve greater equity in communities across the City.

### **III. Delivery of Commercial Waste to Converted MTSs**

The SWMP contemplates that the four converted MTSs could accept a portion of commercial waste between the hours of 8:00 p.m. and 8:00 a.m., which are the hours when Department collections are very limited and when commercial carters typically collect. Commercial waste trucks deliveries would be limited pursuant to the Final Environmental Impact Statement for the SWMP to specific numbers in each hour of the delivery period to avoid exceeding noise levels during the quiet nighttime hours.

To date, the Department has not accepted any commercial waste at the four converted MTSs. During this period, the Department has focused on fine-tuning operations at these facilities, training staff on the safe and efficient operation of equipment, and completing the construction of the remaining converted MTSs.

Since adoption of the SWMP nearly 13 years ago the City has evolved and become more complex, and new challenges for the trade waste industry have arisen. Today collection routes are too long, disorganized and inefficient. There are many crashes involving private carting hauling trucks that have resulted in serious injuries and deaths to pedestrians, cyclists, motorists, and the drivers and laborers working on such trucks. Now more than ever, a workable structure for this industry is necessary that addresses safety, environmental and infrastructure concerns.

### **IV. Commercial Waste Reform in New York City**

It is estimated that commercial establishments in the City generate approximately 3 million tons of refuse and recyclables every year. Today's commercial waste collection system achieves its basic goal of collecting and handling the City's commercial waste, but the competitive market has resulted in inefficiencies, with overlapping carting routes and resulting externalities that must be borne by the public, including extra truck traffic, an increased risk to pedestrian safety, traffic congestion, air and noise pollution, road wear, and increased use of fossil fuels and greenhouse gas emissions, contributing to climate change.

In 2016, the Department, in collaboration with the New York City Business Integrity Commission, set out to evaluate the City's commercial waste collection system. Following a robust and lengthy stakeholder engagement process, the Administration proposes a wholesale reform of the commercial waste industry to improve commercial waste carting by implementing a Commercial Waste Zone (CWZ) program across the five boroughs of the City. The framework for the CWZ program consists of 20 non-exclusive geographic zones with 3 to 5 private carters authorized to operate within each zone. The CWZ program will involve an implementation plan and contract-award process to establish such zoned commercial waste system, for a total of up to 68 zone contracts. The CWZ program will regulate the collection of commercial refuse, designated recyclables, and source-separated organic waste.

Private carters will competitively bid for the right to service businesses in each zone. Carters that win zone contracts would be obligated to meet certain contractual requirements aligned with the City's program goals and objectives. The CWZ program will standardize the carting contract process by requiring written service agreements between carters and customers and by making the pricing structure more transparent.

The CWZ program will be implemented through the enactment of a new local law to be developed through mutual efforts of this Administration and the New York City Council. The new local law would include provisions for the program, including the Request for Proposal (RFP) requirements and contract-award procedures. The RFP would provide details on the program goals, methods for implementation, and requirements that carters would respond to in order to apply for contracts with the City to collect waste within specific zones. The CWZ program would encourage carters to comply with existing recycling and source separation regulations so they could compete for business within the CWZ program.

Specifically, as part of the solicitation process, the CWZ program would require carters to develop zero waste plans and identify innovative practices to support waste reduction, reuse, and recycling and provide for additional oversight and reporting requirements to ensure that these practices are being followed. The CWZ program would also require carters to develop waste management plans, identifying the transfer stations, disposal facilities and recycling processing facilities they plan to use. Such plans may propose the use of Department-operated MTSs. Once contract agreements with the City are executed, business customer transition will begin with completion anticipated around the end of 2023.

Implementing a CWZ program will preserve customer choice, keep prices competitive and the quality of service high while substantially reducing truck traffic associated with commercial waste collection.

## **V. Conclusion**

Reducing the impact that the City's waste has on our communities and the environment is a critical part of the Department's mission to keep New York City healthy, safe, and clean. A large part of meeting this objective includes the initiation of commercial waste collection reform.

Consistent with the SWMP, the Department has completed constructing and opening up all four converted MTSs as of this calendar year. The Department is now addressing commercial waste reform of the City's trade waste hauling industry, which has existed and remains unchanged for nearly 65 years, in order to improve the quality of life for New Yorkers. With the implementation of commercial waste zones in New York City, the Department plans to continue to evaluate how commercial waste could be accepted at these facilities, consistent with the 2006 SWMP and associated FEIS. The Department is committed to working with the City Council on our mutual, ambitious plans to address commercial waste management in New York City and advancing the implementation plan for this new, bold strategy.

# **ATTACHMENT 9A**

**NYC Commercial Transfer Station Locations**  
Tons Per Day for 2019 Calendar Year

	Permitted Capacity	C & D Tons	MSW Tons	SSR Tons	Total Waste	DOS Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream	Recycling Tons	Residue Tons	Total Output	Input Over (under) Output	Input Over (under) Capacity
<b>Trans.Station Putr.</b>														
<b>BRONX</b>														
1 ACTION ENVIRONMENTAL SYSTEMS (5504) 920 E 132ND ST	2,999	20.89	1,269.73	347.44	<b>1,638.06</b>	0.00	0.00	0.00	<b>1,638.06</b>	273.81	1,432.51	<b>1,706.32</b>	(68.26)	(1,360.94)
2 IESI NY CPRP. (1114) 325 CASANOVA	225	0.00	0.01	0.00	<b>0.01</b>	0.00	0.00	0.00	<b>0.01</b>	0.00	0.01	<b>0.01</b>	0.00	(224.99)
3 METROPOLITAN TRANSFER STATION (1117) 287 HALLECK ST	825	0.00	667.34	0.00	<b>667.34</b>	0.00	0.00	0.00	<b>667.34</b>	0.00	668.16	<b>668.16</b>	(0.82)	(157.66)
4 USA WASTE SERVICES OF NYC, INC. (1032) 98 LINCOLN AVE (HARLEM RVR YD)	4,000	1.00	2,007.11	0.00	<b>2,008.11</b>	1,755.33	0.00	0.00	<b>252.78</b>	0.00	252.78	<b>252.78</b>	0.00	(3,747.23)
<b>SubTotal BRONX</b>	<b>8,049</b>	<b>21.89</b>	<b>3,944.19</b>	<b>347.44</b>	<b>4,313.51</b>	<b>1,755.33</b>	<b>0.00</b>	<b>0.00</b>	<b>2,558.18</b>	<b>273.81</b>	<b>2,353.45</b>	<b>2,627.26</b>	<b>(69.08)</b>	<b>(5,490.82)</b>
<b>Percent Of Total</b>					<b>39.30%</b>				<b>37.57%</b>					
<b>BROOKLYN</b>														
5 ACTION ENVIRONMENTAL LLC (5503) 941 STANLEY AVE	375	0.09	338.62	2.41	<b>341.11</b>	0.00	0.00	0.00	<b>341.11</b>	0.90	342.88	<b>343.78</b>	(2.66)	(33.89)
6 BROOKLYN TRANSFER LLC (5511) 115 THAMES ST	560	0.00	327.61	0.00	<b>327.61</b>	0.00	0.00	0.00	<b>327.61</b>	0.64	312.98	<b>313.62</b>	13.99	(232.39)
7 HI-TECH RESOURCE RECOVERY (2213) 130 VARICK AVE	500	0.00	500.00	0.00	<b>500.00</b>	0.00	0.00	0.00	<b>500.00</b>	85.70	407.65	<b>493.35</b>	6.65	0.00
8 IESI NY CORP. (2163) 577 COURT ST	745	0.00	625.22	0.00	<b>625.22</b>	74.61	0.00	0.00	<b>550.62</b>	0.16	544.72	<b>544.88</b>	5.74	(194.39)
9 IESI NY CORP. (4263) 110-120 50TH ST.	1,075	0.00	605.65	0.00	<b>605.65</b>	5.45	0.00	0.00	<b>600.20</b>	0.26	591.63	<b>591.88</b>	8.31	(474.81)
10 WASTE MANAGEMENT OF NY, LLC (2128) 485 SCOTT AVE	1,500	32.65	633.75	3.24	<b>669.63</b>	0.00	0.00	1.24	<b>668.39</b>	29.78	642.58	<b>672.36</b>	(3.97)	(831.61)
11 WASTE MANAGEMENT OF NY, LLC (2211) 215-221 VARICK AVE	4,250	1.08	1,003.87	0.00	<b>1,004.96</b>	990.30	0.00	0.00	<b>14.66</b>	0.16	75.43	<b>75.59</b>	(60.94)	(4,235.35)
<b>SubTotal BROOKLYN</b>	<b>9,005</b>	<b>33.82</b>	<b>4,034.72</b>	<b>5.65</b>	<b>4,074.18</b>	<b>1,070.36</b>	<b>0.00</b>	<b>1.24</b>	<b>3,002.58</b>	<b>117.59</b>	<b>2,917.87</b>	<b>3,035.45</b>	<b>(32.87)</b>	<b>(6,002.42)</b>
<b>Percent Of Total</b>					<b>37.12%</b>				<b>44.10%</b>					
<b>QUEENS</b>														
13 A & L CESSPOOL SERVICE (5512) 38-40 REVIEW AVE	80	0.00	0.00	0.00	<b>0.00</b>	0.00	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>	0.00	(80.00)
14 AMERICAN RECYCLING (4314) 172-33 DOUGLAS AVE	850	0.00	668.90	0.00	<b>668.90</b>	267.42	0.00	0.00	<b>401.48</b>	3.94	421.14	<b>425.08</b>	(23.60)	(448.52)
15 REGAL RECYCLING CO., INC. (3402) 172-02 DOUGLAS AVE	600	0.00	569.93	0.00	<b>569.93</b>	23.86	0.00	1.50	<b>544.57</b>	33.61	463.44	<b>497.04</b>	47.53	(55.43)
16 TULLY ENVIRONMENTAL INC. (4404) 127-20 34TH AVE	1,395	0.00	441.22	0.00	<b>441.22</b>	139.18	0.00	0.00	<b>302.05</b>	0.68	293.98	<b>294.65</b>	7.39	(1,092.96)
17 WASTE MANAGEMENT OF NY, LLC (3214) 38-50 REVIEW AVE	2,100	0.00	908.58	0.00	<b>908.58</b>	908.58	0.00	0.00	<b>0.00</b>	0.00	0.00	<b>0.00</b>	0.00	(2,100.00)
<b>SubTotal QUEENS</b>	<b>4,945</b>	<b>0.00</b>	<b>2,588.63</b>	<b>0.00</b>	<b>2,588.63</b>	<b>1,339.04</b>	<b>0.00</b>	<b>1.50</b>	<b>1,248.09</b>	<b>38.22</b>	<b>1,178.56</b>	<b>1,216.78</b>	<b>31.32</b>	<b>(3,776.91)</b>
<b>Percent Of Total</b>					<b>23.58%</b>				<b>18.33%</b>					
<b>Total for Transfer Station: Putr.</b>	<b>21,999</b>	<b>55.70</b>	<b>10,567.53</b>	<b>353.09</b>	<b>10,976.32</b>	<b>4,164.73</b>	<b>0.00</b>	<b>2.74</b>	<b>6,808.85</b>	<b>429.62</b>	<b>6,449.87</b>	<b>6,879.48</b>	<b>(70.63)</b>	<b>(15,270.15)</b>
<b>Percent Of Grand Total</b>					<b>34.95%</b>				<b>25.37%</b>					

Putrescible Transfer Station Diversion Rate      **6.31%**



**NYC Commercial Transfer Station Locations**  
Tons Per Day for 2019 Calendar Year

	Permitted Capacity	C & D Tons	MSW Tons	SSR Tons	Total Waste	DOS Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream	Recycling Tons	Residue Tons	Total Output	Input Over (under) Output	Input Over (under) Capacity
<b>Trans.Station Non-Ptr.</b>														
<b>BRONX</b>														
18 A J RECYCLING INC. (4280)	1,400	589.87	0.00	16.09	605.96	0.00	0.00	0.00	605.96	189.99	487.67	677.67	(71.70)	(794.04)
19 JD RECYCLING (4402)	330	334.21	0.00	0.00	334.21	0.00	0.00	0.00	334.21	86.53	208.89	295.42	38.79	4.20
20 JOHN DANNA & SONS, INC. (1104)	405	196.44	0.00	0.00	196.44	0.00	0.00	0.00	196.44	72.17	124.36	196.53	(0.09)	(208.56)
21 ASPHA LLC. (1120)	750	75.39	0.00	0.00	75.39	0.00	0.00	0.00	75.39	1.45	87.46	88.91	(13.52)	(674.61)
22 ZEVEL TRANSFER, LLC (1113)	1,050	429.02	0.00	6.13	435.15	0.00	0.00	10.44	424.72	193.58	278.16	471.74	(47.03)	(625.29)
<b>SubTotal BRONX</b>	<b>3,935</b>	<b>1,624.93</b>	<b>0.00</b>	<b>22.22</b>	<b>1,647.15</b>	<b>0.00</b>	<b>0.00</b>	<b>10.44</b>	<b>1,636.71</b>	<b>543.72</b>	<b>1,186.55</b>	<b>1,730.27</b>	<b>(93.55)</b>	<b>(2,298.29)</b>
<b>Percent Of Total</b>					<b>20.27%</b>				<b>20.17%</b>					
<b>BROOKLYN</b>														
23 ASTORIA CARTING CO., INC. (2117)	300	260.35	0.00	0.00	260.35	0.00	0.00	0.00	260.35	134.34	130.79	265.13	(4.77)	(39.65)
24 ATLAS ROLL-OFF CORP. (2053)	1,125	457.17	0.00	0.00	457.17	0.00	0.00	0.00	457.17	194.51	182.07	376.58	80.59	(667.83)
25 CITY RECYCLING CORP. (2118)	1,500	1,194.96	0.00	0.00	1,194.96	0.00	0.00	0.00	1,194.96	506.47	687.01	1,193.48	1.49	(305.04)
26 COOPER TANK & WELDING INC. (4233)	1,875	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(1,875.00)
27 DECOSTOLE CARTING CO. (2011)	750	654.96	0.00	0.00	654.96	0.00	0.00	0.00	654.96	78.56	504.36	582.91	72.05	(95.04)
28 GADS (SAB) (BFI WASTE SYSTEMS) (4218)	1,088	681.05	0.00	0.00	681.05	0.00	0.00	0.00	681.05	485.22	240.82	726.04	(44.98)	(406.95)
29 BROOKLYN C&D, LLC. (4266)	1,350	342.35	0.00	0.00	342.35	0.00	0.00	0.00	342.35	24.77	322.18	346.96	(4.61)	(1,007.66)
30 POINT RECYCLING, LTD. (2115)	300	118.24	0.00	0.00	118.24	0.00	0.00	0.00	118.24	50.06	57.03	107.10	11.14	(181.76)
31 WASTE MANAGEMENT OF NY, LLC (2222)	1,500	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(1,500.00)
32 COOPER RECYCLING. (4267)	5,249	1,206.09	0.00	0.00	1,206.09	0.00	0.00	0.21	1,205.88	819.60	434.69	1,254.30	(48.42)	(4,043.12)
<b>SubTotal BROOKLYN</b>	<b>15,037</b>	<b>4,915.16</b>	<b>0.00</b>	<b>0.00</b>	<b>4,915.16</b>	<b>0.00</b>	<b>0.00</b>	<b>0.21</b>	<b>4,914.96</b>	<b>2,293.52</b>	<b>2,558.95</b>	<b>4,852.47</b>	<b>62.49</b>	<b>(10,122.04)</b>
<b>Percent Of Total</b>					<b>60.49%</b>				<b>60.58%</b>					
<b>QUEENS</b>														
33 AMERICAN RECYCLING (3662)	150	109.81	0.00	0.00	109.81	0.00	0.00	2.69	107.12	2.50	104.62	107.12	0.00	(42.88)
34 CROWN CONTAINER CO. (3613)	375	173.45	0.00	0.00	173.45	0.00	0.00	0.00	173.45	11.66	181.27	192.93	(19.49)	(201.55)
35 NEW STYLE RECYCLING CORP. (3327)	337	116.06	0.00	0.96	117.01	0.00	0.00	0.00	117.01	5.24	117.30	122.54	(5.53)	(219.99)
36 REGAL RECYCLING CO. INC. (4336)	266	248.63	0.00	0.00	248.63	0.00	0.00	0.00	248.63	89.77	158.50	248.27	0.37	(17.37)
37 THOMAS NOVELLI CONTRACTING CORP. (4247)	375	137.82	0.00	1.82	139.64	0.00	0.00	0.00	139.64	21.96	107.08	129.04	10.61	(235.36)
<b>SubTotal QUEENS</b>	<b>1,503</b>	<b>785.77</b>	<b>0.00</b>	<b>2.78</b>	<b>788.55</b>	<b>0.00</b>	<b>0.00</b>	<b>2.69</b>	<b>785.86</b>	<b>131.12</b>	<b>668.78</b>	<b>799.89</b>	<b>(14.04)</b>	<b>(717.15)</b>
<b>Percent Of Total</b>					<b>9.70%</b>				<b>9.69%</b>					
<b>STATEN ISLAND</b>														
38 FLAG CONTAINER SERVICES, INC. (3419)	2,250	408.85	0.00	0.00	408.85	0.00	0.00	0.00	408.85	35.64	541.77	577.41	(168.56)	(1,841.15)
39 STOKES WASTE PAPER CO., INC. (3476)	844	366.42	0.00	0.00	366.42	0.00	0.00	0.00	366.42	51.03	407.92	458.95	(92.53)	(477.59)
<b>SubTotal STATEN ISLAND</b>	<b>3,094</b>	<b>775.26</b>	<b>0.00</b>	<b>0.00</b>	<b>775.26</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>775.26</b>	<b>86.67</b>	<b>949.69</b>	<b>1,036.36</b>	<b>(261.10)</b>	<b>(2,318.74)</b>
<b>Percent Of Total</b>					<b>9.54%</b>				<b>9.56%</b>					
<b>Total for Transfer Station: Non-Ptr.</b>	<b>23,569</b>	<b>8,101.12</b>	<b>0.00</b>	<b>25.00</b>	<b>8,126.12</b>	<b>0.00</b>	<b>0.00</b>	<b>13.33</b>	<b>8,112.79</b>	<b>3,055.02</b>	<b>5,363.97</b>	<b>8,418.98</b>	<b>(306.20)</b>	<b>(15,456.21)</b>
<b>Percent Of Grand Total</b>					<b>25.88%</b>				<b>30.23%</b>					

Non-Putrescible Transfer Station Diversion Rate 37.66%

**NYC Commercial Transfer Station Locations**  
Tons Per Day for 2019 Calendar Year

	Permitted Capacity	C & D Tons	MSW Tons	SSR Tons	Total Waste	DOS Material	From Outside Of NYC	Material Betw. Tr. Station	Total Commercial Waste Stream	Recycling Tons	Residue Tons	Total Output	Input Over (under) Output	
<b>Trans. Station Fill</b>														
<b>BRONX</b>														
40 ALL CITY RECYCLING (4974)		850 E 133 STREET	248.75	0.00	0.00	248.75	0.00	0.00	0.00	248.75	295.73	0.00	295.73	(46.98)
41 BRONX CITY RECYCLING (1059)		1390 VIELE AVENUE	175.65	0.00	0.19	175.84	0.00	0.00	43.91	131.93	132.18	0.00	132.18	(0.25)
42 CASTLE HILL RECYCLING (5610)		1000 ZEREGA AVENUE	278.26	0.00	0.00	278.26	0.00	0.00	0.00	278.26	272.42	0.00	272.42	5.84
43 JUSTUS RECYCLING CORP. (1080)		3300 PROVOST AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44 NEW YORK RECYCLING, LLC (1025)		475 EXTERIOR ST	485.81	0.00	0.00	485.81	0.00	0.00	14.51	471.30	615.72	13.39	629.11	(157.81)
45 PETRO RECYCLING (5578)		290 EAST 132 ST	90.47	0.00	0.00	90.47	0.00	0.00	0.00	90.47	104.87	0.00	104.87	(14.41)
46 TILCON (CON AGG RECYCLING CORP.) (1038)		980 E 149TH ST	253.32	0.00	0.00	253.32	0.00	0.00	0.00	253.32	545.53	0.29	545.82	(292.50)
<b>SubTotal BRONX</b>			1,532.25	0.00	0.19	1,532.44	0.00	0.00	58.42	1,474.02	1,966.45	13.68	1,980.13	(506.11)
<b>Percent Of Total</b>						12.46%				12.37%				
<b>BROOKLYN</b>														
47 ALLOCCO RECYCLING (2218)		540 KINGS LAND AVE	1,985.26	0.00	0.00	1,985.26	0.00	0.00	96.54	1,888.72	1,928.25	0.00	1,928.25	(39.53)
48 KEYSAN ENERGY dba NATIONAL GRID (2058)		287 MASPETH AVE	170.15	0.00	0.00	170.15	0.00	0.00	0.00	170.15	116.00	55.73	171.72	(1.57)
<b>SubTotal BROOKLYN</b>			2,155.42	0.00	0.00	2,155.42	0.00	0.00	96.54	2,058.88	2,044.25	55.73	2,099.97	(41.10)
<b>Percent Of Total</b>						17.52%				17.28%				
<b>NEW YORK</b>														
49 CON EDISON (3204)		276-290 AVE C	30.86	0.00	0.00	30.86	0.00	0.00	0.00	30.86	30.86	0.00	30.86	0.00
<b>SubTotal NEW YORK</b>			30.86	0.00	0.00	30.86	0.00	0.00	0.00	30.86	30.86	0.00	30.86	0.00
<b>Percent Of Total</b>						0.25%				0.26%				
<b>QUEENS</b>														
50 DURANTE BROTHERS (4331)		31-40 123RD ST	1,374.29	0.00	0.00	1,374.29	0.00	0.00	0.00	1,374.29	1,025.62	0.00	1,025.62	348.67
51 EVERGREEN RECYCLING OF CORONA (3414)		MTA CORONA MEADOWS YARD	1,899.21	0.00	0.00	1,899.21	0.00	0.00	50.76	1,848.45	1,711.26	0.00	1,711.26	137.19
52 HUNTERS POINT RECYCLING (3479)		29-55 HUNTERS POINT AVE	555.15	0.00	0.00	555.15	0.00	0.00	0.00	555.15	776.53	1.13	777.66	(222.51)
53 MASPETH RECYCLING (3345)		58-08 48TH ST	206.96	0.00	2.89	209.84	0.00	0.00	2.31	207.53	324.10	0.00	324.10	(116.57)
54 NEW YORK PAVING (3416)		37-18 RAILROAD AVE	72.43	0.00	0.00	72.43	0.00	0.00	0.00	72.43	72.43	0.00	72.43	0.00
55 PEBBLE LANE ASSOCIATES (3319)		5700 47TH STREET	364.38	0.00	0.00	364.38	0.00	0.00	0.00	364.38	313.30	0.03	313.33	51.05
56 WHIP (RUSSO RECYCLING INC.) (3365)		248-12 BROOKVILLE BLVD	347.88	0.00	0.00	347.88	0.00	0.00	0.00	347.88	478.08	0.00	478.08	(130.20)
<b>SubTotal QUEENS</b>			4,820.29	0.00	2.89	4,823.17	0.00	0.00	53.07	4,770.10	4,701.31	1.16	4,702.46	67.64
<b>Percent Of Total</b>						39.21%				40.05%				
<b>STATEN ISLAND</b>														
57 FAZTEC INDUSTRIES (4782)		200 BLOOMFIELD AVENUE	1,838.06	0.00	0.00	1,838.06	0.00	0.00	37.45	1,800.61	2,267.85	0.00	2,267.85	(467.24)
58 J. BRUNO & SONS, INC. (3444)		280 MEREDITH AVENUE	335.03	0.00	30.91	365.94	0.00	0.00	0.00	365.94	473.08	0.00	473.08	(107.14)
59 SOUTH SHORE RECYCLING (3478)		18 ZARELLI CT	498.19	0.00	0.00	498.19	0.00	0.00	143.56	354.63	480.05	0.00	480.05	(125.42)
60 T.M. MAINTENANCE (4457)		451 SPENCER STREET	453.02	0.00	0.00	453.02	0.00	0.00	0.00	453.02	491.31	0.00	491.31	(38.30)
61 VANBRO CORP. (3508)		1900 SOUTH AVE	603.64	0.00	0.00	603.64	0.00	0.00	0.00	603.64	1,151.13	6.03	1,157.16	(553.53)
<b>SubTotal STATEN ISLAND</b>			3,727.93	0.00	30.91	3,758.84	0.00	0.00	181.01	3,577.83	4,863.41	6.03	4,869.44	(1,291.62)
<b>Percent Of Total</b>						30.56%				30.04%				
<b>Total for Transfer Station: Fill</b>			12,266.74	0.00	33.98	12,300.72	0.00	0.00	389.04	11,911.68	13,606.27	76.59	13,682.86	(1,771.18)
<b>Percent Of Grand Total</b>						39.17%				44.39%				

Calculated Fill Transfer Station Diversion Rate: 114.23%  
Effective Fill Transfer Station Diversion Rate: 100.00%

<b>Reported Total</b>	<b>Grand Total:</b>		<b>20,423.56</b>	<b>10,567.53</b>	<b>412.07</b>	<b>31,403.16</b>	<b>4,164.73</b>	<b>0.00</b>	<b>405.11</b>	<b>26,833.32</b>	<b>17,090.90</b>	<b>11,890.42</b>	<b>28,981.33</b>	<b>(2,148.01)</b>
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Gross Total Diversion Rate: 63.69%  
(Effective Total Recycling Tons) 15,396.31 (using Fill Commercial Waste Stream, not Fill Recycling Output)  
Effective Total Diversion Rate: 57.38%

Putrescible & Non-Putrescible		Total Waste		% of Boro Cap. Used	
Permitted Capacity	% of Total	Total Waste	% of Boro Cap. Used		
Bronx	11,984.00	26.3%	5,960.66	49.7%	
Brooklyn	24,042.00	52.8%	8,989.34	37.4%	
Queens	6,448.00	14.2%	3,377.17	52.4%	
Manhattan					
Staten Island	3,094.00	6.8%	775.26	25.1%	
	45,568.00		19,102.44		

Commercial Waste Stream All Transfer Stations		% of Total	
Total	% of Total		
Bronx	5,668.91	21.13%	
Brooklyn	9,976.41	37.18%	
Queens	6,804.05	25.36%	
Manhattan	30.86	0.11%	
Staten Island	4,353.09	16.22%	
	26,833.32	100.0%	

Fresh Kills		Total		Tons Per Day	
	Total		Tons Per Day		
Fill	5,377		68.93		
Road Bldg Mat.	2,840		36.41		
<b>Total</b>	<b>8,216.50</b>		<b>105.34</b>		

# **ATTACHMENT 9B**

**NYC Commercial Transfer Station Locations  
Tons Per Day for 2020 Calendar Year**

	Permitted Capacity	C & D Tons	MSW Tons	SSR Tons	Total Waste	DOS Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream	Recycling Tons	Residue Tons	Total Output	Input Over (under) Output	Input Over (under) Capacity
<b>Trans.Station Putr.</b>														
<b>BRONX</b>														
1 ACTION ENVIRONMENTAL SYSTEMS (5504) 920 E 132ND ST	2,101	16.32	898.83	271.60	1,186.76	0.00	0.00	0.00	1,186.76	207.92	980.13	1,188.05	(1.30)	(914.24)
2 IESI NY CPRP. (1114) 325 CASANOVA	225	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(225.00)
3 METROPOLITAN TRANSFER STATION (1117) 287 HALLECK ST	553	0.00	479.81	0.00	479.81	0.00	0.00	0.00	479.81	0.00	478.28	478.28	1.53	(73.19)
4 USA WASTE SERVICES OF NYC, INC. (1032) 98 LINCOLN AVE (HARLEM RVR YD)	4,000	120.99	2,035.58	0.00	2,156.57	1,987.35	0.00	0.00	169.22	0.00	169.23	169.23	(0.00)	(3,830.78)
<b>SubTotal BRONX</b>	<b>6,879</b>	<b>137.31</b>	<b>3,414.22</b>	<b>271.60</b>	<b>3,823.14</b>	<b>1,987.35</b>	<b>0.00</b>	<b>0.00</b>	<b>1,835.79</b>	<b>207.92</b>	<b>1,627.63</b>	<b>1,835.56</b>	<b>0.23</b>	<b>(5,043.21)</b>
<b>Percent Of Total</b>					<b>41.80%</b>				<b>39.25%</b>					
<b>BROOKLYN</b>														
5 ACTION ENVIRONMENTAL LLC (5503) 941 STANLEY AVE	375	12.95	320.94	2.72	336.61	0.00	0.00	0.00	336.61	1.25	350.87	352.12	(15.51)	(38.39)
6 BROOKLYN TRANSFER (5511) 115 THAMES ST	224	0.00	150.07	0.00	150.07	0.00	0.00	0.26	149.82	0.70	185.00	185.70	(35.88)	(74.18)
7 HI-TECH RESOURCE RECOVERY (2213) 130 VARICK AVE	214	0.00	343.44	0.00	343.44	0.00	0.00	0.00	343.44	82.52	291.43	373.95	(30.52)	129.44
8 IESI NY CORP. (2163) 577 COURT ST	745	0.00	121.13	0.00	121.13	0.00	0.00	0.00	121.13	0.04	119.87	119.91	1.22	(623.87)
9 IESI NY CORP. (4263) 110-120 50TH ST.	1,075	0.00	582.63	0.00	582.63	0.00	0.00	0.00	582.63	0.20	572.63	572.83	9.80	(492.37)
10 WASTE MANAGEMENT OF NY, LLC (2128) 485 SCOTT AVE	793	11.74	412.13	12.79	436.66	0.00	0.00	0.00	436.66	12.79	423.87	436.66	0.00	(356.34)
11 WASTE MANAGEMENT OF NY, LLC (2211) 215-221 VARICK AVE	4,250	55.95	1,071.10	0.02	1,127.06	1,055.38	0.00	0.00	71.69	0.25	86.31	86.55	(14.87)	(4,178.31)
<b>SubTotal BROOKLYN</b>	<b>7,676</b>	<b>80.64</b>	<b>3,001.42</b>	<b>15.54</b>	<b>3,097.60</b>	<b>1,055.38</b>	<b>0.00</b>	<b>0.26</b>	<b>2,041.97</b>	<b>97.75</b>	<b>2,029.98</b>	<b>2,127.72</b>	<b>(85.76)</b>	<b>(5,634.03)</b>
<b>Percent Of Total</b>					<b>33.87%</b>				<b>43.66%</b>					
<b>QUEENS</b>														
13 A & L CESSPOOL SERVICE (5512) 38-40 REVIEW AVE	80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(80.00)
14 AMERICAN RECYCLING (4314) 172-33 DOUGLAS AVE	570	0.00	483.06	0.00	483.06	204.46	0.00	0.14	278.46	2.99	283.27	286.26	(7.80)	(291.54)
15 REGAL RECYCLING CO., INC. (3402) 172-02 DOUGLAS AVE	342	0.00	436.48	0.00	436.48	45.73	0.00	0.29	390.46	29.23	344.14	373.37	17.09	48.46
16 TULLY ENVIRONMENTAL INC. (4404) 127-20 34TH AVE	1,395	0.00	329.31	0.00	329.31	199.00	0.00	0.00	130.30	0.25	140.71	140.96	(10.66)	(1,264.70)
17 WASTE MANAGEMENT OF NY, LLC (3214) 38-50 REVIEW AVE	2,100	0.00	975.78	0.00	975.78	975.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(2,100.00)
<b>SubTotal QUEENS</b>	<b>4,407</b>	<b>0.00</b>	<b>2,224.62</b>	<b>0.00</b>	<b>2,224.62</b>	<b>1,424.97</b>	<b>0.00</b>	<b>0.43</b>	<b>799.22</b>	<b>32.47</b>	<b>768.12</b>	<b>800.59</b>	<b>(1.37)</b>	<b>(3,687.78)</b>
<b>Percent Of Total</b>					<b>24.33%</b>				<b>17.09%</b>					
<b>Total for Transfer Station: Putr.</b>	<b>18,962</b>	<b>217.95</b>	<b>8,640.26</b>	<b>287.14</b>	<b>9,145.35</b>	<b>4,467.69</b>	<b>0.00</b>	<b>0.68</b>	<b>4,676.98</b>	<b>338.14</b>	<b>4,425.73</b>	<b>4,763.87</b>	<b>(86.89)</b>	<b>(14,365.02)</b>
<b>Percent Of Grand Total</b>					<b>35.62%</b>				<b>22.33%</b>					

Putrescible Transfer Station Diversion Rate      7.23%

**NYC Commercial Transfer Station Locations  
Tons Per Day for 2020 Calendar Year**

	Permitted Capacity	C & D Tons	MSW Tons	SSR Tons	Total Waste	DOS Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream	Recycling Tons	Residue Tons	Total Output	Input Over (under) Output	Input Over (under) Capacity
<b>Trans.Station Non-Ptr.</b>														
<b>BRONX</b>														
18 A J RECYCLING INC. (4280) 325 FAILE ST	852	450.05	0.00	15.15	465.20	0.00	0.00	0.00	465.20	204.05	316.24	520.29	(55.09)	(386.80)
19 JD RECYCLING (4402) 216-222 MANIDA ST	234	246.24	0.00	0.00	246.24	0.00	0.00	0.00	246.24	32.16	170.39	202.56	43.69	12.24
20 JOHN DANNA & SONS, INC. (1104) 318 BRYANT AVE	282	161.86	0.00	0.00	161.86	0.00	0.00	0.00	161.86	59.52	62.56	122.08	39.77	(120.14)
21 ASPHA LLC. (1120) 1264 VIELE AVE	503	50.28	0.00	0.00	50.28	0.00	0.00	0.00	50.28	2.95	54.27	57.21	(6.94)	(452.72)
22 ZEVEL TRANSFER, LLC (1113) 620 TRUXTON ST	738	351.24	0.00	22.78	374.02	0.00	0.00	17.32	356.70	176.82	199.07	375.90	(19.19)	(381.30)
<b>SubTotal BRONX</b>	<b>2,609</b>	<b>1,259.67</b>	<b>0.00</b>	<b>37.93</b>	<b>1,297.60</b>	<b>0.00</b>	<b>0.00</b>	<b>17.32</b>	<b>1,280.28</b>	<b>475.50</b>	<b>802.54</b>	<b>1,278.04</b>	<b>2.24</b>	<b>(1,328.72)</b>
<b>Percent Of Total</b>					<b>19.64%</b>				<b>19.44%</b>					
<b>BROOKLYN</b>														
23 ASTORIA CARTING CO., INC. (2117) 538-545 STEWART AVE	173	166.25	0.00	0.00	166.25	0.00	0.00	0.00	166.25	76.96	82.65	159.61	6.64	(6.75)
24 ATLAS ROLL-OFF CORP. (2053) 889 ESSEX ST	1,125	354.60	0.00	0.00	354.60	0.00	0.00	0.00	354.60	153.22	188.92	342.14	12.47	(770.40)
25 CITY RECYCLING CORP. (2118) 151 ANTHONY ST	866	821.65	0.00	0.00	821.65	0.00	0.00	0.00	821.65	331.66	487.98	819.64	2.00	(44.35)
26 COOPER TANK & WELDING INC. (4233) 222 MASPETH AVE	999	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(999.00)
27 DECOSTOLE CARTING CO. (2011) 1481 TROY AVE	750	693.38	0.00	0.00	693.38	0.00	0.00	0.00	693.38	94.87	503.24	598.11	95.28	(56.62)
28 GADS (SAB) (BFI WASTE SYSTEMS) (4218) 594 SCHOLLES ST	701	518.24	0.00	0.00	518.24	0.00	0.00	0.00	518.24	92.92	446.62	539.54	(21.30)	(182.76)
29 BROOKLYN C&D, LLC. (4266) 548 VARICK AVE	684	328.42	0.00	0.00	328.42	0.00	0.00	0.00	328.42	21.67	326.75	348.42	(20.00)	(355.58)
30 POINT RECYCLING, LTD. (2115) 686 MORGAN AVE	166	147.28	0.00	0.00	147.28	0.00	0.00	0.00	147.28	56.36	72.89	129.26	18.02	(18.72)
31 WASTE MANAGEMENT OF NY, LLC (2222) 75 THOMAS ST	750	0.00	0.00	51.66	51.66	0.00	0.00	0.51	51.14	51.14	0.00	51.14	0.00	(698.86)
32 COOPER RECYCLING. (4267) 123 VARICK AVE	2,829	935.02	0.00	0.00	935.02	0.00	0.00	2.42	932.59	725.02	237.03	962.05	(29.46)	(1,896.41)
<b>SubTotal BROOKLYN</b>	<b>9,043</b>	<b>3,964.84</b>	<b>0.00</b>	<b>51.66</b>	<b>4,016.50</b>	<b>0.00</b>	<b>0.00</b>	<b>2.94</b>	<b>4,013.56</b>	<b>1,603.81</b>	<b>2,346.09</b>	<b>3,949.90</b>	<b>63.66</b>	<b>(5,029.44)</b>
<b>Percent Of Total</b>					<b>60.80%</b>				<b>60.95%</b>					
<b>QUEENS</b>														
33 AMERICAN RECYCLING (3662) 172-33 DOUGLAS AVE	101	77.33	0.00	0.00	77.33	0.00	0.00	1.22	76.12	2.09	74.01	76.10	0.02	(24.88)
34 CROWN CONTAINER CO. (3613) 126-46 34TH AVE	375	244.04	0.00	0.00	244.04	0.00	0.00	0.00	244.04	45.64	256.44	302.08	(58.03)	(130.96)
35 NEW STYLE RECYCLING CORP. (3327) 49-10 GRAND AVENUE	337	90.95	0.00	1.69	92.64	0.00	0.00	0.00	92.64	8.79	89.94	98.73	(6.09)	(244.36)
36 REGAL RECYCLING CO. INC. (4336) 172-06 DOUGLAS AVE	191	197.85	0.00	0.00	197.85	0.00	0.00	0.19	197.66	60.49	136.87	197.36	0.30	6.66
37 THOMAS NOVELLI CONTRACTING CORP. (4247) 94-20 MERRICK BLVD	257	114.32	0.00	1.56	115.88	0.00	0.00	0.00	115.88	14.99	91.70	106.70	9.18	(141.12)
<b>SubTotal QUEENS</b>	<b>1,261</b>	<b>724.50</b>	<b>0.00</b>	<b>3.24</b>	<b>727.74</b>	<b>0.00</b>	<b>0.00</b>	<b>1.41</b>	<b>726.33</b>	<b>131.99</b>	<b>648.96</b>	<b>780.96</b>	<b>(54.62)</b>	<b>(534.67)</b>
<b>Percent Of Total</b>					<b>11.02%</b>				<b>11.03%</b>					
<b>STATEN ISLAND</b>														
38 FLAG CONTAINER SERVICES, INC. (3419) 11 FERRY ST	2,250	370.06	0.00	0.00	370.06	0.00	0.00	0.00	370.06	22.63	458.28	480.92	(110.86)	(1,879.94)
39 STOKES WASTE PAPER CO., INC. (3476) 17-25 VAN ST	850	194.68	0.00	0.00	194.68	0.00	0.00	0.00	194.68	38.11	218.19	256.30	(61.62)	(655.32)
<b>SubTotal STATEN ISLAND</b>	<b>3,100</b>	<b>564.74</b>	<b>0.00</b>	<b>0.00</b>	<b>564.74</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>564.74</b>	<b>60.75</b>	<b>676.47</b>	<b>737.22</b>	<b>(172.47)</b>	<b>(2,535.26)</b>
<b>Percent Of Total</b>					<b>8.55%</b>				<b>8.58%</b>					
<b>Total for Transfer Station: Non-Ptr.</b>	<b>16,013</b>	<b>6,513.75</b>	<b>0.00</b>	<b>92.83</b>	<b>6,606.59</b>	<b>0.00</b>	<b>0.00</b>	<b>21.67</b>	<b>6,584.92</b>	<b>2,272.05</b>	<b>4,474.07</b>	<b>6,746.12</b>	<b>(161.20)</b>	<b>(9,428.08)</b>
<b>Percent Of Grand Total</b>					<b>25.73%</b>				<b>31.44%</b>					

Non-Putrescible Transfer Station Diversion Rate **34.50%**

**NYC Commercial Transfer Station Locations  
Tons Per Day for 2020 Calendar Year**

	Permitted Capacity	C & D Tons	MSW Tons	SSR Tons	Total Waste	DOS Material	From Outside Of NYC	Material Betw. Tr.Station	Total Commercial Waste Stream	Recycling Tons	Residue Tons	Total Output	Input Over (under) Output
<b>Trans.Station Fill</b>													
<b>BRONX</b>													
40 ALL CITY RECYCLING (4974)		148.73	0.00	0.00	148.73	0.00	0.00	0.00	148.73	164.39	0.00	164.39	(15.66)
41 BRONX CITY RECYCLING (1059)		80.42	0.00	0.40	80.83	0.00	0.00	19.39	61.44	24.47	0.00	24.47	36.97
42 CASTLE HILL RECYCLING (5610)		182.99	0.00	0.00	182.99	0.00	0.00	0.00	182.99	379.38	0.00	379.38	(196.39)
43 JUSTUS RECYCLING CORP. (1080)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44 NEW YORK RECYCLING, LLC (1025)		358.00	0.00	0.00	358.00	0.00	0.00	4.72	353.28	408.17	8.97	417.14	(63.86)
45 PETRO RECYCLING (5578)		159.62	0.00	0.00	159.62	0.00	0.00	0.00	159.62	142.59	0.00	142.59	17.02
46 TILCON (CON AGG RECYCLING CORP.) (1038)		109.43	0.00	0.00	109.43	0.00	0.00	0.00	109.43	1,138.98	0.65	1,139.63	(1,030.20)
<b>SubTotal BRONX</b>		<b>1,039.19</b>	<b>0.00</b>	<b>0.40</b>	<b>1,039.59</b>	<b>0.00</b>	<b>0.00</b>	<b>24.11</b>	<b>1,015.48</b>	<b>2,257.98</b>	<b>9.62</b>	<b>2,267.60</b>	<b>(1,252.12)</b>
<b>Percent Of Total</b>					<b>10.48%</b>				<b>10.49%</b>				
<b>BROOKLYN</b>													
47 ALLOCCO RECYCLING (2218)		1,970.51	0.00	0.00	1,970.51	0.00	0.00	32.76	1,937.76	2,058.38	0.00	2,058.38	(120.83)
48 KEYSAN ENERGY dba NATIONAL GRID (2058)		140.77	0.00	0.00	140.77	0.00	0.00	0.00	140.77	110.28	42.21	152.49	(11.72)
<b>SubTotal BROOKLYN</b>		<b>2,111.29</b>	<b>0.00</b>	<b>0.00</b>	<b>2,111.29</b>	<b>0.00</b>	<b>0.00</b>	<b>32.76</b>	<b>2,078.53</b>	<b>2,168.67</b>	<b>42.21</b>	<b>2,210.87</b>	<b>(132.35)</b>
<b>Percent Of Total</b>					<b>21.28%</b>				<b>21.47%</b>				
<b>NEW YORK</b>													
49 CON EDISON (3204)		30.43	0.00	0.00	30.43	0.00	0.00	0.00	30.43	30.43	0.00	30.43	0.00
<b>SubTotal NEW YORK</b>		<b>30.43</b>	<b>0.00</b>	<b>0.00</b>	<b>30.43</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>30.43</b>	<b>30.43</b>	<b>0.00</b>	<b>30.43</b>	<b>0.00</b>
<b>Percent Of Total</b>					<b>0.31%</b>				<b>0.31%</b>				
<b>QUEENS</b>													
50 DURANTE BROTHERS (4331)		937.54	0.00	0.00	937.54	0.00	0.00	0.00	937.54	686.35	197.79	884.15	53.40
51 EVERGREEN RECYCLING OF CORONA (3414)		1,423.76	0.00	0.00	1,423.76	0.00	0.00	42.21	1,381.55	1,125.96	0.00	1,125.96	255.59
52 HUNTERS POINT RECYCLING (3479)		477.00	0.00	0.00	477.00	0.00	0.00	6.62	470.39	658.68	1.10	659.78	(189.40)
53 MASPETH RECYCLING (3345)		98.33	0.00	0.63	98.97	0.00	0.00	13.76	85.21	147.86	0.00	147.86	(62.65)
54 NEW YORK PAVING (3416)		51.80	0.00	0.00	51.80	0.00	0.00	0.00	51.80	51.80	0.00	51.80	0.00
55 PEBBLE LANE ASSOCIATES (3319)		190.82	0.00	0.00	190.82	0.00	0.08	0.00	190.74	161.00	0.00	161.00	29.74
56 WHIP (RUSSO RECYCLING INC.) (3365)		548.08	0.00	0.00	548.08	0.00	0.00	0.00	548.08	505.39	0.00	505.39	42.69
<b>SubTotal QUEENS</b>		<b>3,727.33</b>	<b>0.00</b>	<b>0.63</b>	<b>3,727.97</b>	<b>0.00</b>	<b>0.08</b>	<b>62.59</b>	<b>3,665.30</b>	<b>3,337.04</b>	<b>198.90</b>	<b>3,535.94</b>	<b>129.37</b>
<b>Percent Of Total</b>					<b>37.57%</b>				<b>37.86%</b>				
<b>STATEN ISLAND</b>													
57 FAZTEC INDUSTRIES (4782)		1,156.82	0.00	0.00	1,156.82	0.00	0.00	26.32	1,130.50	1,814.00	0.00	1,814.00	(683.51)
58 J. BRUNO & SONS, INC. (3444)		288.26	0.00	23.38	311.64	0.00	0.00	0.00	311.64	435.94	0.00	435.94	(124.30)
59 SOUTH SHORE RECYCLING (3478)		643.21	0.00	0.00	643.21	0.00	0.00	95.34	547.88	462.38	0.00	462.38	85.50
60 T.M. MAINTENANCE (4457)		377.30	0.00	0.00	377.30	0.00	0.00	0.00	377.30	364.05	0.00	364.05	13.25
61 VANBRO CORP. (3508)		524.63	0.00	0.00	524.63	0.00	0.00	0.00	524.63	307.35	1.68	309.03	215.60
<b>SubTotal STATEN ISLAND</b>		<b>2,990.22</b>	<b>0.00</b>	<b>23.38</b>	<b>3,013.60</b>	<b>0.00</b>	<b>0.00</b>	<b>121.66</b>	<b>2,891.95</b>	<b>3,383.72</b>	<b>1.68</b>	<b>3,385.40</b>	<b>(493.45)</b>
<b>Percent Of Total</b>					<b>30.37%</b>				<b>29.87%</b>				
<b>Total for Transfer Station: Fill</b>		<b>9,898.46</b>	<b>0.00</b>	<b>24.42</b>	<b>9,922.88</b>	<b>0.00</b>	<b>0.08</b>	<b>241.11</b>	<b>9,681.69</b>	<b>11,177.84</b>	<b>252.40</b>	<b>11,430.24</b>	<b>(1,748.54)</b>
<b>Percent Of Grand Total</b>					<b>38.65%</b>				<b>46.23%</b>				

Calculated Fill Transfer Station Diversion Rate: 115.45%  
Effective Fill Transfer Station Diversion Rate: 100.00%

<b>Reported Total</b>	<b>Grand Total:</b>	<b>16,630.16</b>	<b>8,640.26</b>	<b>404.40</b>	<b>25,674.82</b>	<b>4,467.69</b>	<b>0.08</b>	<b>263.46</b>	<b>20,943.59</b>	<b>13,788.03</b>	<b>9,152.19</b>	<b>22,940.23</b>	<b>(1,996.63)</b>
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Grand Total Diversion Rate: 65.83%  
(Effective Total Recycling Tons) 12,291.89 (using Fill Commercial Waste Stream, not Fill Recycling Output)  
Effective Total Diversion Rate: 58.69%

	Putrescible & Non-Putrescible			
	Permitted Capacity	% of Total	Total Waste	% of Boro Cap. Used
Bronx	9,488.00	27.1%	5,120.74	54.0%
Brooklyn	16,719.00	47.8%	7,114.10	42.6%
Queens	5,668.00	16.2%	2,952.36	52.1%
Manhattan				
Staten Island	3,100.00	8.9%	564.74	18.2%
<b>Total</b>	<b>34,975.00</b>		<b>15,751.94</b>	

	Commercial Waste Stream	
	Total	% of Total
Bronx	4,131.55	19.73%
Brooklyn	8,134.06	38.84%
Queens	5,190.86	24.78%
Manhattan	30.43	0.15%
Staten Island	3,456.69	16.50%
<b>Total</b>	<b>20,943.59</b>	<b>100.0%</b>

	Fresh Kills	Total	Tons Per Day
Fill	0	0.00	0.00
Road Bldg Mat.	0	0.00	0.00
<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>