

3.0 LONG TERM EXPORT PROGRAM

3.1 Introduction

This section describes the Administration's proposed Long Term Export Program to replace the Interim Export contracts. It provides the background and context for the program, identifies the facilities and services that are part of the Proposed Actions, lists Milestones related to its implementation, and summarizes important features of the operations of these facilities and of other Existing Programs.

3.2 Background

In July 2002, Mayor Bloomberg outlined a new approach to the City's Long Term Export Program and directed the DSNY to develop and implement an MTS Conversion Program. Subsequently, the Mayor initiated efforts to explore and pursue an array of Alternatives to Converted MTSs that might reduce the cost and/or accelerate the Program's implementation. Consistent with the Mayor's direction, the following actions were taken to define and advance the Long Term Export Program:

- Issuance of three procurements to identify private waste transfer facilities in the Bronx, Queens and Brooklyn (BQB RFPs)¹ that could serve as Alternatives to South Bronx and Greenpoint Converted MTSs, receipt of proposals and selection of vendors for contract negotiations;
- Initiation of discussions with the Port Authority on a long-term government-to-government agreement for the utilization of the excess disposal capacity available at the Essex County Resource Recovery Facility in Newark, New Jersey (Essex County RRF);
- Development of plans for the conversion of the MTSs into containerization facilities to 90% design completion and preparation of draft applications for land use approvals and regulatory permits for the Converted MTSs;

¹ Request for Proposals to Receive, Transfer, Transport and Dispose of Department of Sanitation-managed Waste from Brooklyn Formerly Delivered to the Greenpoint MTS; (ii) Request for Proposals to Receive, Transfer, Transport and Dispose of Department of Sanitation-managed Waste from Queens Formerly Delivered to the Greenpoint MTS; and (iii) Request for Proposals to Receive, Transfer, Transport and Dispose of Department of Sanitation-managed Waste from the Bronx.

- Issuance of a procurement to solicit vendor proposals to receive, transport and dispose of the solid waste containerized at Converted MTSs, receipt of proposals and vendors selected for contract negotiations;
- Construction of the Staten Island truck-to-container-to-rail transfer station,² now at 100% completion and via a procurement, the award of a 20-year service agreement to receive, transport and dispose of the solid waste to be containerized at the Staten Island transfer facility;
- Issuance of a Request For Expressions of Interest (RFEI) to investigate the availability of New York State disposal capacity for DSNY-managed Waste; and
- Issuance of an FEIS, to support the SWMP.

3.3 Proposed Actions – Long Term Export Facilities and Contracts

The Proposed Action for Long Term Export has the following specific elements.

- For the Bronx wasteshed, CDs 1 through 12, enter into a long-term contract with one or both of two private waste companies for truck-to-rail disposal of all or a portion of the Bronx waste;
- For the Brooklyn wasteshed formerly served by the Greenpoint MTS, enter into a long-term contract with one or two private waste companies for truck-to-rail or truck-to-barge disposal of all or a portion of the DSNY-managed Waste from Brooklyn CDs 1, 3, 4 and 5;
- For the Brooklyn wasteshed formerly served by the Hamilton Avenue MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18 will be received and containerized;
- For the Brooklyn wasteshed formerly served by the Southwest Brooklyn MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Brooklyn CDs 11, 12, 13 and 15 will be received and containerized;
- For the wasteshed inclusive of Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12, enter into a long-term service agreement with the Essex County RRF in Newark, New Jersey to receive and process DSNY-managed Waste delivered in City collection vehicles;
- For the Manhattan wasteshed formerly served by the East 91st Street MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Manhattan CDs 5, 6, 8, and 11 will be received and containerized;

² Approved in the 2000 SWMP Modification; the facility is fully permitted.

- For the Queens wasteshed formerly served by the Greenpoint MTS, enter into a long-term contract with a private transfer station for truck-to-rail or truck-to-barge disposal of all of the DSNY-managed Waste from Queens CDs 1 through 6;
- For the Queens wasteshed formerly served by the North Shore MTS, develop a City-owned Converted MTS on the same site, where DSNY-managed Waste from Queens CDs 7 through 14 will be received and containerized; and
- For the four wastesheds served by Converted MTSs, enter into 20-year service agreements with one or more waste management companies for transport of containerized waste by barge directly from an MTS to disposal facilities or to intermodal facilities for transloading to railcars or a larger barge, and for disposal at an appropriately permitted out-of-City facility.

Figure 3.3-1, Locations of SWMP Long Term Export Facilities and Wastesheds Served, identifies the boroughs and CDs that would be assigned to specific facilities.

Table 3.3-1 lists the potential long-term export facilities proposed in the SWMP. In the Bronx and Brooklyn CDs 1, 3, 4 and 5, noted in Table 3.3-1, the decision as to whether DSNY contracts for export of all or a portion of the DSNY-managed Waste generated in these wastesheds with either of two potential transfer stations is being determined during ongoing negotiations with the proposing companies.

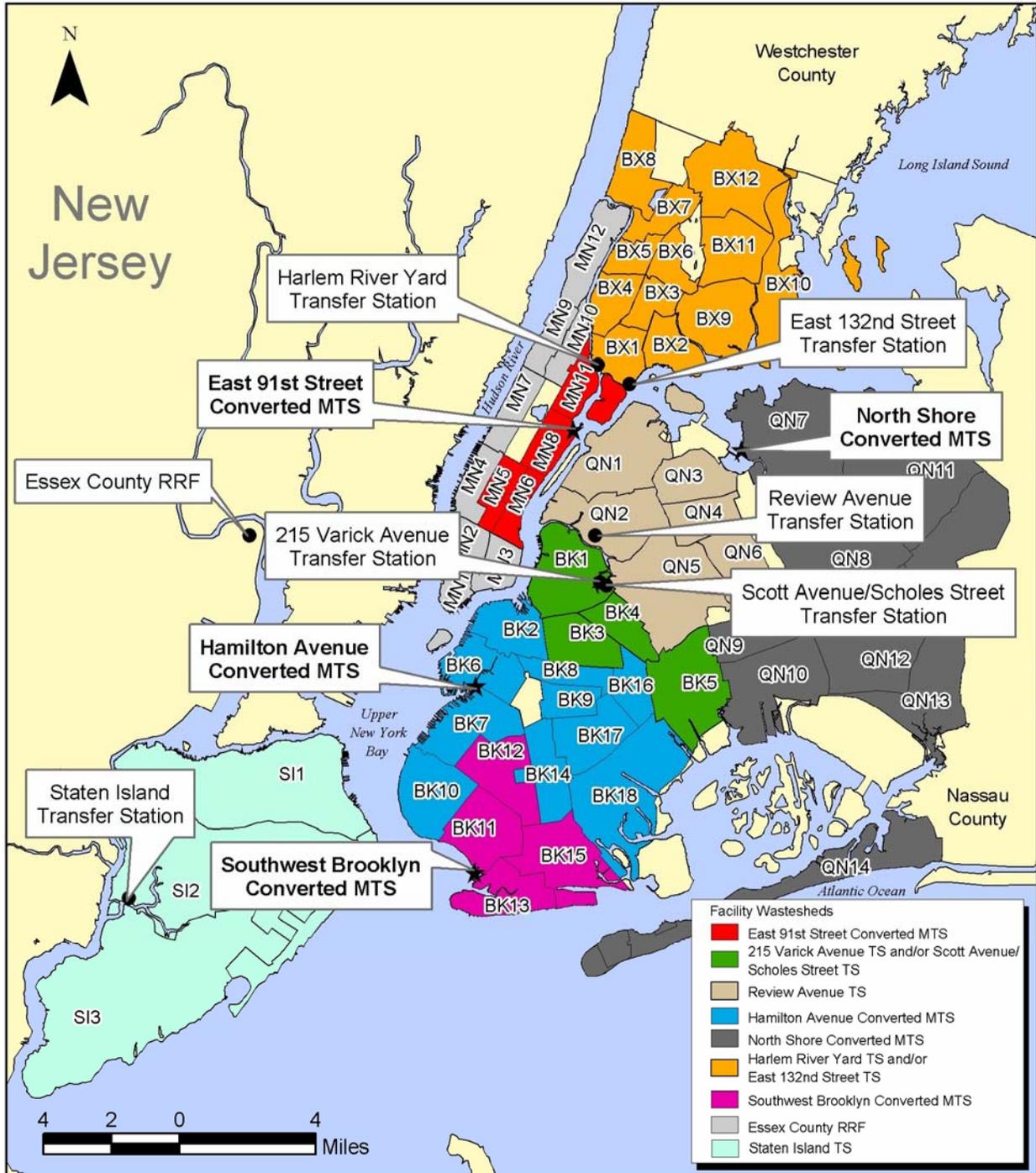
3.3.1 Formulation and Advantages of the Long Term Export Program

Currently, Interim Export contracts provide for disposal of all DSNY-managed Waste. The principal features of Interim Export³ are:

- DSNY contracts with 21 private transfer stations (located both within and outside the City) or out-of-City disposal facilities, to provide sufficient capacity to dispose of approximately 12,500 tpd on an average daily basis;
- 48% of DSNY-managed Waste is moved to out-of-City disposal sites by transfer trailers;

³ This information reflects the status of Interim Export in FY 2004.

**Figure 3.3-1
Locations of SWMP Long Term Export Facilities and Wastesheds**



**Table 3.3-1
Proposed SWMP Long Term Export Facilities and Potential Contractors**

Facility Type	Owner, Facility Name, and Address	Community District	Wasteshed Served – Community Districts
Converted MTS ⁽¹⁾	DSNY Hamilton Avenue Converted MTS, Hamilton Avenue at Gowanus Canal, Brooklyn	Brooklyn 7	Brooklyn CDs 2, 6, 7, 8, 9, 10, 14, 16, 17 and 18
Converted MTS ⁽¹⁾	DSNY Southwest Brooklyn Converted MTS, Shore Pkwy at Bay 41 st Street, Brooklyn	Brooklyn 11	Brooklyn CDs 11, 12, 13 and 15
Converted MTS ⁽¹⁾	DSNY East 91 st Street Converted MTS, Manhattan	Manhattan 8	Manhattan CDs 5, 6, 8 and 11
Converted MTS ⁽¹⁾	DSNY North Shore Converted MTS, 31 st Avenue and 122 nd Street, Queens	Queens 7	Queens CDs 7 through 14
Truck-to-Rail TS	Waste Management Harlem River Yard, 98 Lincoln Avenue, Bronx	Bronx 1	Bronx CDs 1 through 12
Truck-to-Rail TS ⁽²⁾	Allied Waste Services, East 132 nd Street Transfer Station, Bronx and Oak Point Rail Yard, Oak Point Avenue and Barry Street, Bronx	Bronx 1	Bronx CDs 1 through 12
Truck-to-Rail TS	Waste Management, 215 Varick Avenue, Brooklyn	Brooklyn 1	Brooklyn CDs 1,3, 4 and 5
Truck-to-Rail TS	Allied, 72 Scott Avenue-598 Scholes Street, Brooklyn	Brooklyn 1	Brooklyn CDs 1, 3, 4 and 5
Truck-to-Rail/Barge TS ⁽³⁾	Waste Management, 30-58 Review Avenue, Queens and the LIRR Maspeth Rail Yard, Maspeth Avenue and Rust Street Queens	Queens 2	Queens CDs 1 through 6
Waste-to-Energy Facility ⁽⁴⁾	Port Authority of New York and New Jersey, Essex County RRF, Newark, New Jersey	N/A	Manhattan CDs 1, 2, 3, 4, 7, 9, 10 and 12
Truck-to-Rail Transfer Station ⁽⁵⁾	DSNY Staten Island Transfer Station West Service Road, Staten Island	Staten Island 2	Staten Island CDs 1 through 3

Notes:

- (1) From among the selected proposers responding to DSNY's MTS RFP, DSNY will award one or more contracts for the acceptance, transport and disposal of containerized waste from the Converted MTSs.
- (2) This facility would include use of an off-site intermodal rail yard, as noted in the Table, where containers would be loaded onto railcars.
- (3) Pending the outcome of negotiations between DSNY and Waste Management of New York, LLC, the Review Avenue Transfer station would be modified to operate as a truck-to-truck-to-rail facility. Operating in a truck-to-rail mode will require use of the Maspeth intermodal rail yard, located within 1 ½ miles of the facility, where containers would be loaded onto railcars.
- (4) The Essex County RRF is a permitted and operating waste-to-energy facility in Newark, New Jersey. DSNY-managed Waste would be delivered in collection vehicles to this facility or via hopper barges from the existing MTSs, if an enclosed barge unloading facility (EBUF) were to be developed in the vicinity of the Essex County RRF some time in the future.
- (5) The Staten Island Transfer Station was approved in the 2000 SWMP, based on an environmental review in the 2000 Plan FEIS. The facility is fully permitted and under construction. It is listed here since it is part of the SWMP.

- 14% of DSNY-managed Waste is moved to out-of-City disposal sites by rail; and
- 38% of DSNY-managed Waste is moved to out-of-City disposal sites in DSNY collection vehicles.⁴

The following considerations guided the formulation of the Long Term Export Program:

- Reducing the City's dependence on transport by transfer trailer to disposal sites is a priority. Some 93% of all truck-transferred DSNY-managed Waste is disposed in landfills and most of the landfills under contract are within a radius of 200 miles of the City. A combination of factors is causing the depletion of this capacity and an increase in disposal price. The recent re-bidding of some Interim Export contracts that rely on truck transport to landfills has reflected an average increase of 19% over the initial contract prices.
- Remote disposal capacity remains available, but truck-based transfer to these sites is not economically viable.
- Developing a barge/rail transport system capable of accessing this remote capacity could offset potential increases in disposal costs.
- Developing a long-term solution should be equitable to the greatest extent possible.
- Any long-term solution should be able to be implemented without causing significant adverse impacts.

The proposed Long Term Export Program is a comprehensive plan that balances the City's need to export waste over the long term in a comprehensive manner, with the environmental benefit of significantly reducing the transfer trailer traffic associated with Interim Export. Its major advantages include the following:

- DSNY-managed Waste delivered to private transfer facilities in the Bronx, Brooklyn and Queens will be exported by barge or rail and, depending on the outcome of negotiations, the Commercial Waste processed at these facilities may also be exported by barge or rail.
- The in-City facilities proposed would be developed on existing sites at either MTSs or private transfer stations.

⁴ Includes Interim Export from Manhattan and Staten Island.

- The proposed combination of facilities provides the City with redundancy in the DSNY-managed Waste system that accommodates future increases in waste generated in the City as a function of population growth. Occasional conditions that may affect certain components of the system will not disrupt future waste export.
- Use of existing private transfer station and Essex County RRF capacity: (i) allows some components to be implemented on a faster timetable; and (ii) minimizes City investment in new capital projects.
- The Converted MTSs will provide capacity that could be available to containerize Commercial Waste for barge/rail export. (This advantage is addressed in more detail in Section 4.)
- The projected economics of the Proposed Action are less costly to the City than the Mayor's original plan to develop eight Converted MTSs. Attachment XI presents an economic analysis of the cost of implementing the SWMP and discusses how new or modified facilities will be financed.

3.3.2 Program Milestones

Table 3.3-2 presents the anticipated Milestones for implementing the Long Term Export Program.

**Table 3.3-2
SWMP Milestones – Long Term Export**

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section
PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES		
DSNY HAMILTON AVENUE CONVERTED MTS, HAMILTON AVENUE AT GOWANUS CANAL, BROOKLYN		
Complete procurement and award Transport & Disposal contract	2007	See Section 3.2
Complete design and permitting	2007	See Section 3.2
Complete construction and begin facility operation	2010	See Section 3.2
DSNY SOUTHWEST BROOKLYN CONVERTED MTS, SHORE PKWY AT BAY 41ST STREET, BROOKLYN		
Complete procurement and award Transport & Disposal contract	2007	See Section 3.2
Complete design and permitting	2007	See Section 3.2
Complete construction and begin facility operation	2010	See Section 3.2

Table 3.3-2 (continued)
SWMP Milestones – Long Term Export

PROGRAM Milestone	Scheduled Fiscal Year	SWMP Section
PROPOSED ACTION – LONG TERM EXPORT FACILITIES AND SERVICES		
DSNY EAST 91ST STREET CONVERTED MTS, MANHATTAN		
Complete procurement and award Transport & Disposal contract	2007	See Section 3.2
Complete design and permitting.	2007	See Section 3.2
Complete construction and begin facility operation	2010	See Section 3.2
DSNY NORTH SHORE CONVERTED MTS, 31ST AVENUE AND 122ND STREET, QUEENS		
Complete procurement and award Transport & Disposal contract	2007	See Section 3.2
Complete design and permitting	2007	See Section 3.2
Complete construction and begin facility operation	2010	See Section 3.2
BRONX LONG TERM EXPORT PROCUREMENT		
Complete contract negotiations and award contract	2007	See Section 3.2
Complete design permitting and construction, if required, ⁵ and begin facility operation	2007	See Section 3.2
BROOKLYN LONG TERM EXPORT PROCUREMENT		
Complete contract negotiations and award contract	2007	See Section 3.2
Complete design, environmental review, permitting and construction and begin facility operation	2009	See Section 3.2
QUEENS LONG TERM EXPORT PROCUREMENT		
Complete contract negotiations and award contract	2007	See Section 3.2
Complete design, environmental review, permitting and construction and begin facility operation	2009	See Section 3.2
INTERMUNICIPAL PROCUREMENT FOR DISPOSAL SERVICES AT A REGIONAL WASTE-TO-ENERGY FACILITY		
Complete contract negotiations, award contract and commence service	2007	See Section 3.2
STATEN ISLAND TRANSFER STATION		
Complete facility construction	2007	See Section 3.1 and Table 3.2-1
Begin facility operations and implement long term service agreement for container rail transport and disposal	2007	See Section 3.1 and Table 3.2-1
CONVERTED MTS REPORTING/PERMITTING		
Report to Council on RFP process/permit approvals for MTSs	2008	See Section 3.7
Report to Council if any of the MTS agreements are not finalized by 2010 and recommend proposed SWMP modification on handling residential solid waste	2010-11	See Section 3.7
ALTERNATIVE TECHNOLOGY EVALUATION AND PLANNING		
Issue Phase 2 Alternative Technology Evaluation	2007	See Section 5.2
Evaluate development of a pilot project to establish the basis for commercial application	2007	See Section 5.2

⁵ Only one of the two private waste transfer stations in the Bronx requires permit modifications and construction.

3.4 Summary of Facility Operations

3.4.1 Converted MTSs

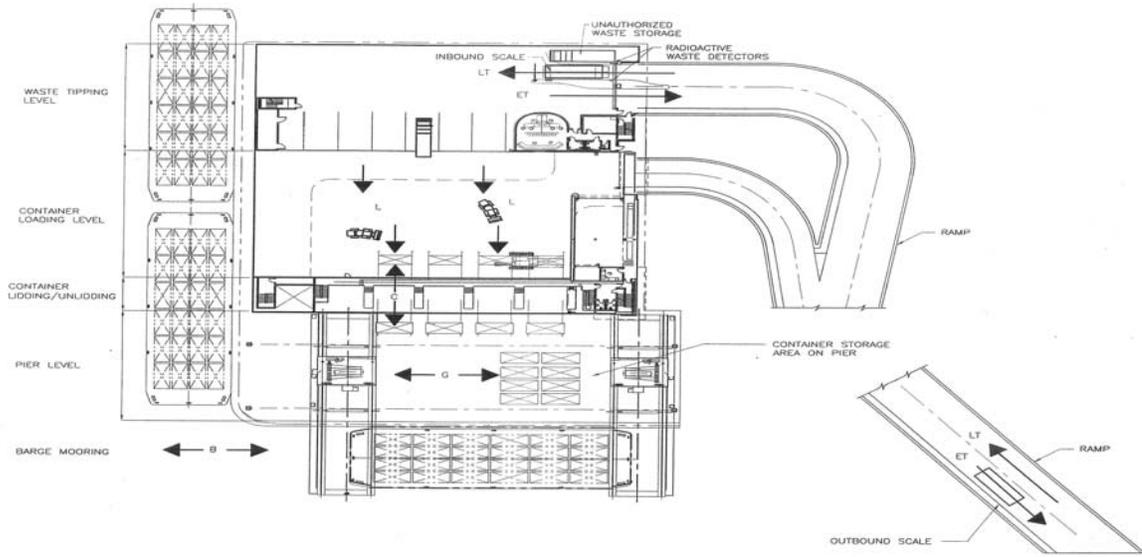
The four Converted MTS facilities have a common three-level processing building design. Figure 3.4-1 provides a schematic of plan and section views of a typical Converted MTS that depicts the following operational features:

- Collection vehicles enter a tipping floor at the uppermost level and tip waste onto the second-level loading floor, 12 feet below;
- On the loading floor, waste is sorted and pushed by front-end loaders through slots in the floor directly over intermodal containers, located on the first level of the processing building;
- Equipment operating over the slots in the loading floor evens and tamps the waste in the containers, which are then lidded with leakproof gasketed covers and moved by trolley to the external pier level of the facility;
- A gantry crane on the pier loads full containers onto and unloads empty containers off of a flatbed barge moored to the pier;
- Each barge has a capacity for 48 containers; and
- Tugboats move full/empty barges directly to an out-of-City disposal site⁶ or between the MTS and an intermodal transloading facility where they are loaded onto railcars or a larger barge for transport to a disposal facility.

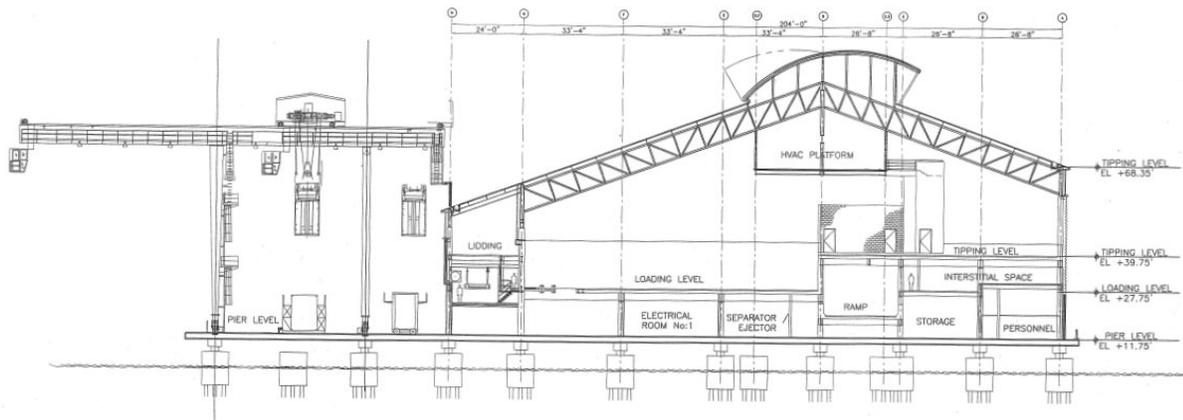
The intermodal containers are approximately 20 feet long, 12 feet high and 8½ feet wide. They are capable of holding approximately 62 cubic yards of refuse. The density of the waste entering the container is increased from approximately 450 pounds per cubic yard to approximately 700 pounds per cubic yard by tamping. On average, it is estimated that each container will contain approximately up to 22 tons of waste.

⁶ DSNY has released an RFP for the handling of MTS containerized waste and negotiations with potential vendors are ongoing.

Figure 3.4-1



Plan View



Section View

3.4.1.1 MTS-Containerized Waste Disposal

Subject to the outcome of negotiations between DSNY and the proposers selected pursuant to the MTS containerization RFP, containerized waste will be transported by barge from the Converted MTSs directly to (i) a disposal site; or, (ii) intermodal terminals, where the containers will be transloaded to railcars or a larger barge for transport to an out-of-City disposal facility.

The City has determined that it would be in its best interests to seek proposals that enable DSNY not to rely on a single facility to handle containers from the MTSs, provided that the use of more than one transloading facility is operationally and technically feasible. In contracting with a vendor or vendors to handle the City's MTS containerized waste, in August 2006, DSNY issued a request for a Best and Final Offer (BAFO) in connection with the Request for Proposals for handling waste at the four MTSs. The BAFO specifically seek proposals on alternative facilities at which containerized waste from its MTSs can be transloaded and, subject to the limitations above, the City will not contract to transload annually more than 75% of the containers generated at the MTSs at any single in-city transloading facility. This provision shall not be mandatory or in any way binding if, over a twenty year term of any agreement to transport and dispose of containerized waste from MTSs, the estimated additional cost to the City of utilizing more than one facility exceeds by \$100 million the estimated cost that the City would pay in the absence of this provision 3.4.1.1.

3.4.2 Converted MTS Capacities

In order to define the average and peak hourly design capacities of the Converted MTSs, historical data regarding truck and tonnage arrival rates from FY 1998 were evaluated and analyzed. Based on this analysis, it was determined that a Converted MTS would be designed with a tipping floor to accommodate 30 collection vehicles per hour and a loading level to process and containerize 220 tons of MSW per hour. If the facility were to operate at full capacity over an entire day (i.e., three shifts with a productivity of 6.5 hours per shift), it could process 4,290 tons of waste. DSNY has proposed specific permit limits for the Converted MTSs that reflect the DSNY-managed Waste that would be generated in the respective watershed for each MTS and the amount of Commercial Waste that could be processed in nighttime hours without causing noise impacts, as determined in the FEIS, that are lower than the nominal

design capacity. Although the design capacity of the Converted MTSs is 4,290 tpd, Table 3.4-1 presents expected throughput capacities at the Converted MTSs for DSNY-managed Waste, based on average tpd and average peak tpd of DSNY-managed Waste generated in the watersheds served by the MTSs facilities and also including Commercial Waste.⁷ The average and average peak day tpd are numbers that DSNY has used for planning purposes and in draft permit applications and are consistent with the environmental review in the FEIS. There would be occasions, subject to permit limits, when the full design capacity of the Converted MTSs would be required to deal with upset conditions in the City's waste management system. The classic example of this is following a snow emergency, when several days of waste have accrued. Also, unanticipated outage conditions in one element of the system could require temporary shifts in waste deliveries among the Converted MTSs.

**Table 3.4-1
Converted MTS Average Throughputs**

Converted MTS Location	(1) DSNY Average TPD	(2) Average Peak Day TPD	(3) Commercial Tonnage (Noise Constrained)⁽¹⁾ TPD	Total (Sum of Columns 2 and 3)
SWMP Export Facilities				
Hamilton Avenue	1,900	2,280	1,274	3,554
Southwest Brooklyn	950	1,140	828	1,968
East 91 st Street	720	864	780	1,644
North Shore	2,200	2,640	1,000	3,640

Note:

⁽¹⁾ This total includes the potential for processing Commercial Waste that is presented as a Proposed Action in Section 4.

⁷ The subject of potentially processing Commercial Waste at the Converted MTSs is addressed in Chapter 4.

3.4.2.1 Converted MTS Community Advisory Groups

Within six months of the effective date of this SWMP, DSNY shall establish four Community Advisory Groups (“CAGs”) in the respective Community Districts that host Converted Marine Transfer Stations. The CAGs will advise the Mayor and other elected officials on the development, construction and operation of the respective Converted MTSs.

The CAGs shall consist of no fewer than ten members, four appointed by the Mayor, three appointed by the borough president where the respective Converted MTS is located and three appointed by the council member elected from the council district in which the respective Converted MTS is located. The membership of each Community Advisory Group shall represent community boards, environmental and environmental justice organizations, business organizations, property owners, other local community groups and concerned members of the general public.

Members shall serve for a term of two years without compensation and shall designate one member to serve as chairperson and one as vice-chairperson. No member may serve more than two consecutive terms. The Community Advisory Groups shall exist for ten years, at which time the City Council and the Administration will evaluate their effectiveness and continued merit, and jointly determine whether the program should be extended.

3.4.3 Private Transfer Stations

All of the five private transfer stations included in the SWMP are existing facilities. Of the five existing facilities, four would require permit modifications to facilitate barge or rail export and/or expansions of their existing permitted capacities. Table 3.4-2 provides a summary of the permitted status of these facilities, proposed capacity expansions where applicable, other required permit modifications where applicable, and DSNY wastesheds served. Where an expansion of capacity is proposed (see Table 3.4.2), the BQB RFPs require that waste companies make arrangements to offset these proposed capacity expansions in their respective project service areas, except the Queens procurement, which requires that offsets be obtained in Brooklyn Community District 1 or Queens Community District 12.

**Table 3.4-2
Private Transfer Station Capacities**

Facility	Community District Location/Wasteshed Served	Current Permitted Capacity (TPD)	Proposed Expansion Increment (TPD)	Other Permit Modifications	Average Peak Day DSNY Waste (TPD)⁽¹⁾	Commercial Waste Processed (Yes/No)
Allied Waste Services, East 132 nd Street, Truck-to-Truck-to-Rail Transfer Station, Bronx	Bronx 1/ Bronx CDs 1 through 12	2,999	None	Addition of lidding facility	2,337	Yes
Waste Management, Harlem River Yard, Truck-to-Rail Transfer Station	Bronx 1/ Bronx CDs 1 through 12	4,000	None	None	2,337	Yes
Waste Management, 215 Varick Avenue, Truck-to-Rail Transfer Station, Brooklyn ⁽²⁾	Brooklyn 1/ Brooklyn CDs 1, 3, 4 and 5	4,250	None	Containerization floor plan, lidding area, container storage area and rail siding for loadout of containers onto railcars.	1,114	Yes
Allied Waste Services, 72 Scott-598 Scholes, Truck-to-Rail Transfer Station, Brooklyn	Brooklyn 1/ Brooklyn CDs 1, 3, 4 and 5	220	1,148	Consolidation of operations among three separate facilities, rail improvements	1,114	Yes
Waste Management, 30-58 Review Avenue, Truck-to-Truck-to-Rail Transfer Station, Queens with containers drayed to Maspeth railyard	Queens 2/ Queens CDs 1 through 6	958	417 ⁽³⁾	A modified facility, sized to process waste from Queens CDs 1 through 6 (an increase of one CD in the wasteshed delivering to the current facility) will be developed at the site of the existing transfer station. ⁽⁴⁾	1,375	To be determined

Notes:

- (1) Average peak day values are those used in FEIS.
- (2) Reflecting negotiations with Waste Management, this facility replaces its 485 Scott Avenue Facility. It was not evaluated in the FEIS and the permit modification is subject to environmental review.
- (3) This is the difference between the existing permit capacity of 958 tpd and a proposed weekly permit limit of 8,251 tons per week, which on a 6 day average week basis equates to 1,375 tpd. The 1,375 tpd value is derived from actual FY 2006 data for a 6-week period from May 22 through July 1 during which average day deliveries were 1,146 tpd. This average day value was increased by 20% to provide a margin for future growth and contingency.
- (4) This facility modification is subject to a new environmental review to support the permit expansion.

3.4.4 Transloading Facilities

Upon completion of containerizing waste at the MTSs, the containers will need to be transported to out-of-city disposal sites. Prior to such export, in most cases the containers will need to be transloaded from the barges originating at the MTSs to either trains or ocean-going barges for transport to disposal locations. To the extent that such operations occur at a transloading facility within the City, it is in the City's best interests that MTS-originated containers be transported to their final disposal location as expeditiously as possible and that such containers not be stored at the transloading facility, or otherwise remain at such facility any longer than necessary to complete the transloading of the containers and preparation for shipment or other transport to a final disposal location. To meet these goals, the City will make reasonable efforts, subject to normal operating conditions and operational feasibility and practicability, to ensure that at an in-city intermodal facility (i) the time from which any MTS-originated container is removed from a barge to the premises of such facility and is transloaded onto another barge or railcar for ultimate transport out of the City shall not exceed 24 hours; (ii) under no circumstances shall the time from which any MTS-originated container is removed from a barge to the premises of such facility and is transloaded onto another barge or railcar for ultimate transport out of the City exceed 48 hours; and (iii) that on an annual basis, at least 50% of the containers handled by such facility shall be transloaded to a barge for final disposal and no more than 50% of the containers handled by such facility shall be transloaded to a railcar for transport to a final disposal location.

3.4.5 Council Review of Modifications to the SWMP

If DSNY proposes a permanent alteration in the manner in which five (5) percent of the City's residential waste stream or ten (10) percent of the City's overall waste stream is handled, DSNY must submit such proposal to the Council. The Council shall have sixty (60) days from the date it receives such proposal to vote on a local law that either approves or rejects DSNY's proposed modification to the SWMP. If the Council fails to pass a local law within this sixty-day time period that either approves or rejects the proposed modification, the proposed modification shall be deemed approved.

3.5 Existing Programs

DSNY's operations also include refuse and Recyclable collections and Interim Export. These and other existing DSNY activities are described in Attachment VIII and Appendix E.

3.6 Future Manhattan Capacity

The Proposed Actions for Long Term Export Facilities and Contracts described in Section 3.3, together with the proposed use of the West 59th Street MTS for Commercial Waste Transfer described in Section 4.3.2.1 and the proposed Gansevoort Recycling and Education Center for Manhattan metal, glass, plastic and paper described in Section 2.3.2 will allow Manhattan to handle more waste and recyclables within the borough. However, there are still significant amounts of commercial and residential waste that will leave the borough for handling and export. The proposed Gansevoort facility may require an amendment to the Hudson River Park Act, the approval of which is uncertain at this time.

DSNY will continue to investigate potential alternative solid-waste-transfer station locations in Manhattan and will do so on a strict timeline, stated herein, while seeking approvals for the West 59th Street and Gansevoort MTSs. Specifically, DSNY will seek a location or locations with the collective capacity to transfer up to 3,000 tpd of Commercial Waste. DSNY may accomplish this through additional siting studies, Requests for Expressions of Interest or other means.

DSNY will report to the Council on January 1st of each year, beginning on January 1, 2008, as to what efforts have been made to identify alternative transfer station locations.

The City shall issue an RFP for the use of the West 59th Street MTS no later than six months after adoption of the SWMP by the Council. No later than 18 months from the date of the adoption of the SWMP by the Council, the City shall report to the Council as to the progress of the RFP process and any other approvals needed to use this facility for commercial waste processing. If by three years from the date of approval of the SWMP by the Council the City does not have an executed agreement for the use of the West 59th Street facility or the Gansevoort facility, the City will report to the Council on the status of these facilities and will make recommendations as appropriate to address the handling of Manhattan's commercial waste

and recyclables through the submission to the Council of a proposed modification to the SWMP. The proposed modification may include, without limitation, a new timeline for completing an agreement for use of the West 59th Street facility and/or the Gansevoort facility or a new proposal for handling some or all of Manhattan's commercial waste or recyclables.

The scheduled timetables for milestones for the development of Manhattan commercial waste capacity described in this Section are set forth in Table 4.3-1, SWMP Milestones – Commercial Waste. The scheduled timetable for the development of the Gansevoort Recycling and Education Center for Manhattan is set forth in Table 2.5-1, SWMP Milestones – Recycling.

3.7 MTS Reporting and Permitting

No later than 18 months from the date of the adoption of the SWMP by the Council, the City shall report to the Council on the progress of the RFP process and any other approvals needed to use the 4 MTSs. If any of the agreements for the 4 MTSs are not finalized within four years of the adoption of the SWMP by the Council, then the City will report to the Council on the status of these facilities and will make recommendations as appropriate to address the handling of the City's residential waste through the submission to the Council of a proposed modification to the SWMP. The proposed modification may include, without limitation, a new timeline for finalizing agreements for any of the 4 MTSs or a new proposal for handling the City's residential waste, including alternative MTS sites.

With respect to the permitting of the MTSs for the handling of putrescible waste, DSNY will only seek permits consistent with the tonnage information set forth in the Final Environmental Impact Statement, provided, however, that if the amounts of residential waste generated or collected in the waste shed served by the relevant MTS is at any point in time higher than the amount set forth in the FEIS, the MTS permits can be amended to reflect such increased amounts of residential waste generated or collected.

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