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VIA EMAIL

New York State Department of Environmental Conservation
Division of Materials Management
625 Broadway
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Re: 2023 Draft New York State Solid Waste Management Plan

To Whom It May Concern:

The New York City Law Department, on behalf of the City of New York (the "City"), submits the following comments in response to the New York State Department of Environmental Conservation's ("NYSDEC") Draft New York State Solid Waste Management Plan ("SSWMP"). The City appreciates the opportunity to comment on the SSWMP.

The SSWMP is aligned with and reinforces the City's Sustainability Plan, as recently published in PlaNYC: Getting Sustainability Done.¹ The plan includes a shift from a linear "take, make, toss" model to a circular economy. The City supports the overall concepts and goals, recognizing that the legislative and regulatory details and language will be important to balance various issues. The City also supports DEC's focus on reducing landfilling by 85% by 2050, fully implementing climate change mitigation, and reducing the disproportionate burdens faced by Disadvantaged Communities ("DACs") and Potential Environmental Justice Areas ("PEJAs") throughout the State. These values, vision and goals are admirable, and the City looks forward to DEC providing more detail about each. A theme throughout the focus areas of the SSWMP is having all residents fully participate and engage in materials management planning in their communities. While the City supports this commendable goal, it is unclear how DEC plans to ensure full participation and engagement. We encourage DEC to engage stakeholders as it crafts regulatory language in order

¹ Available at <https://climate.cityofnewyork.us/initiatives/planyc-getting-sustainability-done/>.

to identify unintended consequences that might reduce the ability of the regulated community to fully participate in the vision.

Additionally, the draft SSWMP clarifies that the State will strive to reduce the disproportionate burdens faced by DACs and PEJAs related to waste management facilities. This is another admirable goal. However, very little detail accompanies this statement and DEC does not discuss it much further in the draft SWMP. During the public hearing on April 11, 2023, DEC representatives stated that environmental justice concerns were taken into consideration throughout the draft SSWMP. However, it is unclear what specific actions and steps the State plans to take to address these issues. It is well within the public interest for DEC to set forth, in specific detail, how it plans to reduce the disproportionate burdens DACs and PEJAs face in relation to waste management facilities. The City's residents already bear such a disproportionate burden. Approximately 72% of the City's population lives in a PEJA and approximately 44% live in a DAC. Additionally, in the City 77% of solid waste management facilities are located in a PEJA and 83% are located in a DAC. At the same time, we acknowledge the need for the critical infrastructure that is the solid waste management system, and the difficulty in finding suitable land that is zoned appropriately and available for these uses.

We have grouped our comments as follows: disposal disincentive surcharge, the regulation of emerging contaminants, the transition to a circular economy, construction and demolition waste, and other miscellaneous specific comments.

I. COMMENTS ON THE DISPOSAL DISINCENTIVE SURCHARGE

A goal set forth in the SSWMP is to support legislation to create a disposal disincentive surcharge, more commonly known as pay-as-you-throw ("PAYT") program. To encourage recycling and reuse, PAYT charges residents and other users of landfills a fee based on the amount of waste they set out. Although waste reduction is an admirable goal, the City has several concerns.

1. *PAYT is not easy to implement in large municipalities where the majority of residents live in multiple dwellings.*

As with many other large municipalities, the majority of City residents live in multiple dwellings. The State will have to address the question of how much residents of multiple dwelling units, who commingle their waste for set-out and collection, would be charged and whether such a charge would accurately reflect refuse from individuals living within multiple dwellings. The City has been a leader in advancing waste reduction – for example with the recently passed mandatory residential curbside organics program; the Zero Waste School program; and commercial organics requirements – and will continue to be such a leader. However, requiring City residents to pay per bag or can of waste needs more consideration.

2. *The disposal surcharge levied at the point of transfer or disposal could increase construction costs and may incentivize transfer of construction and demolition waste to out-of-state landfills rather than to the circular economy.*

NYSDEC released its beneficial use designation (“BUD”) rules in 2017, which created a regulatory pathway that permits recovery and direct/indirect reuse of construction and demolition waste (“CDW”) by private sector actors to, over time, create a circular CDW economy.

Construction and CDW management are both hyperlocal private sector activities, and local governments are critical actors in activating the BUD regulatory scheme because, within their jurisdictions where CDW circular economies would operate, their annual public capital spends can operate as a market maker to move toward that goal. In this way, a local government’s capital program can also serve as a “lead by doing” approach to be replicated by private construction owners with large portfolios.

Construction and CDW recovery and reuse are also private sector activities, so realizing the full impact from the BUD regulatory scheme requires a robust “market” to support sufficient private firm investment to expand and build necessary interim processing and manufacturing facilities for higher value materials. Moving the BUD regulatory scheme, enacted in 2017, to a circular CDW economy in 2032 (end of next SSWMP) will require generation of a reliable and predictable supply of recovered CDW resources and a reliable demand for them in direct re-use and in indirect end manufacture of new construction materials to permit firms to plan and invest in expanded or new facilities needed for the many local circular CDW economies. It will also require real time materials exchange to match generators and users for market efficiency and project schedule certainty and appropriate support for private investment decisions.

Public and private construction firms affect their projects through a network of private firms linked by a construction contract and subcontracts. All costs incurred by contractors and their subcontractors flow from the construction contract, typically executed on a fixed price basis. In the absence of further market supports described above, mandated efforts such as the proposed per-ton disposal disincentive surcharge for CDW waste sent to NYS landfills will certainly increase contractors’ costs that are then passed on to public and private owners in the near-term. On public projects, this almost certain increase in bid prices within a fixed capital budget envelope will reduce the number of projects. Since the surcharge will apply only to NYS landfills, it may also incentivize transfer of CDW to out-of-state landfills, which could mitigate the impact on construction prices but also fail to raise the revenues to support reduction, reuse and recycling projects (SSWMP, pp. 4, 53).

II. REGULATION OF EMERGING CONTAMINANTS

The City commends NYSDEC’s efforts to control and prevent the emerging contaminants, per- and polyfluoroalkyl substances (“PFAS”) and its recognition that biosolids and other waste streams will contain PFAS and other emerging contaminants as a result of upstream sources. The City has several comments on this aspect of the SSWMP.

1. PFAS Regulation Should Waive Undesirable Consequences for the City’s Clean Soil Bank

The City is concerned that rulemakings anticipated from the Division of Materials Management (“DMM”) and from the Division of Environmental Remediation (“DER”) regarding allowable

concentrations of PFOA and PFAS in soil could force the shutdown of the City's clean soil stockpile and Clean Soil Bank.

Part 360.13(e)(2) requires parties to test fill material for the analytic parameters found in Part 375-6.8(b). DMM has just released new Part 360 regulations, and DER is expected to publish draft revisions to Part 375 this summer. Because DEC's statewide PFAS background study is not yet completed, DER officials have said that the forthcoming version of Part 375 will not include Soil Cleanup Objectives ("SCOs") for PFOA and PFAS. However, once the state background study is completed, and DEC assesses its findings, DER will then propose SCOs for PFOA and PFAS. Through the operation of Part 360.13(e)(2), these new SCOs will require the NYC construction industry to test fill material, per EPA method 1633, for the presence of PFAS and PFOA. The 1633 test method will significantly raise the cost and time required to analyze and the cost to dispose of soil because PFAS, PFOA results need to be shared with disposal facilities, which will charge significantly higher tip fees to accept this material.

The NYC construction industry, operating on a tight time frame, will likely forgo the new PFAS testing requirements and, instead, resume out-of-state disposal of all fill material. Over time, no one in the NYC construction industry will comply with DEC testing requirements for fill material, and the City stockpile and Clean Soil Bank will be deprived of material. The beneficial reuse of clean soil in New York City would come to a halt.

This undesirable outcome can be avoided by waiving PFOA and PFAS testing of otherwise clean construction fill that moves through the NYC Clean Soil Bank.

2. PFAS and Emerging Contaminant Regulation Should Focus on Upstream Sources

Passage of a Consumer Product law and other initiatives outlined in the SSWMP (e.g. prevention of emerging contaminants, statutory restrictions) will ensure that emerging contaminants don't pass through the wastewater treatment process to its final product – biosolids – and will allow for continued beneficial use of biosolids via land application. The City encourages the State to continue its efforts to control PFAS while ensuring that future legislative actions do not implicate or impact wastewater treatment operations and biosolids management, the beneficial use of which is an important greenhouse gas ("GHG") mitigation strategy. The State should also consider a buy-back or trade-in program for kitchen and food-related products that contain PFAS and carcinogenic chemicals.

3. The State Should Ensure Solidification of PFAS Is Effective

The SSWMP also includes an action item that DEC will support efforts to require solidification of waste containing PFAS chemicals before its disposal in landfills. PFAS are both pervasive and prevalent throughout various media, and the City commends DEC on the actions the agency has and is planning to take to address PFAS. However, it is critical that by addressing one problem, we do not cause another problem. Specifically, is solidification of PFAS an effective method to neutralize or immobilize the chemicals? Additionally, what would be used as the solidifying agent, and would such agent cause or create a new potential environmental or health issue? This information must be shared with the regulated community, and the regulated community should have the opportunity to review and comment on any proposed methods.

III. TRANSITION TO A CIRCULAR ECONOMY

1. *Waste Prevention, Reduction, and Reuse*

The SSWMP prioritizes waste prevention, reuse and recycling, which the City supports. However, according to DSNY's Waste Characterization Study, at least 23% of the current waste stream cannot be recovered, and the State must plan for the safe and reliable disposal of these materials. It is important for the State to take a leadership position in identifying appropriate technologies and sites for solid waste management capacity that are available to planning units throughout the State. Simultaneously, DEC estimates that at least 80% of the State's waste stream has monetary value and could be used to contribute to the State's circular economy. To achieve our solid waste goals and realize the benefits of the circular economy, the State needs a plan to export less material out-of-state for management.

The reuse of materials is also necessary for a circular economy, and the City commends DEC on such a focus. However, several action items in the SSWMP need to be clarified. The action items under "Reuse and Repair" use terminology promoting "reuse" and "repair and reuse" interchangeably. These are two distinct concepts, which are used differently in terms of both policy and how programs are operated and funded. Reuse itself can have several different programs for different material types. It cannot be constrained to a one-size fits all approach.

For example, how a food rescue organization functions is much different than how a textile reuse program would run. A container refill program would have virtually no policy overlap with furniture donations. If the focus is kept too broad on reuse as a whole and not specifically materials, it is much more difficult to create an actionable plan.

Repair, likewise, is a broad field that is virtually ignored in the waste management space. Space constraints in urban environments, funding, and the lack of robust right-to-repair laws in NYS inhibit the potential of repair. Coupling repair with reuse only further deemphasizes its importance as a method of waste reduction and disposal deferral.

DEC should more clearly define "reuse" and "repair" of materials. Additionally, DEC should clarify how it intends to provide financial support to assist consumers in repairing damaged products, encouraging repair, and reducing all types of waste, and what would be the source of such financial support.

Governor Kathy Hochul's Executive Order No. 22, Leading by Example: Directing State Agencies to Adopt a Sustainability and Decarbonization Program, and Mayor Eric Adams' Executive No. 23, Clean Construction, both support and encourage the use of low-carbon concrete and recovering CDW to reduce embodied carbon. However, the published CDW recycling rates do not support the circular economy. More specifically, concrete, asphalt and brick are typically used as fill material, resulting in the "downcycling" of this material and missed opportunities for recovering embodied carbon. The SWMP should create a hierarchy for CDW waste that prioritizes reusing CDW debris.

Reducing furniture waste is an important and commendable goal. However, DEC must also consider and address the upstream sources of this waste stream. Currently, there is no market for

used furniture made from medium-density fiberboard or particle board. For organizations that provide used items at no cost to people in need, lack of financial resources and issues with transporting and storing larger objects create barriers for these organizations to continue operating. Financial support from the State is necessary to maintain secondary markets, donations and exchanges for textile goods and furniture. Like reducing furniture waste, reducing and recycling textiles must start upstream, where the materials are produced. Fast fashion trends tend to use polyester blends, which current recycling technology is unable to handle. To be able to divert 1.4 billion pounds of clothing and textiles each year, the State must implement consumer-side limits and regulate the use of such materials.

The City supports sharing information to help facilitate material reuse and product-sharing opportunities for used goods, including at educational institutions. However, the SSWMP is vague and must more clearly define how such information should be shared. Additionally, more detail is needed regarding how the State will provide the needed financial resources to help facilitate donations. The City has an online textiles and materials exchange platform and reuse map, but most reuse organizations do not have the resources to provide transportation of these goods. Knowing where the materials are located is important. Having the resources to acquire and redistribute them is critical.

The SSWMP does not address chemical or advanced recycling, or other new technologies. The City would request that DEC define which of these technologies would be “recycling” and provide more details on these terms, as there is disagreement on how to define them. The regulated community needs to know whether such technologies will be allowed for plastic recycling, and if so, in what capacity and how their effectiveness would be measured. The City also requests that DEC provide guidance on where these technologies sit within the state solid waste management hierarchy.

Pursuant to Local Law 40 of 2010, DSNY is required to report on the City’s annual recycling tonnage. Included in that report is the tonnage of metals recovered from incineration. The City encourages DEC to adopt this practice and to acknowledge that technologies are available to achieve post-collection recovery of recyclable materials. Additionally, DEC needs to make clear the types of technology that will be allowed, in light of the continued uncertainty regarding whether incineration will continue to be financially viable under the Climate Leadership and Community Protection Act (“CLCPA”). DEC must take a holistic approach in the State’s solid waste management planning, with reduction of greenhouse gas emissions only one part of the plan.

Advancing a circular economy requires higher rates of reuse, repurposing, and recycling of materials. In addition to providing incentives for reusable and refillable products and restrictions on single-use products, DEC must address the issue that not all materials set out for recycling are ultimately sent to recycling facilities. DEC should set forth in the SSWMP both its short-term and long-term plans to address this very real issue.

2. Organics Reduction and Recycling

The City supports DEC’s goals to incorporate organics and composting opportunities throughout the State, and specifically in DACs and PEJAs. Organic waste represents 34 percent of all residential waste in the City. When sent to landfills, organic waste decomposes to create methane

gas, a powerful greenhouse gas more than 20 times more potent than carbon dioxide. Methane emissions from landfills related to DSNY-collected waste comprise nearly 4 percent of the City's overall greenhouse gas emissions inventory. Diverting this waste from landfills is an essential part of the City's efforts to reduce greenhouse gas emissions.

However, it is unclear where DEC obtained some of the numbers in Table E.6 for the Region 2 organics recycling summary and how DEC defines the terms "source-separated organics," "food processing waste," and "yard trimmings." Table E.6 provides that 34,084 tons of source-separated organics ("SSO"), 3 tons of food processing waste, and 28,522 tons of yard trimmings were composted in 2018. Table E.6 lists that no facilities provided anaerobic digestion. However, for the same reporting year, DSNY composted 36,674 tons of yard waste and 496 tons of SSO (inclusive of food processing waste) at its in-City facilities. Additionally, the City Department of Environmental Protection's Newtown Creek Wastewater Resource Recovery facility's anaerobic digester takes in approximately 40,000 tons/year of slurried food scraps. Transparency and clarification are needed so that the regulated community has accurate information regarding the amount of materials generated in each Region, the types of waste processed, and where such waste is processed or disposed.

In accordance with PlaNYC, and more recently PlaNYC: Getting Sustainability Done, the City has undertaken initiatives designed to reduce organic waste, including making organics recycling collection mandatory citywide through curbside pickup, organics drop-off sites, smart bins, and support for community composting opportunities. As of July 2023, DSNY will have installed 400 Smart Composting Bins in all five boroughs throughout the City, many of which are located in traditionally underserved DACs and PEJA communities. These Smart Bins are accessible 24 hours a day, 7 days a week using a free app called NYC Compost. DSNY, with community partners, also operates community composting drop-off sites throughout the City. Additionally, the City recently passed legislation, the Zero Waste Act, mandating a citywide curbside residential organics program, in which all residential property owners in the City will be required to set out their organic waste, including yard waste, for curbside collection by DSNY. DSNY has also promulgated rules requiring source separation of yard waste. The City supports enacting state legislation that will eliminate the commercial organics mileage limits for recycling facilities; such legislation would support the City's recent commitment to expand the commercial organics rules in PlaNYC.

The City also supports sharing with other municipalities information about the success of the DSNY voluntary organics program, which is now a mandatory program. However, it is unclear how DEC envisions such information being shared with other jurisdictions. Will DEC create a centralized online platform, and if so, who will control the information? These questions must be addressed before the rollout of any such program.

The SSWMP lists as an action item providing financial assistance to municipalities to expand residential food scraps collection, food donation programs, and organics programs. The City supports this action item and should be a beneficiary of any financial assistance. DEC should clarify how the State intends to distribute such financial assistance and whether DACs and PEJAs will be prioritized, which the City supports. Additionally, DEC should clarify whether the Environmental Bond Act will be the source of this financing, and if not, where the State will get the requisite resources.

In 2016, DSNY and the NYC Department of Education launched the Zero Waste School program, which focused on fully separating recyclables and compostable materials at 100 schools receiving curbside compost collection.² By the end of the 2023-2024 school year, DSNY will provide curbside composting service to every public school in the City. The City strongly supports and encourages DEC's proposal to incentivize other municipalities to implement similar recycling and curbside composting programs. However, it is unclear what actions DEC has been taking and plans to take to encourage and implement recycling programs in schools. Additionally, if financial assistance is available for these programs, the City should be a recipient.

The City supports improving the implementation of the Bottle Bill by creating a public data system of all beverage containers for which a deposit has been initiated and redeemed.

It is unclear what DEC intends by the Action Item to "support innovation in traditional waste product alternative uses to retain value and divert waste." The goal of this Action Item needs to be clarified.

IV. REPORTING AND DATA

The City supports the increased use of electronic reporting and recommends that DEC ensure that high quality data are available and accessible to planning units throughout the State. The ability to access statewide transfer and disposal facility annual reports in a digitized and streamlined format would promote visibility regarding the quantity and composition of material moving within and outside different planning units.

Regarding statewide waste tonnage data and conversion to metrics such as pounds per person per day, DEC has not provided clarity on how the calculations are performed, what the data sources are, or the distinction between MSW and other waste streams in the summaries. For example, in Appendix E with Regional data, the summary tables are confusing because the data are expressed in tons, the metric is expressed in pounds per person per day, and the metric is labeled as MSW disposal rate whereas the data in the preceding table are MSW, CDW, industrial and biosolids. In addition, the rate is implied to be a disposal rate but diversion totals are also represented in the table. Overall, the metrics and aggregated summary data in the SSWMP could be improved by providing step-by-step calculations and data sources/references.

It appears the data source for most of the numbers in this Appendix are from facility annual reports. Based on the maps, DEC included tonnage that was generated out-of-Region but imported for management. Planning units generally do not have access to this information and it would be valuable for DEC to not only provide this to planning units, but also provide additional detail including facilities and types of waste (beyond general categorization) that are being imported. Finally, the tonnage could include double counting if the imported material is being delivered to an in-City transfer station, but then re-exported since most disposal facilities or final recycling facilities are located outside of Region 2.

The City also supports the State's goal of improving data collection related to solid waste

² <https://www.nyc.gov/assets/dsny/site/our-work/zero-waste-schools>

management. This past year (2022CY), DEP conducted a data-gathering pilot focused on grease trap food waste and food scraps collected at green markets across the city. This pilot was done in collaboration with Waste Management and Veriflux, an EPA-funded software platform. The pilot project demonstrated how new technology enables end-to-end visibility in the organic waste-to-energy supply chain. These valuable data can support local waste regulations and simultaneously inform renewable energy consumers on the original source of renewable fuel. A full report of the pilot project is available upon request, either through DEP or Waste Management of New York. DEP recommends that the state investigate further uses for this data collection strategy including demonstrating compliance with organics separation mandates or informing lifecycle carbon accounting of renewable fuels.

V. CONSTRUCTION AND DEMOLITION WASTE

DEC and the SSWMP should support local government actions that will complement the BUD regulatory scheme and provide overall market support so that construction prices do not increase under current market conditions. These actions include:

- Developing Construction Contract Specifications and Supporting User Specification Development for Increased CDW Supply and Direct and Indirect Reuse Demand
 - One option to generate local CDW data would be to require contractors to send the project-level Part 360 carter reports to the construction agency (project owner) to build local CDW material and volume data.
 - Another option to support contractors in changing construction practices to realize CDW value and mitigate construction price increases is a value engineering-based cost savings sharing specification (SSWMP, p. 7).
 - User specification development for direct CDW reuse and use of new materials made with recovered CDW requires materials research on a material-by-material basis, which is a longer-term effort and requires private sector participation and materials research activities.
- Implementing Local Market Support Mechanisms - These include establishment of a real time CDW materials exchange at least at the municipal level to increase market efficiency and minimize the need for stockpiling; leveraging existing industrial development bond programs; and assessing ways to adapt industrial and manufacturing zoned properties and associated land use policies to support the transformation of businesses necessary for a circular CDW economy. NYC's Industrial Business Zones, for example, are sites for this transformation to a circular CDW economy producing new industrial and manufacturing jobs to residents located in and nearby these Zones.

VI. OTHER SPECIFIC COMMENTS ON 2023 SSWMP

Solid Waste Management Facilities and Part 360 of NYCRR

Comment

The SSWMP states that DEC will identify legislative opportunities that impact Local Solid Waste Management Plan ("LSWMP") requirements and prepare draft rulemaking to implement

changes as necessary. With the City’s LSWMP due in less than three years, more concrete detail is needed for this action item.

Additionally, the SSWMP states that climate impact criteria will be incorporated into solid waste facility regulations, beginning in 2023. How will “climate impact criteria” be defined and are they being considered in the amendments to Part 360? The draft SSWMP does not provide sufficient detail or information for the regulated community to comment.

p. 4, Community Compost Picture

Comment

On page 4 of the SSWMP, the community compost site pictured should be labeled “Red Hook Community Compost Site in Brooklyn, NY” and not “Columbia Street Farm in Brooklyn, NY.”

p. 15 – Municipal Solid Waste

Comment

This section should include a sub-chapter on MSW and Public Health, which highlights the importance of waste disposal in maintaining a hygienic urban environment. Mismanagement of MSW can lead to pest infestations that can damage property, degrade housing, contaminate food, and transmit diseases. There is a disproportionate impact of pest exposure and accompanying health impacts in DACs due to MSW management.

p. 20 – C&D Debris

Comment

The composition does not specifically refer to glass that comes out of buildings—would that be in Other? Is it possible to estimate the proportion that is glass? Municipal solid waste glass from NYC is now going to Beacon, CT for cement production and CDW glass should be able to be used in that way as well.

p. 28 – Solid Waste Management Facilities, subsection on Environmental Justice Areas and Disadvantaged Communities

Comment

This section should include exposure to heavy vehicle and landfill emissions in PEJAs and DACs. In NYC, Local Law 199 was created to disperse the concentration of truck routes in certain communities to address vehicle emissions.

p. 35 – Equity Issues

Comment

This section could benefit from adding a case study or an example of waste or public health issue arising from unequal waste management processes or exposure to pollution or disease in the waste management chain.

p. 39 – Values and Vision, subsection on Strive for Full Public Participation, Fairness, and Environmental Justice

Comment

This section could use some strengthening on language incorporating community partnerships; please look at this example of a collaborative stakeholder structure (link, page 27), where governance, organization, and financial relationships are clearly established and written out in detail.

p. 44 – The Future of Materials management in New York State, subsection on Focus Areas, Goals, and Action Items

Comment

Outreach, education, and transparency are insufficient to address the disproportionate impacts on community health due to truck traffic, air emissions, water discharges, nuisance odors, and other impacts. NYSDEC could demonstrate a stronger commitment to equity by including policies or proposed legislation that identify and address upstream factors that remedy such disproportionate impacts.

p. 45 – Goal: Increase Opportunities for New York State Residents and Institutions to Participate In Waste Prevention, Reduction, and Reuse, Action Items List

Comment

It is necessary to establish a real time CDW materials exchange at least at the municipal level to increase market efficiency and minimize the need for stockpiling. A state-wide exchange, either developed by NYSDEC in house or by a state-wide subscription to an off-the-shelf service, would accelerate the circular CDW economy and increase market efficiency across NYS.

p. 46 – Goal: Support Waste Prevention, Reduction, and Reuse within the Commercial and Industrial Sectors in New Yorks State Through Education, Engagement, and Policy, Action Items List

Comment

Local governments have levers to pull to support industrial transformation, including land use and zoning, which is a local function in NYS. Construction and CDW management are hyperlocal, and achieving GHG emissions reductions from CDW reuse requires many local circular CDW economies. Articulation of a state-wide policy supporting this industrial and manufacturing transformation at the local level would help local governments balance competing needs for

available space, especially industrial and manufacturing spaces that are often at or near water due to historical siting patterns.

p. 72 – Goal: Minimize GHG Emissions From Solid Waste Management Facilities

Comment

The City supports the inclusion of co-digestion in NYSDEC’s strategies to implement policies, procedures, and regulatory revisions to mitigate emissions from solid waste management facilities. The City’s Department of Environmental Protection (“DEP”) has extensive experience with co-digestion, having operated a full-scale demonstration project at our Newtown Creek Wastewater Resource Recovery Facility (WRRF), in cooperation with its contractor Waste Management, since 2016. Our experience indicates that the state could support organics diversion through co-digestion in two key areas:

1. Directly support municipalities with funding to install and operate feed-in stations and other ancillary equipment at locally operated WRRFs.
2. Support a healthy pre-processing industry.

Co-digestion of residential food scraps requires that the material be thoroughly pre-processed into a pumpable slurry, which has had contamination like plastic or metal removed. The current vendor community for pre-processing solutions is limited. Where possible, the state should remove barriers and fund improvements in this sector of the waste economy. As an example, transfer facilities that pre-process organic material are subject to DEC regulations. Any steps that can be taken to spur growth in this sector would help utilities process organic wastes. Growing the state’s ability to implement co-digestion requires increased processing capacity at WRRFs in tandem with collections and pre-processing capacity upstream.

p. 73 – Goal: Investigate Innovative Means of Reducing Environmental Impacts from Solid Waste Management Activities, Action Items List

Comment

Utilize air quality data to address air pollution issues near waste management facilities or along truck routes. Collect the data on air quality if it does not exist with the objective that data would be utilized to address health equity issues.

Appendix E

Comment

Appendix E should be amended to note that Region 2 currently does have some processing capacity for organic waste. NYC DEP currently operates four digesters at its Newtown Creek WRRF that can receive pre-processed organic material. DEP has plans to increase capacity there and install additional capacity at other WRRFs across the city in coming years to help New York City meet its waste diversion goals.

VI. CONCLUSION

The City appreciates the opportunity to submit these comments, and looks forward to continuing to work with NYSDEC and others to address the management of solid waste.

Sincerely yours,

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