

TESTIMONY OF
ELIZABETH BALKAN, SENIOR POLICY ADVISOR
MAYOR'S OFFICE OF LONG-TERM PLANNING
AND SUSTAINABILITY

THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION & SOLID WASTE MANAGEMENT
250 BROADWAY, 14th FLOOR
FRIDAY, NOVEMBER 22, 2013 - 10:00A.M.

Good morning Chairwoman James and members of the Committee on Sanitation and Solid Waste Management. I am Elizabeth Balkan, Senior Policy Advisor for the Mayor's Office of Long Term Sustainability and Planning. I am here with Ron Gonen, Deputy Commissioner for Sustainability and Recycling for the Department of Sanitation. We are pleased to have the opportunity to testify today in support of Intro 1162. This important legislation will advance the PlaNYC goal of diverting 75% of the city's solid waste from landfills by 2030 by focusing on a key source—organic waste generated by the largest businesses in the food industry. Although the bill will affect fewer than 5% of all businesses in the food industry—and less than half a percent of total businesses—it will capture over 30% of all commercial organic waste. As such, the bill strikes the right balance between achieving scale in the marketplace for organic waste while focusing on businesses that are best able to comply and in many cases already doing so voluntarily.

Before I get into my testimony, I would like to thank the Solid Waste and Sanitation Committee for its continued leadership in helping to improve solid waste management in the City. The committee has advanced a number of critical legislative initiatives over the past seven years, including Intro 0894 (2012), on the recovery of refrigerants from appliances; Intro 0148 (2010), expanding acceptable recyclables to include all rigid plastics; Intro 0158 (2010), regarding public space recycling and a citywide textile reuse and recycling program; and Intro 0728 and 0729 (2008) on standards for the recycling, reuse and safe handling of electronic waste. I want to especially acknowledge the City Council's September passage of Intro 1107 (2013) on residential collection of compostable waste, which creates a strong foundation for similar progress in the commercial sector.

This morning I will begin my testimony by describing the context for this bill as it relates to the solid waste goals of PlaNYC, the City's long-term sustainability plan. I'll then briefly report the progress that we have made towards those goals and discuss the role of organic waste in our long-term success. Next, I'll describe what the City has learned from working with leading restaurants, hotels, and stadiums that are already successfully recycling their food waste on a voluntary basis. Finally, I will turn to the structure and goals of the legislation and describe the grounds for the Administration's support.

Through PlaNYC, the City has committed to a 2030 goal of diverting 75% of solid waste from landfills, as well as the short-term goal of doubling the recycling rate to 30% by 2017. Greenhouse gas (GHG) emissions from our solid waste amount to more than 2.1 million metric tons

per year (4% of the citywide total). The methane-generating decomposition of this waste, which mostly comes from organic waste, is at least 21 times more harmful to the environment than carbon dioxide. In addition to these environmental impacts, the landfilling of solid waste costs New York City residents and businesses considerable amounts of money. DSNY spends more than \$300 million annually in landfilling costs at present. As landfills continue to fill up and close, waste disposal and tipping fees to businesses and institutions that generate organic material will continue to climb.

The 2011 update to PlaNYC laid out a 13-item Solid Waste Reduction Plan. This plan included numerous strategies to reduce the amount of waste generated, reuse and recycle as much as possible of what cannot be eliminated, and change the way we think about waste – not as a by-product to be disposed, but as a resource that can generate energy, create jobs and spur economic development. With City Council support, we have already reached several important solid waste milestones, including expanded public recycling infrastructure, the inclusion of all rigid plastics in our residential recycling program, the launch of a “Recycle Everything” education campaign, and the nation’s largest electronic waste recycling program, which is being implemented at no cost to New York City taxpayers. Recently, City Council passed legislation on residential organic waste collection that supports the fulfillment of yet another Solid Waste Reduction Plan target.

Because organic waste makes up roughly one-third of our waste, solid waste PlaNYC goals cannot be achieved without a robust organic waste diversion program. In 2012, DSNY launched a pilot organic waste collection program in 68 Brooklyn and Manhattan public schools. The pilot, constantly expanding, has been very successful, with diversion rates doubling in most of the schools. By providing education, appointing clearly-marked bins in the cafeteria, scheduling daily collection of organic waste, and, soon, eliminating polystyrene (“styrofoam”) food trays, DSNY and DOE together are making it easy for teachers and children to divert organic waste. In Spring 2013, the Department of Sanitation initiated household organic waste collection—as well as offering free composting bins and educational materials—in Staten Island. Early results were very promising in terms of high participation and low contamination, illustrating New Yorkers’ willingness to adopt this practice and their ease in doing so.

In addition, businesses are also making significant voluntary efforts to divert organic waste. In April of this year, Mayor Bloomberg partnered with over 100 restaurants, environmental organizations, solid waste experts and private carters to launch the Food Waste Challenge. It is a voluntary program, with restaurants committing to a 50% organic waste diversion target as well as ongoing tracking of their waste generation. Participating food establishments include New York favorites as well as nationally renowned fast food chains. Just six months in to the program, half of these participants – many of them small, single-owner restaurants – have achieved the diversion goal, demonstrating that organic waste diversion can be accomplished even in the smallest of kitchens and without encountering any vermin or odor issues. Much of what has been diverted has been edible food donated to city food banks to help feed New York’s neediest. Many hotels, supermarkets, airlines and stadiums are eager for the chance to join the Food Waste Challenge and increase their organic waste diversion. These are businesses that are already separating organic waste in advance of legislation. This list includes hotels, supermarkets, universities and stadiums, such as Jet Blue, the Intercontinental Hotel, Stop & Shop, St. John’s University and Yankees Stadium.

To assist the participants in reaching the Food Waste Challenge goal, we have developed a suite of tools and resources. The first of these is a food waste diversion how-to guide, which presents information on and strategies for source separating back-of-house and front-of-house food waste; choosing appropriate bins and storage equipment, options for use of compostable bags and food service ware; training and messaging of staff; relevant food safety regulations; and negotiating with waste haulers. The guide also offers methods of waste prevention – including source reduction of food waste and food donation. We are also conducting a pilot of an on-site food waste processing technology with the Department of Environmental Protection and City College and a winner of the City Council and Bloomberg administration’s Municipal Entrepreneurial Testing Systems competition. The unit reduces and weight of food waste up to 90%, requiring minimal space and fully-sealed to prevent odor. Proven use of these technologies will provide businesses cost-saving options for dealing with organic waste on-site, simultaneously getting trucks off the street and trash bags off the curb, a real value proposition to our communities.

Now I would like to discuss the proposed legislation and what it seeks to do. As written, Intro 1162 requires certain larger food-generating establishments such as supermarkets, large restaurants, chain restaurants, caterers, hotels and entertainment centers to arrange with a licensed carter for the separate collection of organic material for purposes of composting, anaerobic digestion, or any other approved method. Licensed carters must deliver this collected organic material directly to an organics processing facility or to an equipped transfer station that will then transport it as source separated material to an organics processing facility. The program would begin July 1, 2015, but could be delayed for up to three years if the Sanitation Commissioner determines that there are an insufficient number of facilities within a 125 mile radius of the City to process organic waste. Intro 1162 is not a food waste disposal ban: covered establishments must not meet any organic waste diversion rate. Also, Intro 1162 does not impact smaller size restaurants, cafes, grocers and delis in the City, but rather seeks to accomplish the goal of large-scale organic waste diversion by addressing only the largest organic waste generators who are best equipped to comply.

Before introducing this bill, we conducted economic analysis to understand how this measure would affect costs and competitiveness. What we found is that, at present, there is an uncompetitive market for organic waste collection or large-scale processing capacity within 125 miles of New York City, making organics collection service more expensive for businesses and haulers. In other regions, with more wide-scale capacity, tip fees at organics processing facilities are at least 40% and as much as 65% lower than landfill tip fees. We believe that creating a significant new source of demand will lead to investment in infrastructure in the region, sufficient both in terms of scale and proximity, to serve New York City. The result of additional capacity will be a more competitive marketplace for organic waste collection and processing services that will drive reductions in real waste collection costs. Developers have also indicated their readiness and ability to develop this capacity.

This draft legislation is also grounded in the experience of other cities and states throughout the United States. We found examples of many cities that have successfully established commercial organics programs such as San Jose, California and Austin, Texas, and states including Connecticut, Massachusetts and Vermont, right here in the region that have passed or are expecting

to pass similar legislation soon. We learned from legislators and officials in those states what has worked well and what has been challenging. For example, Intro 1162 follows the precedent set by Connecticut and Massachusetts in allowing legislation to be delayed if there is not adequate processing capacity within the region.

We also found that Massachusetts has effectively worked with businesses to accelerate compliance ahead of regulation through providing resources and technical assistance in a similar fashion to the Food Waste Challenge in New York. We are currently in the process of expanding the Food Waste Challenge and other resources to help accelerate early compliance. OLTPS and DSNY would both work to provide additional outreach, offer practical and sensible advice on developing a plan that suits each food-generating establishment's needs. Several discussions are already underway for tailored projects for large commercial buildings and the city's stadiums to implement cost-effective organic waste operations strategies.

Separating organic material, as contemplated under Intro 1162, provides a valuable environmental and economic opportunity for New York, as it has in other cities. We believe it will reduce long-term costs for businesses and the City, create jobs in New York and the region, and generate valuable commodities such as compost and renewable energy. The people who you will hear from today are already doing this and are excited for the opportunities to come. In addition, you will hear strong expressions of support from numerous industry organizations testifying today such as the American BioGas Council and the US Composting Council.

New York City, having the largest number of food-generating establishments among any city in the nation, must also now lead in this area. We look forward to collaborating with you in the coming weeks on this important legislation, and once again thank you for this opportunity to testify.

FOR THE RECORD



November 15, 2013

The Honorable Letitia James
Chair, Committee on Sanitation & Solid Waste Management
250 Broadway, Suite 1792
New York, NY 10007

Re: Commercial Organic Waste Legislation: Int. 1162-2013

Dear Chairwoman James,

The Commercial Organic Waste Legislation referenced above will create a policy that will help the organics management business take root and grow here in the United States while further strengthening New York City's position as an environmental and recycling leader.

Both Covanta Energy Corporation and Turning Earth, LLC strongly support the Commercial Organics Waste Legislation because it will continue New York City's leadership in minimizing landfilling and reducing greenhouse gas emissions associated with waste management, while also generating renewable base load energy and nutrient rich compost from NYC's organic waste streams.

Recognizing the need to better manage organic waste streams, Covanta Energy, a world leader in sustainable waste management and renewable energy, and Turning Earth, an integrated organics recycling company, recently announced a partnership to provide organics recycling to Connecticut municipalities and businesses. The partnership calls for Turning Earth to build, own and operate an integrated organics recycling facility to which Covanta will divert organic waste for beneficial reuse in partnership with municipalities and commercial customers. Covanta and Turning Earth also agreed to explore future opportunities to work together on additional projects.

Organics are a leading generator of methane in landfills, a potent greenhouse gas, 34 times more potent than CO₂ when all effects are included, according to the latest IPCC report. The same report reveals that methane now represents over 40% of the total net drivers of climate change, second only to carbon dioxide. Scientists and governments alike are recognizing that limiting methane emissions is a key mechanism to impede the progress of climate change. In fact, President Obama's recent Climate Action Plan stated, "...curbing emissions of methane is critical to our overall effort to address global climate change."

Considering landfills are the third largest source of methane in the U.S., reducing the amount of organic material sent to landfills is critical.

Organics recycling using composting and anaerobic digestion processes should play a prominent role in the City's sustainable waste management system, alongside traditional inorganics recycling and energy recovery. Such an integrated approach has already been tremendously successful in Europe. By increasing recycling, composting, anaerobic digestion and energy recovery, the waste sector has achieved the greatest percentage reductions in greenhouse gas emissions of any sector in the entire European Union.

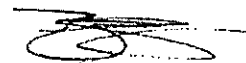
Organics recycling converts organics into a variety of valuable new products. Turning Earth's Triple Play™ approach to organics recycling is very straightforward. Rather than landfilling organics where they produce methane, Turning Earth's Aikan™ Technology, a patented high solids anaerobic digestion (HSAD) and in-vessel composting system, converts organic waste streams into several valuable and environmentally beneficial products, including renewable base load energy and high quality compost. The Triple Play™ is truly closing the loop.

Covanta is already proud to be part of New York City's sustainable waste management system through our energy-from-waste facilities; reducing greenhouse gas emissions and diverting waste from landfills. Now, Turning Earth and Covanta stand ready to execute the Triple Play™ strategy to reduce greenhouse gas emissions, generate renewable base load energy and return nutrient rich organic material back into our soils.

Sincerely,

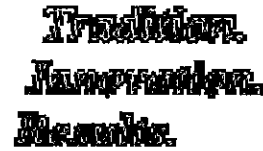


Paul Gilman
SVP & Chief Sustainability Officer



W. Blake Sturcke
EVP & Head of Corporate Development

CC: Ron Gonen, Deputy Commissioner, New York City Department of Sanitation
Elizabeth S. Balkan, Senior Policy Advisor, Office of the Mayor



**TESTIMONY OF
ACTION ENVIRONMENTAL GROUP
RONALD S. BERGAMINI, CEO**

**NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
COUNCILMEMBER LETITIA JAMES, CHAIRWOMAN**

NOVEMBER 22, 2013

Action Environmental is the largest commercial waste hauler in New York City with subsidiaries that include a hauling company, transfer stations and recycling facilities. We employ more than 750 workers in the region, including 300 in the city, and are proud to be an important part of maintaining and growing our City's economy.

Action supports the goals outlined in Intro 1162 as composting presents an opportunity to deal with managing waste in a new and creative way. But our support is conditioned on the creation of infrastructure that will allow composting to succeed and, quite frankly, we have serious concerns given legislation that the Council is poised to approve next week.

As we sit here today, our company has representatives in Italy visiting two organic composting facilities to learn how organic composting can be successfully done as this is the logical next step in the City's recycling efforts. Let me say up front that Action Environmental understands the need to increase recycling in order to meet the goals set

forth in PlaNYC and SWMP. We also understand that the prospect of recycling organic waste provides the greatest opportunity to reduce the volume of waste exported and landfilled as it represents about one third of our total waste stream.

The City has expanded recycling significantly in recent years, most recently expanding into rigid plastics. But our company and others must raise a caution that if the City puts in place ill-advised and poorly planned restrictions on facility capacity, all bets will be off, as these changes create any businesses' worst nightmare, uncertainty. Uncertainty makes effective planning and investment difficult.

Current legislation under consideration includes; 1) legislation that will redistribute waste transfer station capacity throughout the city, 2) legislation requiring private carters to replace or retrofit refuse trucks to meet more stringent emissions standards, and, 3) legislation to add foam to the list of recyclable materials. As a company, we support the stricter emissions standards, and we will continue to work with BIC to improve the transition to a cleaner fleet, mindful that this transition requires an industry investment measured in the hundreds of millions of dollars.

When considering today's composting legislation, we respectfully ask that the Administration and legislators take a moment and consider the collective change anticipated by all pending legislation, and how it does or does not facilitate investment in this social good by private industry. If there is one stark forecast pointing to the future demands on the collaboration of government and the private sector in this industry, it is the following; by 2030, New York City's population is forecasted to increase by over 700,000 people or +8% compared to 2010. There needs to be greater focus on how to

handle more refuse, and not the fiction that investment in innovation will be made in a more restrictive business environment.

Action Environmental is prepared to partner with the City on all fronts and make the investments necessary to increase recycling and reduce waste. Recently we have made a \$15 million dollar investment at our recycling facility in the Bronx. We installed a state of the art optical sorting recycling system, that by the way, added about 40 jobs at the facility. We did this with our institutional investors and lenders, a partnership with Sustainable South Bronx and a grant from New York State Empire State Development.

In summary, better than most, Action Environmental understands the tasks, understands the goals and looks forward to working with the city towards an increasingly sustainable future.

Thank you.

**TESTIMONY OF THE
NATIONAL WASTE & RECYCLING ASSOCIATION
CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT**

November 22, 2013

Chairwoman James, members of the Committee and distinguished guests, my name is David Biderman and I am the General Counsel for the National Waste & Recycling Association (formerly NSWMA). We are a non-profit trade organization that represents waste and recycling companies that operate in all fifty states. Our members include about 50 licensees who collect waste and recyclables generated by commercial customers in New York City, and facilities such as transfer stations and MRF's (Material Recovery Facilities) that manage, process and recycle these materials.

Our association includes numerous companies that are helping New Yorkers recycle their discards today. Our members process and recycle a wide variety of materials generated in New York City, every day, including organic waste. For that reason, our members are uniquely positioned to understand the challenges posed by a mandatory organics diversion requirement. These challenges include having sufficient disposal capacity to handle the significant volume of organic material generated by the arenas, catering establishments, food manufacturers, food wholesalers, retail food stores, food service establishments, food preparation establishments, hotels, stadiums, and temporary public events covered by this bill. These "covered establishments" generate more than 300,000 tons of organic material annually. A law mandating that this large volume of waste be diverted from the current municipal waste stream should not be enacted without careful thought and planning concerning where this waste will go and how much will it cost to dispose of it.

Currently, the majority of the organic waste generated in New York City by commercial customers is disposed of at large landfills that harvest renewable landfill gas from the decaying waste and is used to power homes and businesses. For example, the Seneca Meadows landfill in upstate New York generates 143,655 MW of energy annually, sufficient to power about 20,000 homes. Some of the organic waste generated in the City is burned at waste-to-energy facilities in New Jersey or on Long Island where it generates electricity.

While we support the waste diversion concept embodied in Intro. 1162, we have serious concerns about the bill as written. Specifically, we are troubled that the deadlines set forth in the current version of Intro.

1162 are unreasonably short and do not provide sufficient time for organics disposal facilities to be sited, permitted, constructed and become operational. It takes several years to complete these processes, under the best of circumstances, and local neighborhood opposition to new waste facilities can be expected to delay the process. Thus, scheduling the diversion to begin in July 2015, about 18 months from now, is far too short a time period. We urge that the deadline for the organics diversion be changed to January 2017.

Further, we have concerns about the Department of Sanitation (DSNY) having the power to delay implementation of the diversion requirement for only 3 years. In the densely populated New York City metropolitan area and surrounding counties, it may be very difficult to site sufficient capacity to handle the hundreds of thousands of tons of organic waste that will be diverted annually as a result of this law. We urge that DSNY be authorized to delay implementation for at least 5 years.

Finally, Intro 1162's determination of whether there is sufficient capacity is based on the "number of facilities within a 125 mile radius." This is both the wrong way to calculate capacity and is too large a geographic area, encompassing the Philadelphia metropolitan area and portions of 6 states. Sufficient capacity should be defined as available permitted capacity, at a minimum of 3 facilities, within a specific geographic limit, that exceeds by at least 50 percent the amount of organic material diverted as a result of this legislation, sufficient to include not just organics generated at "covered establishments" but organics from other smaller generators (e.g., restaurants). Regarding distance, it takes more than 2 hours to travel 125 miles by truck, which means at least 5 hours of time would be needed to travel to a disposal facility 125 miles from New York City, wait on line to dump the load, dump the load, and drive back to the City. Federal transportation law limits driving time to 11 hours per day, which would leave less than 6 hours for the driver to run his route and collect material from covered establishments. Carters will lose money if they are forced to design organics routes in this manner. Instead, we urge that a 50 mile radius be used.

Our members are concerned they will be forced to purchase special trucks to handle wet, heavy organic waste. These vehicles cost as much as \$300,000 each. The majority of licensed carters in the City are small, family-owned companies still struggling to recover from the Great Recession. There is no guarantee disposal fees at the new facilities anticipated by this bill will be lower than current disposal fees at transfer stations, and it is difficult to imagine how carters who operate under the BIC's obsolete rate cap will be able to run heavy organics-only waste routes profitably. Therefore, we ask the Administration and the Council

to support the elimination of the rate cap as applied to organics, once the diversion requirement takes effect.

Moreover, if the transfer station capacity reduction bill (Intro. 1170-A) pending before this Committee is passed, carters will face higher disposal costs and longer travel times due to the need to dump waste at certain underutilized transfer stations located throughout New York City. Indeed, if the Council enacts Intro. 1170-A, or anything like it, it likely means no rational company will ever invest in building an organics processing facility in New York City. By allowing permits to be superseded by local politics, the Council will send a strong message to the waste and recycling industry: We don't want you in New York City. This means the blue collar jobs and tax revenue associated with the new waste disposal facilities will likely be reaped by other communities. Companies and investors will be very hesitant to invest in expensive new equipment for processing waste and recyclables or seek permits to open new recycling facilities if legislation such as Intro. 1170-A that interferes with their permits and restricts their operations is passed.

We appreciate the opportunity to testify today, and would be glad to answer any questions.



FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.

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Comments

**By the Food Industry Alliance of New York State, Inc.
in opposition to
Int. No. 1162-2013**

Thank you for the opportunity to testify at today's public hearing. My name is Jay Peltz and I am the Vice-President of Public Affairs for the Food Industry Alliance of New York State. The Food Industry Alliance is a nonprofit trade association that promotes the interests statewide of New York's grocery stores, drug stores and convenience stores. Our members include chain and independent food retailers that account for a significant share of New York City's retail food market and the wholesalers that supply them, as well as drug stores and convenience stores.

Many of our members are small businesses struggling to survive as we muddle through the fifth year of the weakest of 11 postwar recoveries. As a result, weak consumer spending has become the new normal. In turn, unemployment remains stubbornly high in the City, at 8.6% in August 2013, compared to 7.6% in New York State and 7.3% nationally. On top of that, new laws and regulatory changes, no matter how well intended, have imposed significant costs on businesses as they comply with the Affordable Care Act, the City's paid sick law, a state minimum wage hike and state as well as federal income tax increases. The cumulative effects of these and other changes will raise the cost of doing business in the City and ultimately reduce business investment and therefore job growth. An unintended consequence is that we wind up hurting the very people we seek to help through policy changes.

Given this economic and policy context, this measure would further hurt our members, especially our small business members that are struggling to survive in a very low margin business and are seeking to avoid job cuts and price increases.

Under the bill, food manufacturers, food wholesalers and retail food stores are covered based on amount of floor area space. This standard is arbitrary and does not reflect realities in the marketplace. With respect to food retailers, formats vary from store to store. Accordingly, the amount of food waste generated per store varies widely, with no inherent correlation between store size and waste generated. For example, a nontraditional store that is focused on fresh/perishable/prepared foods will generate much more food waste than a traditional store with the same amount of floor area. As a result, there is no clear rationale to cover both stores simply because each store has about the same amount of selling area.

In addition, food retailers generally provide meat scraps, fat and bone to a rendering company (typically, the material is recycled into consumer packaged goods such as soap, pet food, etc.). Some food retailers have anaerobic digesters on site and many donate substantial amounts of food to food banks. Other food retailers provide food to livestock farmers for use as feedstock. Accordingly, the actual amount of food waste sent to a landfill from a typical retail food store is less than the total food waste generated by that store, can be higher or lower than one might expect based on store size and can be proportionately lower

than the amount of food waste sent to landfills by establishments in other sectors that are providing less food to charities, farmers and/or less food waste to recyclers.

Moreover, Connecticut's recently enacted organic waste legislation is based on average projected organic waste volume, not store size. Massachusetts is considering adopting an organic waste mandate based, again, on average projected organic waste volume rather than store size.

Based on the foregoing, any mandate should be based on the amount of food waste actually being landfilled, rather than store size or the estimated total amount of food waste generated by a store. Businesses would be incentivized to cut the amount of food waste they are landfilling to fall below the threshold. The public would benefit through the increased diversion of waste from landfills and we'd avoid penalizing establishments by counting (one way or another) organic waste that *is not landfilled* toward a threshold that triggers a mandate.

In addition, the bill text requires covered establishments to divert *all* their organic waste from landfills in one of three authorized ways. Accordingly, existing arrangements (including valid contracts) would be upset. That would mean that meat rendering companies might go out of business and charities as well as farmers would receive less donated food. Any mandate triggered by the amount of organic waste being landfilled would avoid these unintended consequences.

Before a mandate is imposed on industry, however, we would respectfully ask the City Council to consider the Massachusetts approach. Since at least 2006, food retailers have diverted substantial amounts of food waste from landfills by entering into MOUs with the Massachusetts Department of Environmental Protection. Food retailers in Massachusetts are not overly concerned about organic waste regulation being contemplated in that state because the infrastructure, resources and best practices to handle the increased volume of food waste diverted from landfills under the MOUs is already in place. This framework has been a win-win for the public and industry. We respectfully request that the Council study the feasibility of implementing this approach in the City before any mandates are enacted.

Similar concerns apply to covering food manufacturers and food wholesalers based on amount of floor area. Formats, processes, shrink (including the amount of food thrown away), assortments (what the establishment offers for sale or produces: is it perishable or not?), donations, all vary by facility. Floor area is merely one part of the equation.

In addition, the establishment of a problematic (to be discussed in greater detail below), expensive mandate in low margin, high fixed cost, labor intensive businesses would be a substantial incentive to locate (or relocate) food manufacturing and wholesaling facilities outside the City.

The only part of the law that doesn't take effect immediately is the enforcement section. Accordingly, as of the enactment date, covered establishments will be subject to all of the law's mandates. That will require, by July 1, 2015, a covered establishment to (1) negotiate and prepare to implement a contract with a private carter; (2) have the capacity to transport the organic waste without a third party; or (3) process the waste, at least in part, on-site.

Resources will be expended in any of these scenarios notwithstanding the fact that current capacity is woefully inadequate to handle the enormous amount of waste that will be shifted to certain processors in

a very short period of time. It will take many years, in all likelihood, to raise the significant amount of capital, find the right locations, design the facilities, obtain the required permits, hire the people and ultimately build the fully functional infrastructure necessary to process the significant amount of waste to be diverted under this law.

It does not seem possible that this will happen by July 1, 2015. Accordingly, effectiveness of *all* of the bill's provisions should be delayed until the infrastructure is in place to absorb all the waste to be shifted under the legislation. This is the only way to avoid potentially substantial increases in hauling costs due to the supply/demand imbalance that is very likely to be created under this measure. The risk that processors cannot build sufficient capacity to process the waste to be diverted under this law should be borne by the processors (i.e., the stakeholders that will profit from the mandate), not the covered establishments (and, by extension, their customers, employees and suppliers).

Moreover, the bill text refers to the sanitation commissioner's "...power to delay the *initial implementation* of this section for periods of *up to* twelve months, not to exceed a total of *three* years, if he or she determines that there are an insufficient number of facilities within a *one hundred twenty-five mile radius of the city* to process the quantity of organic waste that will be collected ... (bold and italics added)." "Initial implementation" is not defined. Does it occur immediately upon enactment, since the bill (except for its enforcement provisions) is effective right away? If so, does that mean if the commissioner does not immediately delay implementation, he has no opportunity to do so at a later time?

Since the delays can be for periods for up to twelve months, planning uncertainty will always be present. For instance, an announced delay might be for twelve months, but how long will the next delay period (if any) be? What happens if a commissioner decides not to extend delay periods for a full three years but there are still (in the consensus view of covered establishments) an insufficient number of facilities within a one hundred twenty-five mile radius of the City? What happens if a commissioner decides to extend delay periods for a full three years but there are still (in the consensus view of covered establishments) an insufficient number of facilities? This persistent uncertainty regarding whether delay will occur and, if so, for how long, and what disposal costs will be once suspension of implementation ends, disrupts business planning and creates the risk of cuts to jobs and hours as well as price increases as businesses account for possible sharp increases in waste disposal costs. This inflation would be accommodated by proposed rule amendments by BIC that would increase the rate caps for the collection, removal, disposal or recycling of trade waste by 15%.

In addition, our understanding is that 125 miles (or a 250 mile round trip) is a long, expensive route for haulers. Compare this distance to the Connecticut organic waste mandate, which applies to food wholesalers and retailers within 20 miles of a composting facility. Our further understanding is that a 250 mile round trip bumps up against the 10 hour limit on a driver's hours. That risk (that the round trip might cause the driver to max out on hours) will be built into the price and thus increase the disposal costs of covered establishments.

Finally, the legislation takes the kinds of matters that are routinely addressed through private contract negotiations and makes them part of the administrative code. For example, the bill mandates the use of a container that has a capacity of at least thirty-five gallons. Thirty-two gallon containers are commonly used in the industry. Accordingly, if the parties agree that a standard thirty-two gallon container should

be used, the administrative code would have to be amended to allow it. In addition, the legislation requires that "...any covered establishment...place such organic waste out for collection by a private carter in a container that ... (iii) conforms to the *private carter's hauling collection practices*..." It is unclear why, in this instance, the private carter's hauling collection practices trump the covered establishment's disposal practices as a matter of law. Consequently, a rigid, unlevel playing field is created and codified.

Based on the foregoing, the Food Industry Alliance, on behalf of its members, opposes adoption of this bill. Thank you for your time and attention to our concerns.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.
Jay M. Peltz, Vice President of Public Affairs
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**Testimony of K. Ozgem Ornektekin,
Director of the Office of Sustainability at New York University**

**Before the New York City Council
Committee on Sanitation and Solid Waste Management**

November 22, 2013

Good Morning Chairwoman James and fellow Council Members, my name is Ozgem Ornektekin and I am the Director of the Office of Sustainability at New York University (NYU). I appreciate the opportunity to testify before you today and to share some recent sustainability initiatives particularly waste diversion at NYU that we are especially proud of.

The mission of the NYU's Office of Sustainability is to empower, inspire and guide the NYU community to enact and embrace sustainable practices and behaviors in the ways we live, operate and innovate. To accomplish our mission, we have set goals in various areas such as energy & climate, waste, water, food, built environment, landscaping, social/cultural, purchasing, transportation and innovation. Our most ambitious goals are

- To reduce our greenhouse gas emissions by 50% by 2017 from 2006 levels and to achieve carbon neutrality by 2040 and,
- To reduce our overall waste generation by 15% from 2011 levels and achieve 50% waste diversion rate by 2017.

Currently NYU's waste diversion rate is 30%, which is higher than the NYC average but short of our ambitions. I would like to share how we currently manage our waste stream:

- Instituted single stream recycling program (anything except Styrofoam and Food is recyclable at NYU).
- Employed organics programs at all NYU Dining Halls, Faculty Housing Complexes (Silver Towers and Washington Square Village), all NYU Law School Buildings (Academic and Residential) and Wagner School of Public Policy building.
- Signed up with Re-Fashion NYC textile recycling program with DSNY and currently have 11 buildings enrolled in the program.
- Launched Green Apple Move Out (GAMO) program where students donate all household items, clothes, etc when they move out of the residence halls in the spring every year. In May 2013, we diverted 50 tons of waste from landfills with this program alone.
- Enrolled in DSNY's E-Waste Program in addition to our Technoscrap program.
- Engaged our community through outreach programs such as the sustainability task force, sustainability advocates program for office greening, a pledge campaign, eco-reps at residence halls and recyclemania competition.
- Piloted book donation program at select academic buildings and,

- Funded innovative ideas through NYU Green Grants

NYU Law School Buildings (Academic and Residential) are very close to achieving the 50% waste diversion goal with their 45.4% diversion rate which consists of 7.3% organics and 38.1% recycling.

Because we have an ever changing student population with thousands of new students joining NYU family every year, we have to constantly find innovative ways to engage and retrain students about the waste programs at NYU. If everyone does their part, NYU has the potential to divert 90% of its waste with the current programs in our buildings. Since NYU doesn't have a defined campus with walls around to contain the rules, our students, faculty and staff have to constantly adapt to different rules in NYU buildings and outside of our buildings. Therefore, developing composting and recycling habits at NYU are extremely difficult without citywide laws.

The commercial organics legislation that you are evaluating today would help NYU achieve and exceed its 50% waste diversion goals by 2017 because this bill will

- Allow businesses around NYU's buildings to enroll in organics composting which will allow our students, faculty and staff to seamlessly apply their habits on and off campus with consistent messaging whether they are at home, at school, in the office or shopping;
- Enroll more businesses in the program which will help reduce NYU's disposal costs and allow us to expand organics composting programs to eventually all of our buildings where food waste is generated;
- Provide market and incentives to build additional processing capacity so our food waste doesn't go far which would help NYU's greenhouse gas emissions goals with reduced vehicle miles travelled while also creating local jobs spurring economic growth;
- Help reduce vermin issues because food waste is collected in separate containers designed for organics collection as opposed to the bags on the curb, and,
- Align with our sustainability mission to empower, inspire and guide the NYU community to enact and embrace sustainable practices and behaviors in the ways we live, operate and innovate

For all these reasons, NYU supports this legislation, as NYC should continue to strive to be among the leaders in environmental policy. Thank you again for your time and I'd be happy to answer any questions you have.



TESTIMONY OF THE MANHATTAN SOLID WASTE ADVISORY BOARD

***NYC City Council Committee on Sanitation and Solid Waste Management
Friday, November 22, 2013 at 10:00 a.m., 14th Floor Committee Room, 250 Broadway
Hearing in relation to the collection of commercial organic waste***

Good morning, and thank you for this opportunity to speak to the Committee. My name is Laura Rosenshine, and I am speaking on behalf of the Manhattan Solid Waste Advisory Board, of which I am a member. The point I hope to make today is showing our support of the collection of commercial organics.

Recent studies have shown that up to 31% of the residential waste stream is compostable, and up to 18% of that is food waste. When food waste ends up in landfills it creates methane, a harmful greenhouse gas 20 times more potent than CO₂. According to the EPA, landfills are the third largest source of methane emission in the US, accounting for a total of 17% of this country's methane emission. Seventeen percent is way too high, it is avoidable, and it is time to stop looking at food waste as waste and instead as a resource and as recyclable, because it is. But in order for it to be a real beneficial resource it has to be source separated from the other recycling and waste streams so that it can be composted and the nutrients returned to the soil. Composting is the most natural and basic form of recycling, and the Manhattan Solid Waste Advisory Board thinks the city should support it.

In my personal waste consulting experience I have conducted waste characterization studies at multiple commercial food operations and have found that organics comprised between 45% and 74% of the commercial waste stream, which in pounds generated per day ranged from 400-900lbs of source separated organics collected in one day. Another commercial business that contacted me for organics collection reported generating 1200lbs a day based on internal audits. While each operation is different, it is clear just from this handful of audits that the source separation of organic waste has a huge potential for increasing recycling and changing the current routine associated with traditional waste management.

In many or even most situations today organics collection requires a separate truck, which means that a participating restaurant could see 3-4 different trucks stop to collect their waste nightly, a cardboard and recycling truck, compost truck, and waste truck, which when I say out loud seems crazy, but is the current reality.

While this additional organics truck on the road is not ideal, this legislation will also promote investment in better on-site organics processing solutions, local district solutions, and community composting, all of which are up and coming. Also it has the potential to encourage better commercial hauling practices that could potentially mean organics collection would occur daily, but recycling and refuse collection could occur every other day or even less often, getting some trucks off the street. The SWAB also believes this legislation will help NYC increase its processing capacity for the residential organics collection by spurring interest from private investors for one or more large scale organics processing sites. This kind of option for organics could mean fewer trucks going in and out of transfer

stations, in and out of the city, and instead going direct to a local processor for beneficial use, and not to a landfill or incinerator.

Commercial organics recycling will send a more consistent message to people who live in NYC that we are serious about recycling and serious about source-separated organics. This links closely to why the city has invested in more public recycling bins on our street corners, and why we are putting resources into recycling education programs in school and in advertising. In all, the city is striving for consistent messaging.

The SWAB believes that local is best which is why we have an annual community composting grant program, that last year funded 26 programs out of over 50 applicants, representing all boroughs. I could talk about the benefits of community composting for a long, long time and how we believe it has the potential to greatly change the perception of waste in NYC and how local processing of organics leads to amazing community benefits through recycling engagement, outdoor education and compost use in local greening projects, as well as a number of local economic and educational opportunities. Voting for this legislation indirectly shows support for all the other composting initiatives throughout the city, all of which can have social and quality-of life benefits.

However, back to commercial processing, I also work for an in vessel food processing technology, that is currently piloting technology here in NYC, but just to just to give you an idea of the potential, we accept pre and post consumer food scraps, including meat and dairy and our machines range from 300-3000lbs per day, to be processed on site in an 18 hour process. For large generators these technologies are the future, and if this legislation is passed we believe that the private sector will bring forth new technologies which offer environmental, operational and cost saving benefits.

Lastly, on a personal note, I am a born and raised New Yorker, and so I am very passionate about the sustainability of this city. But it was not until 3 years ago that I even learned what composting was. From my experiences in the field so far, I don't believe a majority of New Yorkers understand the benefits and impact of recycling, and I believe that even less understand the benefits and potential impact of composting which is why I agreed to testify today, because I believe that if more people actually knew the facts then there would be significantly more support for this legislation.

Thank you all for your time,

Laura Rosenshine

The Manhattan Solid Waste Advisory Board

Chair: Brendan Sexton, Vice-Chair: Sarah Currie-Halpern, Secretary: Robin Barton, Board Members: Helena Durst, Joan Levine, Andrea Schaffer, Maite Quinn, Leonard Formato, Christine Datz-Romero, Matthew Goodman, Stephanie Feldman, Laura Rosenshine, Debby Lee Cohen, Marisa DeDominicis, Eadaoin Quinn, Matt De Lahoussaye, Jennie Romer, Beckett Horowitz, Andrew McCornack, Nicholas Knoll

Testimony of the Brooklyn Solid Waste Advisory Board
Submitted by Ken Diamondstone
Intro 1162

Good morning Councilwoman James and other members of the committee.

I am here representing the Brooklyn Solid Waste Advisory Board regarding Intro 1162. My name is Ken Diamondstone. The Brooklyn SWAB is pleased to support this measure. After many years, New York City is beginning to tackle both Municipal food waste as well as commercial organics.

As advocates for zero waste, we have long sought for effective re-use of the organics produced in New York City.

Intro 1162, when implemented will generate bio fuels to move us another step away from fossil fuels, away from green house gas emitting land fills and produce compost for community gardens, for an expanded network of rooftop and neighborhood farms as well as provide soil amendment and fertilizer for commercial farms, landscape facilities and garden centers.

While there is substantial composting capacity for bio solids and yard trimmings in New York State, at this moment, other than our local community composting resources, there are only 93,700 tons annually of food waste composting capacity within 125 mile of New York City. If we go a bit further, to 170 miles, we can add another 172,500 tons of annual food waste composting capacity.

This is far short of New York City's potential need when 1162 becomes operative. Indeed much of that capacity may already be utilized. So, the question is, which will come first; new capacity or implementation of 1162. It seems neither can go forward alone.

We wonder what can be done to encourage the needed expansion of composting facilities within the 125 miles set forth in 1162? Can existing bio solid and yard trimmings facilities be adapted? Do we know if such facilities are currently planned or underway?

The Brooklyn SWAB thinks that these are but some of the operational issues generated by Intro 1162.

As for anaerobic digestion, other than excess capacity at several New York City waste water treatment plants, there are no digesters currently available to New York City private haulers within 125 miles. The Brooklyn SWAB urges the Council, EDC, and DSNY to study the efforts of Sacramento Clean Cities as well as the City of Sacramento itself for examples of best practices in the development of digesters as a source of Bio methane from food waste.

As an example of on-site digesters, the supermarket chain Krogers and one of its subsidiaries in California has built a 55,000 ton per year digester which is in current operation. More locally, a new 300 ton per day anaerobic digester is in the final stages of permitting in Suffolk County.

Enforcement and implementation of penalties will be key component of Intro 1162. The BIC only employs 81 staff and its mission is somewhat different from that needed here as are the missions of other agencies mentioned in the text. Enforcement strategies will be needed.

As we wait for solutions to capacity shortages, the Brooklyn Swab urges the Council to utilize local community advocacy groups, community gardeners and composters, local not for profits, local development corporations in the composting of organics generated by smaller commercial establishments not included in Intro 1162. There are potentially local jobs to be created if such local entities were organized by the City into a coherent system of collection. We would urge the Council to consider an amendment to Intro 1162 to that effect.

Just as we have begun focusing on how to produce food locally, how to encourage distributed energy locally, have legitimized local private transit vans to augment the MTA so too we hope there is a role for local community groups to participate in this undertaking.

Lastly we hope Intro 1162 will be a milestone in the effort to make New York City into a more sustainable place to live.

Thank you.



**Testimony of
Paul Sellew
CEO of Harvest Power, Inc.**

to

**Committee on Sanitation and Solid Waste Management
New York City Council**

on

Int 1162-2013

**A Local Law to amend the administrative code of the city of
New York, in relation to commercial organic waste**

November 22, 2013

Chairman James and distinguished Members of the Committee:

Thank you for the opportunity to testify in support of Intro 1162, a proposal to divert away from landfills organic material from certain classes of large waste generators.

I am here to speak on behalf of Harvest Power, a next-generation organic material recycling company with operations across North America. Harvest currently operates 15 sites in New York, New Jersey, and Connecticut, where we assist cities and towns manage their organic materials, then offer this material back to municipalities, landscapers and homeowners as nutrient-rich compost and mulch.

Through various technologies, we find the highest and best use for leaves and brush, food scraps, construction and demolition waste and other organic materials. Today in this country, most of these materials are currently being disposed in landfills and incinerators. Food scraps are a particular problem, with approximately 97% being disposed rather than recycled in this country.

This status quo is unsustainable for the environment, as organic material is an enormous source of methane emissions. And it is unsustainable for the economy, as disposal fees in the Northeast continue to rise, straining municipal budgets and impacting the bottom line of businesses. Harvest Power is leading the transition to a better way of managing these materials. Using technologies such as composting and anaerobic digestion, we recycle food scraps to

produce soils and fertilizers, as well as “green natural gas” that can be used to produce electricity or compressed and used as a transportation fuel.

Diverting organics is the next great recycling frontier, as more and more cities, and even states, choose to this sensible path. Seattle and San Francisco have led the way among U.S. cities, while the municipalities of the Metro Vancouver region in British Columbia are moving forward rapidly with both commercial and residential organics diversion programs. Connecticut and Vermont have adopted legislation mandating the large commercial generators of organic waste recycle, rather than dispose, or their material; Massachusetts is adopting similar rules administratively.

Intro 1162 is a bold first step towards recovering the value embedded in New York City's organic materials. Instead of being transported great distances to be squandered in a landfill, or combusted in an incinerator, New York's food scraps will generate renewable energy and create valuable soil products.

This bill will send an important signal to the market that the organic material necessary for development will be available. This is crucial to securing the equity and debt investments required to build anaerobic digesters and state-of-the-art compost operations. This bill will stimulate a great deal of investment and economic activity as Harvest and others develop the disposal capacity necessary to manage hundreds of thousands of tons of organic materials each year. Legislation such as this greatly expedites the process of diversion and capacity-building. It's a win-win for all stakeholders: the city, the business community, and the environment.

While this bill sensibly targets large commercial generators, the private infrastructure and capacity that will be developed in response to this first step will provide the foundation for serving the smaller commercial, non-commercial, and residential markets. Harvest looks forward to participating in this transition and collaborating with the City.

Please pass Intro 1162. Thank you.



**Testimony of
Wayne H. Davis
Chairman of the Board of Directors,
American Biogas Council**

to

**Committee on Sanitation and Solid Waste Management
New York City Council**

on

Int 1162-2013

**A Local Law to amend the administrative code of the city of
New York, in relation to commercial organic waste**

November 22, 2013

Chairman James and distinguished Members of the Committee:

Thank you for the opportunity to testify in support of Intro 1162, a proposal to divert away from landfills organic material from certain classes of large waste generators.

My name is Wayne Davis. I am Vice President for Government Affairs of Harvest Power, Inc., and I also have the privilege to serve as the Chairman of the Board of Directors of the American Biogas Council. I am speaking to you today in the latter capacity.

The American Biogas Council (ABC) is a 501(c)(6) trade association that represents 190 organizations dedicated to maximizing the production and use of biogas from organic waste. Members include anaerobic digester developers/builders, engine and turbine manufacturers, farmers, wastewater utilities, landfill operators, engineering and law firms, financiers, nonprofits, universities and the entire biogas supply chain.

The ABC, along with the U.S. Composting Council, together endorse Intro 1162, which would begin the process in New York City of compelling the diversion of organic resources generated by large-volume generators from conventional disposal to opportunities for beneficial use to produce renewable energy (biogas) and soil amendment products and compost.

Other speakers have, and will, point out the important environmental benefits of this legislation. It will help New York City avoid the greenhouse gas emissions and pollution associated with trucking food scraps hundreds of miles outside the City, then dumping them into a landfill. Instead those those food scraps will be recycled into green energy and compost and fertilizer products that can re-enrich depleted soils. They will also, no

doubt, talk about the very important market signal this legislation send to the private sector to encourage them to invest and build the necessary capacity. The ABC agrees with, and supports those views.

I'd like to offer an additional perspective that we at the ABC are able to see as a national organization. Not only does Intro 1162 aim towards a set of highly desirable policy goals, it is a wisely and carefully drafted piece of legislation that avoids some of the pitfalls of other attempted approaches and is well-tailored to the unique circumstances of New York City. Allow me to highlight a couple of the key details that Intro 1162 gets right.

First, Intro 1162 identifies a set of large generators of organic waste to whom the law will apply. The obvious question is "What is a large generator?" Most other jurisdictions have answered this question by setting a volume threshold, in terms of tons generated per week or year. But that's a bit difficult to apply as a standard, because organics volumes are not a number that is easily ascertained and verified. Instead, Intro 1162 relies on easily verifiable, objective standards – such as floor space square footage for food manufacturers, wholesalers and retailers; seating capacity of arenas or stadiums; and sleeping rooms in hotels. That makes it easy for everyone – generators, carters, and the Department of Sanitation—to figure out to whom the law does and does not apply.

I understand that the particular standards were set based on detailed studies of the average waste generated by the various types of establishments. On average, these standards apply to generators of about one ton of waste per week. That's a lot of material—amounting to some 300-400,000 tons per year, or about a third of New York City's current organics flow. That's enough to make a big dent in the problem you're trying to address, and a big enough target to attract significant private investment.

Second, Intro 1162 allows waste generators great flexibility in meeting the diversion requirements, either through on-premises processing or by contracting with a private carter. That flexibility creates great opportunity for the private market to respond with innovative solutions that best meet the economic and operational needs of generators.

Third, Intro 1162 wisely puts shared responsibility for compliance on both the waste generator and private carters, by subjecting both parties to enforcement action. Other jurisdictions have applied enforcement only to the private carters, which can put them at odds with their customers, the waste generators, some of whom might be inclined to avoid the law. Instead, Intro 1162 provides both the generators and carters with an equal and shared incentive to come up with good solutions that will comply with the law. That's good public policy, and good business.

Finally, Intro 1162 gives the Commissioner the authority to delay initial implementation for periods of up to twelve months, not to exceed a total of three years, if the Commissioner determines that there exists insufficient capacity within a 125-mile radius to meet the city's needs. We think this flexibility is both necessary and sufficient. It is necessary because the required capacity is not yet built. The private sector—represented by the ABC—is ready, willing and able to respond. How long that will take is hard to predict, so flexibility on the implementation date is necessary. However, that flexibility should not be too expansive, or private sector investors will hold back in fear that implementation could be delayed indefinitely. We believe the Intro 1162 solution of up to three years' delay, in one year increments if needed, strikes the right balance.

We look forward to continuing to work with the Council, the Department, and the city's food-related and waste management businesses to ensure successful implementation of Intro 1162. We urge you to pass this bill.



New Territories

Breaking ground in food systems planning

**New York City Council Committee on Sanitation and Solid Waste Management
Hearing on Int 1162-2013 to amend the administrative code of the city of New York in
relation to commercial organic waste.
Testimony of Christina M. Grace**

Good morning. My name is Christina Grace. I am here today representing my food systems consultancy, New Territories, and my client, Related Companies. Thank you for the opportunity to speak with you about the importance of local law 1162.

First, we applaud the administration and the bill's sponsors for your efforts to divert organic waste from landfills and we strongly support these efforts and the legislation.

Over half of residential, grocery store, restaurant and cafeteria non-recyclable waste is organic. This waste incurs high tipping fees when sent to landfill and generates an extra ton of greenhouse gas emissions (MTCO₂E) per ton of organic material because it decomposes in an oxygen-starved environment, in other words, under a pile of trash. Organics are a leading generator of methane in landfills, a potent greenhouse gas, 34 times more potent than carbon dioxide when all effects are included, according to the latest report from the Intergovernmental Panel on Climate Change (IPCC). The same report reveals that methane now represents over 40% of the total net drivers of climate change, second only to carbon dioxide.

Related is currently underway on Hudson Yards, a 26- acre, \$12 billion mixed-use project that is intended to be leading edge and future-ready. For example, the North and South office towers in the commercial superblock will achieve a Gold certification under the LEED 2009 rating system for Core and Shell, and will be the most energy efficient towers in Manhattan.

As part of the sustainability strategy, we are designing for the convenient separation of organic waste. We recently wrote the City requesting its support in developing an approvals pathway

for an organic waste management system that transports food waste directly from commercial kitchens to a compost container, where it is converted to fertilizer just 10-15% of its original weight and volume (much of food waste is water, which can be easily removed). This is intended for use by restaurants, food kiosks, and corporate cafeterias across multiple buildings at Hudson Yards. We are also designing the residential towers with three waste and recycling chutes accessible on every floor. One of the chutes will have an integrated wash down system in anticipation of organic waste.

We began designing for organic waste separation in advance of the Mayor's stated goals on this topic as we saw the trend of legislation moving across west coast cities and commercial leaders like Whole Foods, Hearst and Bank of America sorting organic waste in their own facilities here in New York. Time Warner Center, a property we developed and continue to manage, has had a compactor for organic waste for several years.

Based on our own property review, we believe that any inconvenience of organic waste segregation to businesses can be solved for the establishments covered by this legislation through system retrofits and that operating costs of organic waste management systems and programs will be offset by carting cost savings once the City establishes more local compost and waste to energy facilities. This may take more time than the bill currently anticipates. We strongly suggest an ~~an~~ additional six month window for businesses to comply.

In closing, keeping organic waste out of landfill is an essential step for curtailing the growth of greenhouse gas emissions, landfills, and the costs of carting waste. We hope the Council will pass this legislation and move us toward a greener future by effectively seeding an organic waste management industry that is sorely needed in this city.

Thank you.



**Testimony Before The City Council Committee
on Sanitation and Waste Management
In Support of Int. 1162-2013**

**By Mary R. Cleaver
Owner and President
The Cleaver Co. Event Planning and Catering
The Green Table Restaurant**

Thank you Chairwoman James and members of the Council for your time today. I'm here in support of Int. 1162, a local law to change the way we currently handle commercial organic waste. I am the founder and owner of The Cleaver Co., a full service event planning and catering company, and The Green Table, one of the city's first farm-to-table restaurants. For the 35 years I've been running a food business in New York, I have focused on the health of our food, where our food comes from, and how the food was grown or raised. Equally important is where our food goes. At The Cleaver Co. and The Green Table, we consider the waste stream in our purchasing and production process, and are committed to reducing waste in our kitchen and at our events. We catered the Energy Conference at the TimesCenter back in April, when Mayor Bloomberg announced the Food Waste Challenge, which we are participating in.

I have always operated my business with the triple bottom line in mind – people, planet and profit. We have been composting waste from events and from the restaurant for many years, but it was not always easy. After moving the business from Tribeca to the Chelsea Market in 1996, it took me 11 years of lobbying to be allowed to have a composting pickup service. Early on I found a carter to take our compost to a facility in New Jersey, but the carter was not allowed in the market because of preexisting contracts with the building. This was a good lesson for me in navigating the commercial carter landscape.

In 2007, we started working with what is now known as Action Carting and since then we've had compost pick up six days per week. Running a food business as a low to zero waste operation requires careful purchasing – we try not to overbuy or overproduce. We pay attention to ripeness and spoilage and keep track of the contents of our walk in. We use leftover food for family meals and donate to shelters and soup kitchens. But there is always some amount of food waste – the byproducts of food preparation, such as peelings and bones, as well as prepared food that goes uneaten – and rather than it going into a landfill, it should be composted and turned into useful, valuable, organic matter and renewable energy.



Why should commercial food establishments care?

- NYC sends FOUR million tons of waste to landfill every year – almost a 1/3 is food waste. 1.3 MILLION TONS of wasted food. Think about that. NYC restaurants generate close to half a million tons of that food waste. Just as chefs can influence the progressive development of a healthier food supply and vibrant regional farm and food economy, chefs can also help to create a more environmentally sustainable waste stream. But we need the infrastructure in place to make this process possible for more businesses.
- Currently we pay is \$6.21 per 100 lbs for landfill waste, and \$3.31 per 100 lbs of compost, so it makes economic sense to me as a business owner as well.
- It's gotten easier to get compost picked up – today at least 5 commercial haulers offer the service. There are also various industrial composting machines available for purchase and installation on site.
- Climate change is here, it's a reality. The decomposition of those tons of food waste in landfills creates methane, a harmful green house gas. We should be turning food waste into renewable energy and nutrients, not greenhouse gases.

To be clear, there are extra steps involved in separating food waste from landfill waste. Staff must be properly and consistently educated, and it does take discipline to keep the effort up in the kitchen. Consumers – eaters – need to be educated as well. But with the incredible increase in participation at Greenmarket's compost collection and other neighborhood efforts, it's clear that New Yorkers are getting on board with reducing food waste.

It is now time for the commercial food sector to get fully on board. Innovative public policy, along with support and encouragement from New York City, can go a long way in changing behavior. We must become part of the solution – by reducing landfill waste, and increasing demand for compost collection and advancing the infrastructure to support it.

Thank you.



NATURAL RESOURCES DEFENSE COUNCIL

**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE
REGARDING THE COLLECTION OF COMMERCIAL ORGANIC WASTE**

November 22, 2013

Good Morning, Chairperson James and members of the Committee.

My name is Eric A. Goldstein and I am an attorney with the Natural Resources Defense Council ("NRDC"). As you know, NRDC is a national, non-profit legal and scientific organization that has been active on a wide range of environmental health, natural resources and quality-of-life issues for more than four decades. We have long had a strong focus on New York City matters, where our organization's primary office is located and where most of our New York staff and board members reside. And since the 1980s, we have advocated for reforms in New York City solid waste policy aimed at increasing recycling, composting and waste prevention; reducing reliance on landfilling and incineration; creating a sustainable, economically sensible solid waste disposal system; and protecting the quality-of-life for all New Yorkers.

We are pleased to be here today to express our wholehearted support for Intro. 1162, which we believe would advance all of those objectives. In brief, Intro. 1162 provides that certain New York City food establishments, food wholesalers, arenas, stadiums and other large-scale producers of food waste would be required to ensure that the food waste they generate is either collected for and/or disposed of by composting, anaerobic digestion or similarly sustainable methods approved by the commissioner.

Food scraps and yard waste are the largest single component of the City's municipal waste stream, composing more than 25% of household refuse. Sending such wastes to landfills or incinerators is increasing expensive, generates significant amounts of global warming pollution, and wastes the valuable resource that food scraps and yard trimmings really are. Composting and anaerobic digestion technologies, in contrast, capture and reuse these organic materials – for wholesome fertilizers, for soil stabilizers, and in the case of anaerobic digestion to produce valuable clean energy in the form of biogas.

For all these reasons, cities like San Francisco and Seattle have already taken steps to require businesses to separate their food wastes for composting and/or anaerobic digestion; the results there have been encouraging. And just this past summer, the State of Massachusetts announced that hospitals, universities, hotels, large restaurants and other sizeable businesses and institutions will be prohibited from discarding food wastes in landfills, beginning in 2014. Among the benefits that state officials there have forecast from this policy shift is a reduction in the costs of food waste disposal for most businesses and institutions.

Only one thing is standing in the way of New York City's putting into place an environmentally sound, taxpayer friendly organic waste disposal policy – the City needs to encourage business investments that will expand capacity for commercial composting operations and anaerobic digestion facilities in the New York region. And that is precisely what Intro. 1162 will do. It will do this by assuring investors that if they decide to move forward with new composting or anaerobic digestion facilities within 125 miles of the city, they will be able to count on a steady supply of food waste from New York City commercial establishments (and from the expected success of the city's residential and public school food waste collection programs). NRDC has spoken with businesses, agricultural interests and other economic development specialists in the Catskills region regarding this legislation; there already seems to be significant interest in locating composting or anaerobic digestion facilities in their communities, assuming the bill now before you is enacted.

Finally, the proposed legislation provides an important protection in the event that the expected increases in regional composting/anaerobic digestion capacity don't materialize. Under section 3(c), the Sanitation Commissioner can delay implementation of the bill's provisions for a total of up to 36 months, if he or she determines that there are an insufficient number of facilities within 125 miles of the city to process the organic waste that would be collected.

In sum, this sensible legislation is in the city's long-term environmental and economic interests. It will continue the transformation of New York solid waste policy in the 21st century. Although other solid waste legislation before this committee may be more controversial, no bill is more important than this one for insuring a sustainable waste future for New York City and all its residents.

We appreciate the efforts of Chairperson James, her staff and all of the committee members on this important legislation. Thank you.

Environmental Defense Fund
Lower East Side Ecology Center
Manhattan Solid Waste Advisory Board
Natural Resources Defense Council
New York Public Interest Research Group
New York League of Conservation Voters
Sierra Club, Atlantic Chapter
WE ACT for Environmental Justice

October 16, 2012

Honorable Christine Quinn, Speaker
New York City Council
City Hall
New York, New York 10007

Under your leadership, the City Council has played an extremely positive role over the past decade in advancing solid waste policies in New York. We thank you for all of your good work on this important issue.

We are writing to you today to encourage you to advance additional legislation that could build upon your environmental legacy, transform city waste policy, and significantly benefit the quality of life for all New Yorkers.

Specifically, we urge you to champion legislation that would jump start the sustainable disposal of commercial food waste in New York City. As you know, a substantial portion of the city's commercial waste stream is made up of discarded food and related organics. These materials have value if turned into compost (which can be utilized as a fertilizer and soil enhancer) or if sent to anaerobic digesters (which can generate energy and leave a residual solid that can also be beneficially reused in land applications). In contrast, the current disposal destination for most of the city's commercial food waste – burying it in distant landfills or attempting to burn it in incinerators – is expensive and generates significant quantities of greenhouse gases that contribute to global warming.

What is needed now is legislation to encourage business investments that will expand capacity in the New York region for commercial waste composting operations and anaerobic digestion facilities.

Intro 1162, introduced in the Council last month, would do exactly that. The bill provides that certain food manufacturers, food wholesalers, retail food stores, arenas, stadiums and other large-scale producers of food waste located in New York City would, beginning in July 2015, be required to ensure that the food waste they generate is either collected for and/or disposed of by composting or anaerobic digestion. This requirement would help stimulate investment in new facilities able to accept such organic materials for beneficial reuse. To insure that the region would have sufficient capacity in time to handle such food wastes for composting or anaerobic digestion at reasonable cost, the legislation provides that the Commissioner of Sanitation could delay the initial implementation of this requirement for up to three years if he/she determines that there is not yet enough compost or digestion facilities within 125 miles of the city.

Other forward-looking jurisdictions are already moving to advance commercial composting in their communities. For example, cities like San Francisco and Seattle have already taken steps to require businesses to separate their food waste for composting and anaerobic digestion; the results have been encouraging. And just this summer, the state of Massachusetts announced that hospitals, universities, hotels large restaurants and other big businesses and institutions will be prohibited from discarding food waste in landfills, beginning in 2014. State officials expect the new policy to curb global warming emissions, produce energy in anaerobic digesters and ultimately reduce costs of food waste disposal for most businesses and institutions.

For all these reasons, we strongly urge you schedule a hearing on and use your leadership position to support Intro 1162, which would set New York City's commercial waste stream on a much more sustainable path -- one with long-term benefits to our city, its residents, and the health of our environment.

At the same time, we renew our request that you advance legislation that would phase-out the use of expanded polystyrene food containers, coffee cups and packing "peanuts" over the next two years -- as has been proposed in Intro 1060. Our eight organizations originally contacted you about the problems posed by polystyrene foam in a letter dated May 10, 2013. Since then, the most significant development on this issue has been the September 2013 announcement that the McDonald's Corporation will be eliminating polystyrene hot beverage cups at their

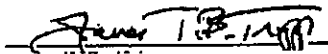
14,000 restaurants around the country. We continue to believe that passage of Intro 1060 would help curb litter from front yards, street corners, storm drains, parks, and beaches in all five boroughs, reducing sanitation clean-up and sewer maintenance costs for city taxpayers and helping to beautify our great city.

We look forward to supporting you in any way we can to advance these historic pieces of solid waste reform legislation in the weeks ahead. Please let us know how we can help. And thank you in advance for your continuing leadership on these issues.

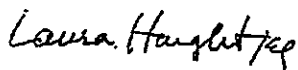
Sincerely,



Eric A. Goldstein,
Natural Resources Defense Council



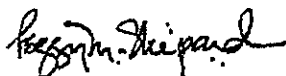
James T.B. Tripp,
Environmental Defense Fund



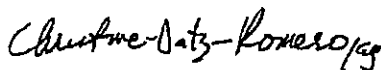
Laura Haight,
New York Public Interest Research Group



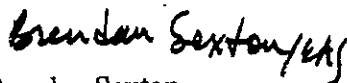
Roger Downs,
Sierra Club Atlantic Chapter



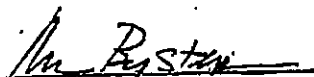
Peggy Shepard,
We Act for Environmental Justice



Christine Datz-Romero,
Lower East Side Ecology Center



Brendan Sexton,
Manhattan Solid Waste Advisory Council



Marcia Bystry,
New York League of Conservation Voters

Cc: Chuck Meara
Rob Newman

Massachusetts plans food waste ban in '14

By Catherine Kavanaugh
WRN reporter

7/22/13

composting

If you don't clean your plate at a Massachusetts restaurant, the scraps may not go to waste when a commercial food disposal ban goes into effect.

They will be turned into clean energy, officials with the state's Energy and Environmental Affairs office said.

Energy and Environmental Affairs announced a proposed plan that would require any entity that disposes of at least 1 ton of organic waste per week to donate or repurpose the food starting July 1, 2014.

The ban will affect large restaurants, hospitals, universities, hotels and other big businesses and institutions.

The plan calls for food waste to be shipped to a facility that will use anaerobic digestion to convert it into a biogas that produces electricity and heat. Or, the food waste can be taken to composting or animal-feed operations.

However, state officials are sweetening the pot for the anaerobic digestion option. They are offering \$3 million in low-interest loans to private companies building anaerobic digestion facilities that harness the energy in organic waste.

The low-interest loans will be administered by BCD Capital through a Massachusetts Department of Environmental Protection Recycling Loan Fund with monies provided by the Department of Energy Resources.

"Banning commercial food waste and supporting the development of AD facilities across the Commonwealth is critical to achieving our aggressive waste disposal reduction goals," EEA Secretary Rick Sullivan said in a statement.

Food waste and organics make up 20-25% of the current waste stream going to landfills and incinerators. The proposed food waste ban would help the Commonwealth reach its goals to reduce the waste stream by 30% by 2020 and 80% by 2050.

The policies and programs also support the state's commitment to grow its clean energy sector, create jobs and reduce emissions, Sullivan added.

Residential food waste is not included in the ban. MassDEP is the entity that proposed the commercial food waste ban.

"Many grocery stores and environmentally conscious businesses across the state currently divert their food waste, saving money in the process," MassDEP Commissioner Kenneth Kimmell said in a statement. "Diverting food waste to AD facilities creates value by reducing the waste

stream, tapping into the energy within food wastes, reducing greenhouse gases, and producing a byproduct that can be resold as fertilizer or animal bedding."

DOER is also making \$1 million available in grants for anaerobic digestion to public entities through MassDEP's Sustainable Materials Recovery Grant Program. MassDEP and DOER have awarded the first AD grant of \$100,000 to the Massachusetts Water Resources Agency for its wastewater treatment plant at Deer Island plant. The MWRA currently digests sludge in 12 large chambers to help run the plant. A pilot project will introduce food waste into one of the chambers to determine the effects of co-digestion on operations and biogas production.

The legislature and the regulatory agencies in Massachusetts have taken important steps to create a positive environment for private companies to make significant investments in the development of AD projects, according to Tony Callendrello, chief operating officer of NEO Energy.

During the AD process, food, yard wastes and other organics are put into an enclosed chamber with no oxygen. Microbes inside the chamber break down the organics, creating a biogas that can produce electricity and heat. The electricity and heat is used in place of fossil fuels, which reduces emissions.

Sen. Gale D. Candaras, chair of the Joint Committee on Economic Development and Emerging Technologies, said Massachusetts is taking the lead in the nation in innovation through a commercial food waste ban and by funding energy-producing AD facilities.

"Through these dual initiatives, the Commonwealth is paving the way for public-private partnerships to develop a new, environmentally friendly, renewable energy-producing industry which will not only keep our communities clean but also create jobs and revenue," Candaras said in a statement.

AD facilities have become more popular in Massachusetts in recent years, particularly at dairy farms, municipal landfills and wastewater treatment plants. Over the past year, the Massachusetts Clean Energy Center (MassCEC) has awarded 18 grants worth \$2.3 million to study, design and construct AD and other organics-to-energy facilities in the state. ■

Contact Waste & Recycling News reporter
Catherine Kavanaugh at ckavanaugh@waste-recyclingnews.com or 313-446-0346.



Honorable Christine Quinn
Speaker, New York City Council
250 Broadway, Suite 1856
New York, New York 10007

Re: Int 1162-2013 – A Local Law to amend the administrative code of the city of New York, in relation to commercial organic waste

October 11th, 2013

Dear Speaker Quinn:

Related is writing to express our support for legislation concerning the diversion of organic waste from landfill by establishments and events that generate large quantities of it. Our only suggested amendment to the legislation as currently proposed would be to delay enactment by at least six months to give affected companies time to prepare their facilities and set up collection.

Related is currently underway on Hudson Yards, a 26-acre, \$12 billion mixed use project that we intend to be leading edge and future-ready. To this end, we are already designing for the convenient separation of organic waste. We recently wrote the City requesting its support in developing an approvals pathway for an organic waste management system that would transport food waste directly from commercial kitchens to a compost container, where it is converted to fertilizer just 15% of its original weight and volume (much of food waste is water, which can be easily removed.) We are also designing the residential towers with 3 chutes, in which one will have an integrated wash down system in anticipation of organic waste.

We began designing for organic waste separation in advance of the Mayor's stated goals on this topic as we saw the trend of legislation moving across west coast cities and commercial leaders like Whole Foods, Hearst and Bank of America sorting organic waste in their own facilities here in New York. Time Warner Center, a property we developed and continue to manage, has had a compactor for organic waste for several years.

We hope the Council will pass the legislation and effectively seed a waste management industry that is sorely needed in this city. When we began exploring waste management systems for Hudson Yards, we found just one waste management consultant in the city, an absence of data by which to project waste from different program types, a general lack of knowledge about waste management in the design community, and very few installations of advanced waste management systems. On the bright side, when we turned to our own properties to study waste management, we found ways to reduce our waste management operating costs through smarter design.

In existing facilities, separating organic waste will add inconvenience and operating cost, at least in the short term. Based on our own property review, however, we believe the inconvenience can be solved in the establishments covered by this legislation through system retrofits and the operating costs will be offset by carting cost savings once the City establishes local compost and waste to energy facilities.

Keeping organic waste out of landfill is the future because it's an essential step for curtailing the growth of greenhouse gas emissions, landfills, and waste carting costs. We hope the Council will help New York City reach that future today... and then give companies at least 6 months to ready themselves for the law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charlotte Matthews'.

Charlotte Matthews
Vice President – Sustainability

Cc: Ron Gonan, New York Department of Sanitation



K. OZGEM ORNEKTEKIN
Director
Office of Sustainability

Division of Operations
740 Broadway, 6th Floor
New York, NY 10003
P: 212 992 8283
F: 212 995 4579
ozgem.ornektekin@nyu.edu
nyu.edu

Dear Ron Gonen,

We at New York University (NYU) applaud the administration's efforts to increase recycling and divert waste from costly and environmentally harmful landfills. NYU currently has a 30% waste diversion rate that we are looking to improve to 50% by 2017. We believe that it is critical for NYC's residential and commercial sectors to be aligned in regards to messaging, environmental standards and service to improve waste diversion rates on NYU campus and NYC as a whole. We would like to express our full support for the legislation (Int. 1162) recently introduced that would require large commercial generators of food waste to divert this material from landfills.

First, there are a number of large local businesses (commercial generators) like NYU including St. Johns University, Whole Foods, Stop n Shop, Jet Blue, Durst, Intercontinental Hotels and Yankee Stadium, that have already implemented systems to divert food waste from landfills into either compost or sent to anaerobic digesters for conversion to renewable energy. We have recognized that these systems will reduce our disposal costs and enable us to be environmental leaders. This legislation will provide the market an incentive to build additional processing capacity and lower disposal costs for the entire industry. Second, this legislation is in concert with the residential organics service that DSNY is deploying city wide. It is important that New Yorkers receive a consistent message whether at home or at work. Third, disposing of and collecting food waste in separate containers designed for organics collection (as opposed to mixed with refuse in black bags on the curb) will reduce vermin issues that currently plague many neighborhoods. Fourth, similar legislation has already been passed in Massachusetts and Connecticut and many west coast cities are already operating under similar plans.

For the reasons above, NYU supports this legislation, as New York City should continue to strive to be among the leaders in environmental policy.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Ozgem Ornektekin".

K. Ozgem Ornektekin, Director, Office of Sustainability

New York University



Mrs Christine Quinn

Speaker

City Council

New York, NY

October 6, 2013

Dear Madam Speaker,

We, a coalition of New York City's environmental advocates, cultural and civic organizations and businesses, applaud the administration's efforts to increase recycling and divert waste from costly and environmentally harmful landfills. We believe that it is critical for NYC's residential and commercial sectors to be aligned in regards to messaging, environmental standards and service. We would like to express our full support for the legislation recently introduced that would require large commercial generators of food waste to divert this material from landfills.

First, there are a number of large local businesses (commercial generators), including Whole Foods, Stop n Shop, NYU, St. Johns University, Jet Blue, Durst, Intercontinental Hotels and Yankee Stadium, that have already implemented systems to divert their food waste from landfills and into either compost or sent to anaerobic digesters for conversion to renewable energy. These businesses have recognized that these systems will reduce their disposal costs and enable them to be environmental leaders. This legislation will provide the market an incentive to build additional processing capacity and lower disposal costs for the entire industry. Second, this legislation is in concert with the residential organics service that DSNY is deploying city wide. It is important that New Yorkers receive a consistent message whether at home or at work. Third, disposing of and collecting food waste in separate containers designed for organics collection (as opposed to mixed with refuse in black bags on the curb) will reduce vermin issues that currently plague many neighborhoods. Fourth, similar legislation has already been passed in Massachusetts and Connecticut and many west coast cities are already operating under similar plans. NYC should continue to strive to be among the leaders in environmental policy.

Thank you,

A handwritten signature in black ink, appearing to read "H. Houdré", written over a horizontal line.

Hervé Houdré

Regional Director and General Manager



Office of Government Affairs
1212 New York Avenue NW, Suite 1212
Washington, DC 20005-6170
jetblue.com

November 18, 2013

The Honorable Letitia James
Council Member
New York City Council
250 Broadway, Suite 1792
New York, NY 10007

Dear Council Member James:

On behalf of JetBlue Airways, New York's Hometown Airline, I am writing to express support for legislation recently introduced in New York City to require large commercial generators of food waste to divert this material from landfills (Int. 1162-2013).

Based on our own limited experience at John F. Kennedy International Airport, we believe that commercial composting has great potential. JetBlue has successfully implemented a composting program in our Terminal 5 at JFK. In partnership with vendors in the airport, JetBlue has been composting approximately 300 lbs. of food waste a day for almost half a year. We have found this program to be logistically feasible and extremely popular among JetBlue crewmembers, airport employees, and customers.

There are already a number of large local commercial generators, including JetBlue, which have implemented systems to divert their food waste from landfills into compost. As a business, we recognized that our recycling and composting systems have and will continue to reduce our disposal costs and inspire customers and crewmembers. Legislation supporting composting and recycling will provide further market incentive to build additional processing capacity and lower disposal costs for the entire industry.

Thank you for your leadership and for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Goodell".

Jeffrey Goodell
Vice President Government Affairs



Honorable Christine Quinn
Speaker, New York City Council
250 Broadway, Suite 1856
New York, New York 10007

We, a coalition of New York City's environmental advocates, cultural and civic organizations and businesses, applaud the administration's efforts to increase recycling and divert waste from costly and environmentally harmful landfills. We believe that it is critical for NYC's residential and commercial sectors to be aligned in regards to messaging, environmental standards and service. We would like to express our full support for the legislation recently introduced that would require large commercial generators of food waste to divert this material from landfills.

First, there are a number of large local businesses (commercial generators)—including Whole Foods, Stop n Shop, NYU, St. John's University, JetBlue, Yankee Stadium, and our own Brooklyn Flea and Smorgasburg markets—that have already implemented systems to divert food waste from landfills and into either compost or anaerobic digesters for conversion to renewable energy. These businesses have recognized that these systems will reduce their disposal costs and enable them to be environmental leaders. This legislation will provide the market incentive to build additional processing capacity and lower disposal costs for the entire industry.

Second, this legislation is in concert with the residential organics service that DSNY is deploying citywide. It is important that New Yorkers receive a consistent message whether at home or at work. Third, managing food waste separately in containers designed for organics collection will reduce vermin issues that currently plague many neighborhoods. Fourth, similar legislation has already passed in Massachusetts and Connecticut, and many West Coast cities are already operating under similar plans. NYC should continue to strive to be among the leaders in environmental policy.

Thank you,

Eric Demby
Brooklyn Flea + Smorgasburg
45 Main St. #1210
Brooklyn, NY 11201
eric@brooklynflea.com



November 15, 2013

The Honorable Letitia James
Chair, Committee on Sanitation & Solid Waste Management
250 Broadway, Suite 1792
New York, NY 10007

Re: Commercial Organic Waste Legislation: Int. 1162-2013

Dear Chairwoman James,

The Commercial Organic Waste Legislation referenced above will create a policy that will help the organics management business take root and grow here in the United States while further strengthening New York City's position as an environmental and recycling leader.

Both Covanta Energy Corporation and Turning Earth, LLC strongly support the Commercial Organics Waste Legislation because it will continue New York City's leadership in minimizing landfilling and reducing greenhouse gas emissions associated with waste management, while also generating renewable base load energy and nutrient rich compost from NYC's organic waste streams.

Recognizing the need to better manage organic waste streams, Covanta Energy, a world leader in sustainable waste management and renewable energy, and Turning Earth, an integrated organics recycling company, recently announced a partnership to provide organics recycling to Connecticut municipalities and businesses. The partnership calls for Turning Earth to build, own and operate an integrated organics recycling facility to which Covanta will divert organic waste for beneficial reuse in partnership with municipalities and commercial customers. Covanta and Turning Earth also agreed to explore future opportunities to work together on additional projects.

Organics are a leading generator of methane in landfills, a potent greenhouse gas, 34 times more potent than CO₂ when all effects are included, according to the latest IPCC report. The same report reveals that methane now represents over 40% of the total net drivers of climate change, second only to carbon dioxide. Scientists and governments alike are recognizing that limiting methane emissions is a key mechanism to impede the progress of climate change. In fact, President Obama's recent Climate Action Plan stated, "...curbing emissions of methane is critical to our overall effort to address global climate change."

Considering landfills are the third largest source of methane in the U.S., reducing the amount of organic material sent to landfills is critical.

Organics recycling using composting and anaerobic digestion processes should play a prominent role in the City's sustainable waste management system, alongside traditional inorganics recycling and energy recovery. Such an integrated approach has already been tremendously successful in Europe. By increasing recycling, composting, anaerobic digestion and energy recovery, the waste sector has achieved the greatest percentage reductions in greenhouse gas emissions of any sector in the entire European Union.

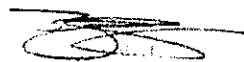
Organics recycling converts organics into a variety of valuable new products. Turning Earth's Triple Play™ approach to organics recycling is very straightforward. Rather than landfilling organics where they produce methane, Turning Earth's Aikan™ Technology, a patented high solids anaerobic digestion (HSAD) and in-vessel composting system, converts organic waste streams into several valuable and environmentally beneficial products, including renewable base load energy and high quality compost. The Triple Play™ is truly closing the loop.

Covanta is already proud to be part of New York City's sustainable waste management system through our energy-from-waste facilities; reducing greenhouse gas emissions and diverting waste from landfills. Now, Turning Earth and Covanta stand ready to execute the Triple Play™ strategy to reduce greenhouse gas emissions, generate renewable base load energy and return nutrient rich organic material back into our soils.

Sincerely,



Paul Gilman
SVP & Chief Sustainability Officer



W. Blake Sturcke
EVP & Head of Corporate Development

CC: Ron Gonen, Deputy Commissioner, New York City Department of Sanitation
Elizabeth S. Balkan, Senior Policy Advisor, Office of the Mayor

October 22, 2013



US Composting Council®

The Honorable Christine Quinn
Speaker, Council of the City of New York
City Hall
New York, NY 10013

Letter of Support for Intro 1162

Dear Speaker Quinn:

The **American Biogas Council** and the **US Composting Council** together endorse the City Council's consideration of **Intro 1162**, which would begin the process in New York City of compelling the diversion of organic resources generated by large-volume generators from conventional disposal to opportunities for beneficial use to produce renewable energy (biogas) and soil amendment products and compost.

Our organizations – operating as a consortium called **FOOD** (Focus on Organics Diversion) – are broadly supportive of policy and program initiatives such as that proposed by Intro 1162. Together, we represent hundreds of companies and local agencies already playing significant roles across the US in the growth of new and expanded methods for managing organic resources such as yard debris and food scraps, including in states adopting similar regulations and legislation.

Initiatives such as Intro 1162 create new benchmarks for how states and cities can manage the wasted resources generated by our society, and stimulate investment in technologies and systems to achieve those goals. Compost and biogas facilities require an adequate and reliable supply of raw materials to operate efficiently. The City's proposed regulations are critical to stimulate investment in this growing sector, and achieving its environmental goals.

We look forward to working with the Council to consider and improve Intro 1162, and its subsequent regulations, and then working in partnership with the city's food-related and waste management businesses for its successful implementation.

Respectfully submitted,

Patrick Serfass
Executive Director

Lori Scozzafava
Executive Director

About the American Biogas Council

The American Biogas Council is a 501(c)(6) trade association which represents 185 companies dedicated to maximizing the production and use of biogas from organic waste. Members include anaerobic digester developers/builders, engine and turbine manufacturers, farmers, wastewater utilities, landfill operators, engineering and law firms, financiers, nonprofits, universities and the entire biogas supply chain. www.americanbiogascouncil.org. Follow the ABC on Twitter, <http://bit.ly/WrKl9B>.

About the US Composting Council

Established in 1990, the US Composting Council (USCC) is the only national organization in the United States dedicated to the development, expansion and promotion of the composting industry. The USCC is a non-profit 501(c)(6) organization that also directs the Composting Council Research and Education Foundation (CCREF), a 501(c)(3) charitable foundation, which administers public and private research and education activities. For additional information, visit www.compostingcouncil.org. Follow the US Composting Council on Twitter, <http://bit.ly/T9RCdt>, and Facebook, <http://on.fb.me/WrK1Yt>



October 15, 2013

The Honorable Christine Quinn
Speaker, Council of the City of New York
City Hall
New York, NY 10013

Letter of Support for Intro 1162

Dear Speaker Quinn:

On behalf of InSinkEerator – the world’s leading manufacturer of food waste processing equipment and systems – I am pleased to endorse the Council’s consideration of Intro 1162, which would begin the process in New York City of compelling the diversion of organic resources generated by large-volume generators from conventional disposal to opportunities for beneficial use to recover water, produce renewable energy and soil amendment products.

InSinkEerator, a unit of Emerson Electric, has long been a partner with New York City in exploring ways and means of better managing organic wastes as a resource, primarily focused on the City’s decision to fully legalize residential food waste disposers in 1997 (Local Law 71).

InSinkEerator also develops, produces and sells a variety of equipment and systems for converting food scraps from commercial and institutional sources into feedstock suitable for composting and/processing in anaerobic digesters, such as those operated by the City’s Department of Environmental Protection. Most notable is its new Grind2Energy™ system, just completing field-testing and available for deployment.

As a consequence of its work in this fast-growing and dynamic field, InSinkEerator is engaged with a broad array of national, state and local partners, trade/industry associations and other stakeholders to help advance this approach to managing organic wastes, including commissioning and supporting both basic and applied research to help municipal decision-makers consider all of the available options.

InSinkEerator is broadly supportive of policy and program initiatives such as that proposed by Intro 1162, and looks forward to working with the City and its food-related businesses for its successful implementation.

Respectfully,

A handwritten signature in black ink, appearing to read "Kendall", written in a cursive style.

Kendall Christiansen
Senior Consultant

GaiaStrategies LLC

151 Maple Street Brooklyn, New York 11225
cell 917.359.0725 office 718.941.9535 fax 718.941.9529
kendall@gaiastrategies.com www.gaiastrategies.com



October 8, 2013

Speaker Christine Quinn
250 Broadway - Suite 1856
New York, New York 10007
cquinn@council.nyc.gov

Dear Speaker Quinn:

I would like to take this opportunity to thank you for everything you have done as Speaker to support and improve the environment of New York City. Earth Day New York has appreciated your regular attendance at our events and your effective advocacy of a wide range of issues that we care about.

I am writing today to express our enthusiastic support for the new legislation recently introduced into the Council that would require large generators of food waste to divert this material from landfills. This is an important new trend in waste management and we are proud that New York City is once again moving into the forefront of an innovative approach that will likely become commonplace in the next few years.

Happily, there are a number of large local businesses (commercial generators), including Whole Foods, Stop & Shop, New York University, St. Johns University, Jet Blue, The Durst Organization, Intercontinental Hotels and Yankee Stadium that have already implemented systems to divert their food waste from landfills into either compost or anaerobic digesters for conversion to renewable energy. These businesses have recognized that these systems will reduce their disposal costs and enable them to be environmental leaders. This legislation will provide the market an incentive to build additional processing capacity and help lower disposal costs for the entire industry.

In addition, this legislation will help support the residential organics service that DSNY is deploying city wide by jumpstarting the carting and processing infrastructure that will be needed to make the transition to more sustainable organics waste management citywide. Furthermore, disposing of and collecting food waste in separate containers designed for organics collection (as opposed to mixed with refuse in black bags on the curb) will reduce the smell and vermin issues that currently plague many neighborhoods.

Similar legislation has already been passed in Massachusetts and Connecticut and many west coast cities are already operating under similar plans. I hope you will make every effort to ensure that NYC continues to be among the leaders in environmental policy by passing this legislation this fall. Thank you again for your important service to our great City.

Sincerely,

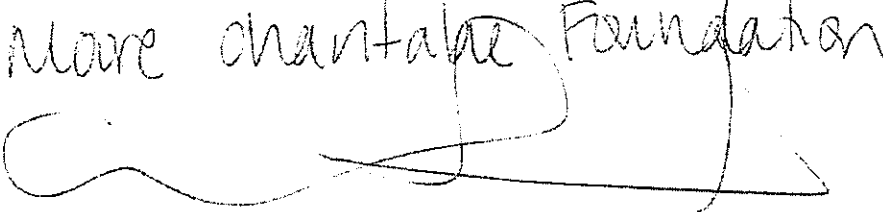
Pamela Lippe
President and Executive Director

Dear City Council

We, a coalition of New York City's environmental advocates, cultural and civic organizations and businesses, applaud the administration's efforts to increase recycling and divert waste from costly and environmentally harmful landfills. We believe that it is critical for NYC's residential and commercial sectors to be aligned in regards to messaging, environmental standards and service. We would like to express our full support for the legislation recently introduced that would require large commercial generators of food waste to divert this material from landfills.

First, there are a number of large local businesses (commercial generators), including Whole Foods, Stop n Shop, NYU, St. Johns University, Jet Blue, Durst, Intercontinental Hotels and Yankee Stadium, that have already implemented systems to divert their food waste from landfills and into either compost or sent to anaerobic digesters for conversion to renewable energy. These businesses have recognized that these systems will reduce their disposal costs and enable them to be environmental leaders. This legislation will provide the market an incentive to build additional processing capacity and lower disposal costs for the entire industry. Second, this legislation is in concert with the residential organics service that DSNY is deploying city wide. It is important that New Yorkers receive a consistent message whether at home or at work. Third, disposing of and collecting food waste in separate containers designed for organics collection (as opposed to mixed with refuse in black bags on the curb) will reduce vermin issues that currently plague many neighborhoods. Fourth, similar legislation has already been passed in Massachusetts and Connecticut and many west coast cities are already operating under similar plans. NYC should continue to strive to be among the leaders in environmental policy.

Thank you,

The Moore Charitable Foundation




October 8, 2013

Speaker Christine Quinn
250 Broadway - Suite 1856
New York, New York 10007
cquinn@council.nyc.gov

Dear Speaker Quinn:

I am writing today to express our support for the new legislation recently introduced into the Council that would require large generators of food waste to divert this material from landfills. This is an important new development in waste management and we are proud that New York City is once again providing leadership on an innovative approach that will hopefully become common in the next few years. Similar legislation has already been passed in Massachusetts and Connecticut and many west coast cities are already operating under similar plans.

Happily, there are a number of large local businesses (commercial generators), including Whole Foods, Stop & Shop, New York University, St. Johns University, Jet Blue, The Durst Organization, Intercontinental Hotels and Yankee Stadium that have already implemented systems to divert their food waste from landfills into either compost or anaerobic digesters for conversion to renewable energy. These businesses have recognized that these systems will reduce their disposal costs and enable them to be environmental leaders. This legislation will provide the market an incentive to build additional processing capacity and help lower disposal costs for the entire industry.

In addition, this legislation will help support the residential organics service that DSNY is deploying city wide by jumpstarting the carting and processing infrastructure that will be needed to make the transition to more sustainable organics waste management citywide. This legislation can also help foster the fledgling Organics-to-Energy or Anaerobic Digestion industry which offers great promise to help solve our waste problems while creating clean and renewable electricity and compressed natural gas.

I hope you will make every effort to ensure that New York City continues to be among the leaders in environmental policy by passing the commercial organics recycling legislation this fall. Thank you for your important service to our great City.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Lippe", written in a cursive style.

Pamela Lippe
President

NEW YORK
STATE
RESTAURANT
ASSOCIATION



Comments

of

The New York State Restaurant Association

to the

**Committee on Sanitation and Solid Waste Management
Intro. 1162-2013**

November 22, 2013

10:00 a.m.

250 Broadway – Hearing Room 16th Floor

1001 Sixth Avenue
3rd Floor
New York, NY 10018
212.398.9160
800.452.5959
212.398.9650 fax
www.nysra.org



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Good morning members of the Committee. My name is Melissa Autilio Fleischut and I am the President and CEO of the New York State Restaurant Association (the "Association"), a trade group that represents approximately 5,000 food service establishments in New York City and over 10,000 statewide. The New York State Restaurant Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for over 75 years. Our members, known as Food Service Establishments ("FSEs"), represent one of the largest constituencies regulated by the City.

New York City is one of the pillars of the culinary arts world. Our restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade. As one of the most important industries in New York City, its growth and survival should be supported by all levels of New York City and New York State government.

The New York State Restaurant Association would like to thank this Committee, the Department of Sanitation ("DOS") and the Mayor's Office, specifically the Office of Long-Term Planning & Sustainability, for including impacted stakeholders in discussions prior to the introduction of Intro. 1162. Engaging stakeholders allows the legislative process to be more transparent and generally leads to better, more meaningful, and logical legislation.

The City has long strived to improve garbage collection procedures to reduce the City's carbon footprint and assist in meeting the waste diversion goals of the PlaNYC. Restaurants and other large food producers generate a substantial portion of the organic waste stream, which totals nearly one-third of the city's solid waste. To meet the City's 75% waste diversion PlaNYC goal, it must address organic waste.

For the last year, the NYS Restaurant Association has worked closely with the Mayor's office to develop innovative ways to reduce organic waste from the

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waste stream. The major initiative was the voluntary Food Waste Challenge.¹ By supporting the voluntary challenge, the NYS Restaurant Association, and the restaurants who participated (many who are NYS Restaurant Association members), offered restaurants the opportunity to voluntarily implement positive changes in waste diversion that benefits the community, the environment and their bottom line while recognizing the valuable contributions to sustainability that NYC restaurants are making.

Yet to make organic waste diversion economical, an entire new local processing infrastructure must be developed, largely from scratch. This means there must be substantial investment of capital to develop large commercial composting facilities that can handle tons of organic waste. But without a product to compost, capital will not be spent to build this infrastructure. Hence, Intro. 1162 seeks to develop the demand that will encourage this infrastructure to be developed.

In addition to infrastructure on the receiving end, organic separation must be implemented on the garbage-generator side of the equation, largely restaurants. Changing operations in a restaurant, including changing the layout of already existing kitchens and front of the house operations will take time, and capital investment, by restaurant owners. These changes include new bins, redesigned kitchens, staff training, garbage coordination, and customer education. Beyond changing restaurant operations, organic separation also raises concerns for residents in neighborhoods near restaurants about how organic waste collection will impact the frequency of garbage pick-ups in neighborhoods.

The hope for organic separation for restaurants, beyond any environmental benefits, is that it will reduce long-term disposal costs for them. Haulers are generally charged lower solid waste disposal tip fees for organic waste (as it can be composted into a product they can sell), which means those cost savings should be passed to consumers.

¹ See <http://www.mikebloomberg.com/index.cfm?objectid=41824818-C29C-7CA2-F79ABF9855A745F2>; and http://www.nyc.gov/html/sbs/downloads/pdf/neighborhood_development/nddblog/FWC_overview.pdf



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The NYS Restaurant Association believes that with proper planning and implementation, organic separation can be a cost-saving opportunity for New York City restaurants and a green initiative worth pursuing. But Intro. 1162, as written, cannot be supported by the restaurant industry. The bill is problematic because it sets unrealistic time frames for implementation and impacts too many restaurants. There are no existing large-scale composting facilities within a reasonable distance of New York City to support organic separation. The closest facility is currently in Delaware and that distance makes a 2015 implementation date unrealistic. In addition, organic separation will require large changes in garbage hauling routes, the renegotiation of rates with garbage haulers and their customers, and the development and implementation of new collection and storage systems within restaurants. These too will take considerable time to implement across the City.

The NYS Restaurant Association submits that the following substantial changes to Intro. 1162 must occur prior to the implementation, specifically:

- The definitional section covers too many small businesses. Section 16-306.1.a.5 covers too many restaurants. The Mayor's office wishes to initially cover only large operations and chains that have the systems, personnel, and means to implement organic separation. As written, the bill would cover small operators (including those with only two locations) and any restaurant of 7,000 square feet or more, inclusive of all space utilized by the restaurant (including storage spaces). The bill should not cover such small operations.
- The implementation date is unrealistic. As noted above, the City is seeking to mandate this systemic change in less than 18 months when no infrastructure or detailed implementation plans exist. A more realistic time frame would be January 1, 2017, with appropriate extensions as detailed below.
- Implementation must be tied to capacity, not distance. Intro. 1162 recognizes the need for possible extensions before the mandates of the bill are implemented. The Commissioner should be given up to five (5)

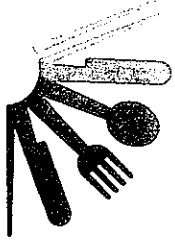


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one year extensions, or more if necessary. The extensions must be tied to the availability of composting facilities within a reasonable distance of the City; the solid waste industry believes a fifty mile radius is more reasonable. More importantly, the capacity of those facilities to handle the volume of organic material generated by covered entities must be considered. Extensions of the effective date should be mandated if capacity is not sufficient within a reasonable distance from New York City or if the implementation would result in severe cost increases to covered businesses.

- Designate a task force to develop best practices. The bill should include provisions for the designation of a multi-industry task force consisting of restaurants, hotels, the carting industry, supermarkets, other impacted industries, and relevant City agencies, to develop best practices and guidelines for organic separation. In addition, this task force's input should be solicited and considered by the Commissioner prior to the implementation of organic separation.
- Avoid the "fine-first" mentality. Unfortunately, the bill sets forth an immediate fine schedule for alleged violations of the bill. Covered establishments should be given an opportunity to correct alleged violations and also receive training assistance from the City prior to the implementation of any fines.
- Fines should not be assessed against tenants of buildings who do not control garbage flow. Many restaurants are tenants of buildings where the building is responsible for the collection and separation of garbage. Intro. 1162 must recognize this and not hold any tenants liable for a landlord's obligations, if any, to separate organics.

In conclusion, organic separation is a process that can, potentially, be both environmentally and business friendly. But such large scale change to any industry must be thoughtfully approached and properly implemented. The New York State Restaurant Association looks forward to continuing its ongoing work with the Council to protect the restaurant and hospitality industry in the City of



NEW YORK
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New York.

Respectfully Submitted,

Melissa Fleischut
President and CEO
New York State Restaurant Association
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737838

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FOR THE RECORD



Testimony of New York League of Conservation Voters New York City Council Committee on Sanitation and Solid Waste Management November 22, 2013

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Good afternoon. I'm Ya-Ting Liu with the New York League of Conservation Voters, a statewide environmental advocacy organization with a New York City Chapter.

I would like to extend our thanks to the Committee on Sanitation and Solid Waste Management for providing the opportunity to comment on Int. 1162-2013 in relation to commercial organic waste.

Every year, New York City generates more than 14 million tons of waste and recyclables at tremendous environmental, public health and economic cost to the city. According to the PlaNYC 2013 Progress Report, the collection, processing, disposal and decomposition of New York City's solid waste in total generates approximately 2.2 million metric tons of CO2 emissions each year. Solid waste must remain a key focal area to green our city and we strongly support the PlaNYC goal of diverting 75% of our city's solid waste from landfills by 2030.

New York City cannot meet this goal without large scale diversion of organic waste. To make organic composting economical, local processing infrastructure must be developed and Int. 1162-2013 will provide the demand to induce the necessary investment.

First, this bill targets the largest food waste generating businesses, impacting less than 0.5% of New York City businesses overall but capturing more than 30% of the city's commercial organic waste. Second, this bill gives the market two years to adjust to the new demand. Further, the bill allows the Sanitation Commissioner to delay implementation if the processing capacity is insufficient. Lastly, the 250,000 tons of organic waste to be collected can produce enough clean, renewable biogas to heat roughly 5,000 New York State homes each year. Diverting this much organic waste from our landfills will also reduce our greenhouse gas emissions, the equivalent to removing 20,000 vehicles from the road each year.

For these reasons, the New York League of Conservation Voters supports Int. 1162-2013.

Thank you.





kitchen waste solution

Committee on Sanitation and Solid Waste Management
Intro 1162 : Local Law to Amend Administrative Code
in relation to Commercial Organic Waste.
250 Broadway, 14th Floor: 10:00 AM

November 22, 2013

Good Morning

My name is Vandra Thorburn and I am the founder and president of Vokashi – kitchen waste solution - a unique composting service in NYC. Using the Japanese method of fermenting food waste called bokashi, we provide the necessary buckets and bran to help our customers and users collect and ferment all of their food scraps, including materials generally not accepted at traditional composting venues like meats, dairy and processed foods. Our service model is to collect fermented food waste and process at community gardens, private and public green spaces.

Law 2010/042: Study of Food Waste Collection

Was this study ever completed? The target date was July 1, 2012. According to the law, Sanitation (along with Mayor's office) was to have studied some of the challenges facing food waste collection in NYC. The study should have reviewed transfer stations and other processing sites within 300 mile radius of city. It also directed Sanitation to explore opportunities for composting in the city including voluntary composting sites with the possibility of expanding those sites and to work with one or more entities to explore developing new sites in the city to handle compostable waste. Has such a study been published? Can the public read it?

Composting Moving Along

In the meantime, new laws have been introduced and implemented: Local Law 77 of 2013 requiring a two year pilot for residential organic waste collection is underway; there are new rules being heard that would impact transfer stations and today we are hearing testimonies about

Intro 1162. In addition, voluntary residential compost drop-offs and community based composting sites are growing exponentially through the efforts and support of GrowNYC. The six or seven community based composting initiatives are demonstrating the capacity for managing food waste within the community and providing some of the education to encourage community acceptance and participation in recycling activities.

Green Infrastructure / Green Jobs

As I have testified in October 2011, April 2012 and June 2013, I believe we have a golden opportunity to develop and encourage decentralized, community-based, medium sized composting facilities. With this move to focus on commercial organic waste wouldn't it be a good time to think about all of the commercial organic waste not just the waste in 25,000 sq ft facilities? What about the thousands of small restaurants, bodegas, delis, bakeries, coffee bars? Not to mention all the kitchen waste in building pantries, office kitchenettes and cafeterias.

Do we have to wait until 2015 before these smaller waste streams can be collected? As I have repeatedly requested, where are the RFP's with reasonable lead times that can accommodate community scale composting? Must we wait for the one or two mega-box solutions for our organic waste?

Where is the legal and regulatory support for innovative local green jobs and businesses to service this market? Collecting small loads of contained organic material and processing in neighborhood composting facilities that are permitted sites, i.e., could divert 1,000 cubic yards of material annually providing modest investment opportunities.

A win for gardens, organic waste management and recycling

As demonstrated by the New York Compost Project, hundreds of people are willing to participate in composting activities. The volunteer base of the Project is extensive. Opening up compost collection to neighborhood businesses would bring income to expanding infrastructures using variety of low cost in-vessel or low-tech anaerobic digesters. Rather than waiting for the big box solutions to manage this local waste, I'm requesting that DOS and NYC open up opportunities for establishing such facilities.

1. Using some of the hundreds of community gardens in NYC as the locus for training community-based composters to educate neighbors about managing food waste, organize and manage drop-off bins. Gardens could have small collections, build, manage and maintain onsite compost containers providing dozens of GreenJobs. Additional compost and yard waste material could be collected for larger composting facilities.
2. Allow for development in M-1 zones indoor compost facilities capable of handling between 50 – 75 tons of material monthly. There are medium sized in-vessel and anaerobic digesters that could be housed in warehouse facilities. We need reasonable rules and regulations, licenses to help bring such facilities into existence.
3. Allow and encourage the use of organic wastes to be used as natural soil amendments in brownfields and toxic sites.
4. It is my understanding that this Committee is reviewing bill (1170) that significantly reduces the capacity of city Transfer Stations and some fear this will discourage source separated compost material as an input. If there is no room for such “green” material it could really hinder the growth of handling organics and encouraging composting within the city. I request that you amend the bill to exclude compostable materials from the capacity calculations as an incentive for them to accept this waste stream and divert it from landfills.

“Fermentation and Civilization are Inseparable”

As we all know, there are challenges to urban composting. Fermentation, however, delivers us from the first problem: “rotting food”. As I have stated before, we hope DOS will encourage the use of this method in their pilots and allow for the application in small-scale commercial collections.

Thank you for your consideration.

Vandra Thorburn



Testimony by the US Composting Council

before the
New York City Council
Committee on Sanitation and Solid Waste Management
regarding
Hearing on Proposed Rule 1162

November 22, 2013

My name is Michael Manna and I'm the managing director of Organic Recycling Solutions a company focused on the further development of food waste recycling; I also serve on the board of directors for the US Composting Council, it is in this capacity that I am here today. I would to thank you for the opportunity to speak.

The US Composting Council is pleased to support the proposed mandatory separation and collection of food residuals from commercial generators in New York City. The Council is the national trade association of compost manufacturers and allied professions. We strive to provide a unified voice for this growing industry.

The US Composting Council strongly endorses the approach laid out in the proposed rule. It has been well documented that each year New York City generates approximately 14 million tons of waste and recyclables this includes over 400,000 tons of food waste. Of this, approximately 75% is generated by private businesses. Therefore, starting with the sector makes sense. And while there are 1000s of small restaurants in New York City, clearly the bulk of the food waste is generated from the larger restaurants, arenas, and other establishments that are the focus of this proposal. These establishments will also have the greatest capacity of adapt to these new requirements.

This proposal is also in line with approaches to increase organic recycling currently being undertaken by nearby states such as Massachusetts and Connecticut. By requiring the separation and recycling of this wasted resources the City, along with those other states, are assuring a stream of feedstock and necessity for services that the private sector will be eager to fill. We are confident that the timeline and extensions built into the proposal will be adequate to allow that development.

As stated earlier my focus is in the development of food waste recycling programs, I have spent in excess of 15 years devoted to reducing waste at its source through recycling.

I have been part of a number of successful food waste recycling programs throughout the country and have seen great strides in this emerging industry. This works not only for the generator in reducing cost through reduction, but also for the waste hauling community along with the composting and alternative energy industries in terms of growth and most of all, in the creation of good paying green jobs.

In closing, I would like to share my goal, and that of the United States Composting Council, which is to encourage growth in the composting and organics recycling infrastructure in the United States. The development of a strong recycling infrastructure requires a demand for the service, a supply of raw materials, and a demand for the recycled products.

We as industry experts can help educate the operators of composting facilities and we can educate consumers on the benefits and uses of compost, but we need governments to enact policies to drive the raw material away from disposal. The proposed rule will do that for New York City, we believe it will spur regional capacity development that will make it cheaper and easier for others in the region to divert their wasted resources to higher and better use.

Thank You.

Michael P. Manna
Managing Director,
Organic Recycling Solutions, LLC.
manna@orsllc.org
609-744-2819

Testimony prepared by Dianne Pisarek and Jim Slanina

For the New York City Council Committee on Sanitation and Solid Waste Management

In Support of Introduction 1162, on behalf of EnviroPure Systems.

New York City, November 22, 2013

Good morning. I'd like to thank Chairperson James and all the council and committee members for the opportunity to talk to you today about EnviroPure Systems in support of Introduction 1162. I am joined today by Jim Slanina, President of EnviroPure Systems, and I am Dianne Pisarek, Principal of Evo Market Solutions, a national distributor for EnviroPure.

EnviroPure EPW systems are organic food waste decomposition systems that convert food waste, aerobically, into grey water in 24 hours.

EPW systems handle virtually any kind of food waste including vegetables, fruits, meat fish, poultry, dairy products, bones, shells and pits.

The system is fully automated and self-contained. An all-natural, non-toxic biodegradable micro nutrient additive catalyzes and speeds the growth of naturally occurring bacteria to hyper-accelerate the decomposition process within a 24 hour period. Grinding, stirring and continual oxygenation within the decomposition vessel ensures fully aerobic decomposition. A waste water pretreatment process occurs during this same 24 hour period.

The resulting by-product after the treatment process is clean grey water that can be used for landscaping or simply put into a sewer system. This effluent has been independently tested and verified to contain BOD (Biological Oxygen Demand) results in the 30mg/L range, less than 10mg/L of Fats, Oils and Grease (FOG) and less than 30 mg/L of Total Suspended Solids (TSS). These results are significantly below the North American Standards set for sewer discharge including the limits set for New York City.

At a cost of approximately 1½ cents per pound of food, the micro nutrient additive is significantly less expensive than the cost of waste removal, generating an impressive ROI.

The systems are conveniently located on-premises and easily maintained. There are no odors, no sludge build up and no system cleanouts required. Units operate continuously so there is no need to temporarily store putrescible waste thereby avoiding on-site storage costs, waste-related odors and vermin issues.

EnviroPure EPW units can be sized to accommodate any size food operation from a small restaurant generating 120 lbs. of food waste per day to large shopping malls or casinos generating 8,000 lbs. per day. Units can be built to custom dimensions for placement either inside or outside an establishment to leverage available space. It should be noted that larger units can also be used by private carters or others to cost-effectively establish processing capacity for organic waste digestion.

Importantly, this market-proven technology is already available now to help support the success of Introduction 1162. It is also well positioned for growth. EnviroPure is owned by T&S Brass, who has been serving the commercial food service industry since 1947. This ownership ensures strong capitalization, on-going innovation, quality manufacturing and national sales and customer service.

We commend the authors of this proposed local law and strongly support passage. We believe that EnviroPure EPW systems, along with other solutions, can help New York City meet its 75% waste diversion goal and its 30% greenhouse gas emission reduction goal.

To that end, we ask the council to consider the many benefits that the EnviroPure technology can offer and to amend the wording of Introduction 1162 to include aerobic as well as anaerobic digestion.

Thank You. We are open to questions or requests for additional information now or at any time.

Jim Slanina
President, EnviroPure Systems
864-270-0986
jslanina@enviropuresystems.com

Dianne Pisarek
Principal, Evo Market Solutions
336-575-7878
dpisarek@evomarketsolutions.com

SYSTEM OVERVIEW

EnviroPure EPW Systems are self-contained, continual feed, organic food waste elimination systems that convert food waste into water. The technology uses a combination of mechanical processing, heat, oxygen and all-natural additives to accelerate the natural aerobic decomposition process. Organic waste is quickly reduced to a gray water effluent that can be safely disposed of into existing municipal waste water systems. EPW systems handle virtually any kind of food waste including vegetables, fruits, meat, fish and poultry, dairy products, bones, shells and pits, with complete decomposition typically occurring within 24 hours!

STANDARD FEATURES

- **UL® U.S. & Canadian Certified**
- Simple one-button on/off, fully automated "feed it and forget it" operation
- Automatic on/off interlock door safety switch
- High quality, heavy duty Gould, Emerson & Vaughan pumps and motors provide quiet operation and superior performance
- Front mounted controls and display panel provide quick and easy operation, troubleshooting, monitoring and reporting of system function
- Commercial grade stainless steel enclosure
- 10 different sizes to fit any size foodservice operation (custom models up to 3 tons/day capacity available)
- Same day installation. Standard 208/220V power requirements, cold water and waste water line hookup using standard PVC/copper fittings

- All natural, non-toxic, biodegradable EPW-BioMix additive catalyzes and accelerates naturally occurring biological decomposition processes
- Continual oxygenation of decomposition tank ensures fully aerobic decomposition process resulting in water and carbon dioxide bi-products
- Complete elimination of all solid food waste with absolutely NO odours, NO sludge build up and NO system cleanout required
- Gray water effluent bi-product meets standards for safe disposal into municipal waste water sewer systems

| QUALITY MEASURED | MUNICIPAL LIMITS | ENVIROPURE |
|--------------------------------|------------------|-------------|
| Biological Oxygen Demand (BOD) | 300 mg / L | < 30 mg / L |
| Fats, Oils & Grease (FOGs) | 150 mg / L | < 10 mg / L |
| Total Suspended Solids (TSS) | 300 mg / L | < 30 mg / L |

* Always confirm municipal waste water limits and requirements in your area

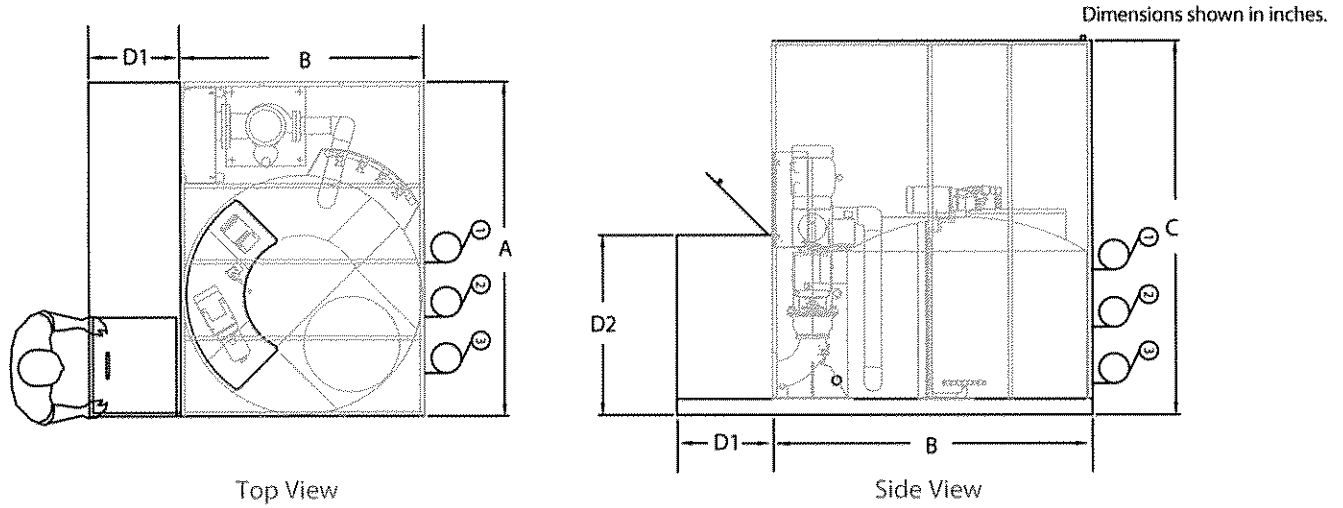
- System does *not* require connection to grease interceptor

OPTIONS & ACCESSORIES

- Remote Food Disposal Grinder System**
Commercial grade stainless steel foodservice food waste disposer integrated into your kitchen prep areas and/or dish line for remote feeding of food waste into system
- Custom Configured Chute / Scrap Table / Trough Feeder Systems**
- Interior / Exterior / Combination Install Configurations Available**
- Cold Weather Exterior Install Package**
Steel frame construction, galvanized siding, insulated enclosure, with heater & blower, feed/drain piping sleeves and electrical heat tape wrap for exterior installations in cold weather climates
- 3 Phase 600V Electrical Connection**



EnviroPure Systems Inc.
50 Saddleback Cove, Travelers Rest, SC 29690
tel: 1.888.324.7265
www.enviropuresystems.com



| MODEL | CAPACITY | | DIMENSIONS * | | | | | WEIGHT | CONSUMPTION | |
|-----------------|----------|----------|--------------|-----|-----|-----|-----|--------|-------------|--------------|
| | LBS | TONS | A | B | C | D1 | D2 | | Empty | Water |
| EPW Wet Systems | lbs/day | tons/mth | in | in | in | in | in | lbs | Gal/Hr | Amps-230/3Ph |
| EPW-120i | 120 | 1.8 | 34 | 42 | 60 | N/A | N/A | 900 | 1.1 | 20 |
| EPW-240i | 240 | 3.6 | 34 | 54 | 83 | N/A | N/A | 1000 | 2.0 | 30 |
| EPW-360i | 360 | 5.4 | 48 | 60 | 83 | N/A | N/A | 1400 | 3.0 | 30 |
| EPW-480i | 480 | 7.2 | 52 | 66 | 83 | N/A | N/A | 2200 | 4.0 | 30 |
| EPW-600i | 600 | 9.0 | 60 | 76 | 83 | N/A | N/A | 2300 | 5.0 | 30 |
| EPW-720i | 720 | 10.8 | 76 | 94 | 88 | N/A | N/A | 2500 | 6.0 | 40 |
| EPW-1000i | 1000 | 15.0 | 76 | 94 | 93 | N/A | N/A | 2600 | 7.9 | 40 |
| EPW-1500i | 1500 | 22.5 | 94 | 108 | 93 | N/A | N/A | 2700 | 11.8 | 40 |
| EPW-2000i | 2000 | 30.0 | 106 | 118 | 102 | N/A | N/A | 3000 | 15.8 | 40 |
| EPW-240GT | 240 | 3.6 | 52 | 54 | 83 | 24 | 39 | 1500 | 2.0 | 40 |
| EPW-360GT | 360 | 5.4 | 52 | 60 | 83 | 24 | 39 | 1900 | 3.0 | 40 |
| EPW-480GT | 480 | 7.2 | 52 | 66 | 83 | 24 | 39 | 2700 | 4.0 | 40 |
| EPW-600GT | 600 | 9.0 | 60 | 76 | 83 | 24 | 39 | 2800 | 5.0 | 45 |
| EPW-720GT | 720 | 10.8 | 76 | 90 | 88 | 24 | 39 | 3000 | 6.0 | 45 |
| EPW-1000GT | 1000 | 15.0 | 76 | 90 | 93 | 24 | 39 | 3100 | 7.9 | 45 |
| EPW-1500GT | 1500 | 22.5 | 94 | 108 | 93 | 24 | 39 | 3200 | 11.8 | 45 |
| EPW-2000GT | 2000 | 30.0 | 106 | 120 | 102 | 24 | 39 | 3500 | 15.8 | 45 |
| EPW-3000GT | 3000 | 45.0 | 110 | 120 | 110 | 24 | 39 | 3700 | 19.0 | 45 |

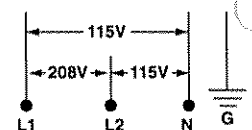
* Dimensions noted in chart are footprint guidelines. All systems are custom manufactured per customer specifications.

| Utilities | |
|----------------------------|--|
| 1 Electrical | 208-230/60/3; 3 wire ground, (See Box) 480/60/3; 3 wire ground, (See Box) |
| 2 Water | 3/4" supply; cold water connection. Incoming supply pressure must maintain a minimum flow rate of 7.0 US gpm. Machine is equipped with 3/4" male fitting for input water connection. |
| 3 Waste Water Drain | Machine equipped with 2" PVC drain connection. 4" floor drain required for discharge. |

Note: Electrical supply service must be a 3-wire plus ground for connection shown.

Warning: Plumbing and electrical connections should be made by qualified personnel who will observe all the applicable plumbing, sanitary and safety codes and the National Electrical Code.

| Elec. Specs. | Rated Amps | Minimum Supply Ckt. Conductor Ampacity | Maximum Overcurrent Protective Device |
|--------------|------------|--|---------------------------------------|
| 208/60/1 | 36 | 40 | 40 |
| 240/60/1 | 32 | 40 | 40 |
| 208/60/3 | 24 | 30 | 30 |
| 240/60/3 | 22 | 30 | 30 |
| 480/60/3 | 12 | 15 | 15 |



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

Name: ERIC GOLDSTEIN (PLEASE PRINT)

Address: _____

I represent: NATURAL RESOURCES DEFENSE COUNCIL

Address: 40 WEST 20 ST NY NY 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

Name: Kenneth DIAMONDSTONE (PLEASE PRINT)

Address: 200 Clinton ST #5C Bklyn 11201

I represent: Bklyn Solid Waste Advisory Board

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

Name: Matt de la Houssaye (PLEASE PRINT)

Address: _____

I represent: Global Green USA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: 11/22/13

(PLEASE PRINT)

Name: ELIZABETH BALKAN

Address: _____

I represent: MAYOR'S OFFICE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: PABLO ZANGRILLA

Address: _____

I represent: ACTION ENVIRONMENTAL

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: 11/22/13

(PLEASE PRINT)

Name: JAMES W. VERSOCK, Esq.

Address: 1 Huntington Ave, Suite 4010 New York

I represent: NYS Restaurant Association

Address: 1001 6th Ave, 3rd Flr, NY, NY

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 11/22/2013

(PLEASE PRINT)

Name: Todd Kuznits Chief of Personnel Management

Address: DSNY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1140 Res. No. _____

in favor in opposition

Date: 11/22/13

(PLEASE PRINT)

Name: Chris Klingler Chief Enforcement

Address: DSNY

I represent: DSNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: 11/22/13

(PLEASE PRINT)

Name: David Biderman

Address: _____

I represent: National Waste + Recycle Assn

Address: Washington DC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: K. Ozgur Oraktekir
Address: 740 Broadway 6th Floor NY, NY 10024

I represent: New York University

Address: 740 Broadway 6th Floor NY NY 10024

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lara Rosenshine
Address: 407 E 12th St

I represent: SWAB

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christina Grace, New Territories & Related
Address: 35 2nd St. Brooklyn, NY 11231 Companies

I represent: New Territories & Related Companies

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. 1

in favor in opposition

Date: 11/22/13

(PLEASE PRINT)

Name: PAUL SELLEW
Address: 211 Crescent Street Waltham MA
I represent: HARVEST BAKER
Address: same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No.

in favor in opposition

Date:

(PLEASE PRINT)

Name: WAYNE DAVIS
Address: 739 CONCORD ST, CARLISLE MA
I represent: AMERICAN BIOGAS COUNCIL
Address: 1121 CONN. AVE NW WASHINGTON DC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No.

in favor in opposition

Date:

(PLEASE PRINT)

Name: Vandra Thorburn
Address: 380 Classon Ave
I represent: Vokashi
Address: 380 Classon Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162-2013 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Cleaver, The Cleaver Co.

Address: 75 9th Ave

I represent: The Cleaver Co. / The Green Table

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: 11/22/13

(PLEASE PRINT)

Name: Jay Peltz

Address: _____

I represent: Food Industry Alliance of NY

Address: 1385 Boston Post Rd, Larchmont, NY

1053A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JIM SLAWINA

Address: 50 SADDLEBACK COVE TRAVELLERS REST SC

I represent: ENVIROPURE SYSTEMS

Address: 50 SADDLEBACK COVE TRAVELLERS REST

SC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dianne Pisarek (~~Jim Pisarek~~)

Address: 804 Osprey Ridge Rd. Winston-Salem NC

I represent: ENVIROPURE SYSTEMS + EVO Market Solutions

Address: (same)

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1162 Res. No. _____

in favor in opposition

Date: 11-22-2013

(PLEASE PRINT)

Name: MIKE MANNA

Address: 3628 RIDGEWAY RD, Manassas

I represent: UNITED STATES COMPOSTING COUNCIL N.S.

Address: BETHESDA - MARYLAND

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