

FINAL GENERIC

ENVIRONMENTAL IMPACT

STATEMENT

SUPPORTING

BEYOND WASTE: A SUSTAINABLE
MATERIALS MANAGEMENT STRATEGY
FOR NEW YORK STATE

NEW YORK STATE'S

SOLID WASTE MANAGEMENT PLAN

***FINAL GENERIC
ENVIRONMENTAL IMPACT STATEMENT***

by the

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

as Lead Agency

concerning

***BEYOND WASTE: A SUSTAINABLE MATERIALS MANAGEMENT STRATEGY
FOR NEW YORK STATE***

NEW YORK STATE'S
SOLID WASTE MANAGEMENT PLAN

- STATEWIDE ACTION -

Accepted: December 15, 2010

Prepared by NYS Department of Environmental Conservation

To obtain additional information, contact
David Vitale, New York State Department of Environmental Conservation
Division of Materials Management, 625 Broadway
Albany, New York 12233-7253, at 518-402-8678
nysswmp@gw.dec.state.ny.us

DRAFT GENERIC
ENVIRONMENTAL IMPACT STATEMENT
TABLE OF CONTENTS

1.0	INTRODUCTION	2
2.0	THE STATE SOLID WASTE MANAGEMENT PLAN	3
3.0	INCORPORATION OF DGEIS INTO FGEIS DOCUMENT	7
4.0	CONTENTS AND FINDINGS OF DGEIS.....	7
5.0	PURPOSE OF FGEIS	8
6.0	SCOPE AND CONTENTS OF THE FGEIS.....	8
7.0	RESPONSES TO SUBSTANTIVE COMMENTS AND ISSUES.....	9

FGEIS APPENDIX A - SUMMARY OF COMMENTORS

1.0 INTRODUCTION

This document is the Final Generic Environmental Impact Statement (FGEIS) for the adoption of *BEYOND WASTE: A SUSTAINABLE MATERIALS MANAGEMENT STRATEGY FOR NEW YORK STATE*, New York State's Solid Waste Management Plan (Plan), which is required by Section 27-0103 of the Environmental Conservation Law (ECL). The New York State Department of Environmental Conservation (DEC) is responsible for preparing and updating this Plan. It is intended to provide direction, guidance and information on managing solid waste in New York, including policy recommendations for updating state and local laws and regulatory initiatives. The biennial Plan update process makes the Plan a "living" document that will evolve as new information becomes available and as local planning units identify obstacles and opportunities through implementation of local solid waste management programs.

This FGEIS has been prepared in compliance with Section 8-0109 of the New York State Environmental Conservation Law [the State Environmental Quality Review Act (SEQR)] and the implementing regulations of SEQR at 6 NYCRR Part 617, including the specific provisions which relate to the content of final environmental impact statements contained in 6 NYCRR 617.9 (b)(8). Pursuant to 6 NYCRR 617.9 (b) (8) the Draft Generic Environmental Impact Statement (DGEIS) is hereby incorporated and part of this FGEIS.

The New York State Department of Environmental Conservation is the lead agency for this action under SEQR. Other involved agencies include Empire State Development (ESD). ESD created the Office of Recycling Market Development (ORMD), now known as the Environmental Services Unit, to implement a secondary materials utilization program and has steadily expanded its programs and partnership with DEC in the development of sustainable materials management programs in the state.

The Plan and a DGEIS were released in draft for public comment on May 5, 2010, and DEC accepted comments until August 16, 2010. Five public hearings were held at which 55 people provided testimony. In addition, more than 120 individuals and organizations submitted written comments, and more than 430 people signed form letters, called or e-mailed regarding elements of the Plan. In total, more than 1,300 individual comments were received during the comment period. These comments are presented in the Responsiveness Summary, as are DEC's responses to them.

This FGEIS is being released for agency and public consideration. Before issuing its findings and subsequently adopting the Plan, DEC will provide a minimum period of ten days for agencies and the public to consider the FGEIS.

2.0 THE STATE SOLID WASTE MANAGEMENT PLAN

New York State's *BEYOND WASTE* Plan (Plan) sets forth a new approach for New York State—a shift from focusing on “end-of-the-pipe” waste management techniques to looking “upstream” and more comprehensively at how materials that would otherwise become waste can be more sustainably managed through the state’s economy. This shift is central to the state’s ability to adapt to an age of growing pressure to reduce demand for energy, reduce dependence on disposal, minimize emission of greenhouse gases and create green jobs.

Accomplishing this change necessitates increased attention to influencing product and packaging design to foster a system that minimizes waste and maximizes the use of recyclable materials. This will require the involvement of all players in the production and supply chain—product manufacturers, distributors, retailers, consumers, and government. It will also require increased investment in our recycling and distribution/reverse distribution infrastructure. Ultimately, it will result in decreased reliance on waste disposal.

The materials management system envisioned in this Plan would capture the economic value of our materials, conserve their imbedded energy, and minimize the generation of greenhouse gases and pollution. The New York State Department of Environmental Conservation (DEC) projects that implementing this plan could reduce nearly 21 million metric tons of CO₂ equivalent greenhouse gas emissions annually, save more than 280 trillion BTUs of energy each year—as much energy as is consumed by more than 2.6 million homes—and create 67,000 jobs by 2030.

This vision can only be fully realized if the state allocates resources for additional staff and infrastructure at the state and local level, if manufacturers take financial or physical responsibility for the reuse and recycling of the products and packaging they put into the marketplace, and if residents and businesses embrace their responsibility for proper materials management. This Plan recommends a number of potential revenue streams to offset the costs to the public sector, as well as legislative recommendations to engage the private sector more fully in moving New York State beyond waste.

The goal of the Plan is to reduce the amount of waste New Yorkers dispose by preventing waste generation and increasing reuse, recycling, composting and other organic materials recycling methods. Currently, New Yorkers send 4.1 pounds of municipal solid waste (MSW) per person per day, or 0.75 tons per person per year, to disposal facilities. The Plan seeks a progressive reduction in the amount of MSW destined for disposal to reach the goal of reducing disposal to 0.6 pounds per person per day by 2030. The goal applies to the state as a whole; planning units are expected to develop their own baseline and goals based on similar progressive reduction in waste destined for disposal. The quantitative goal is intended to apply to MSW. While DEC has not established quantitative goals for the reduction of construction and demolition debris, industrial waste and biosolids, the qualitative goals below apply to all of the waste generated in the state.

The qualitative goals of the Plan are to:

- minimize waste generation
- maximize reuse
- maximize recycling
- maximize composting and organics recycling
- minimize waste disposal
- advance product and packaging stewardship
- create green jobs
- maximize the energy value of materials management
- minimize the climate impacts of materials management
- reemphasize the importance of comprehensive local materials management planning
- minimize the need for export of residual waste
- engage all New Yorkers—government, business, industry, and the public—in sustainable materials management
- strive for full public participation, fairness, and environmental justice
- prioritize investment in reduction, reuse, recycling, and composting over disposal
- maximize efficiency in infrastructure development
- foster technological innovation
- continue to ensure that solid waste management facilities are sited, designed, and operated in an environmentally sound manner

The recommendations summarized below and discussed more fully in Section 10 of the Plan are intended to accomplish these goals.

Legislative Recommendations

Making truly significant progress to prevent waste and increase recycling will require a new statutory structure. The Solid Waste Management Act (SWMA) of 1988 envisioned municipalities working within planning units, acting either as self-contained entities or through public/private partnerships, to implement integrated solid waste management programs. For a variety of economic and legal reasons, that vision has only been partially realized. With continued growth in the amount of solid waste generated, an evolved understanding of the environmental impacts of waste disposal and the emergence of new materials management options, there is a clear need for new priorities. Moving forward requires an updated statutory framework that sets the stage for growth and supports the paradigm shift needed to move *beyond waste*. That framework should include:

- *An Updated Solid Waste Management Act* that will enhance recycling and waste reduction goals; specify what materials must be recycled, where and by whom; enhance DEC's authority to enforce recycling requirements; allocate additional resources for planning, education and enforcement; update procurement and recycling requirements for state agencies and

authorities, and enable DEC to account for MSW transport and enforce transporter violations of source separation requirements.

- *Product and Packaging Stewardship Programs* to extend the role and responsibility of the manufacturer of a product or package to include the entire life cycle, from its manufacture to its ultimate disposition at the end of its useful life. Product Stewardship, also known as Extended Producer Responsibility, encourages manufacturers to embrace materials efficiency and design for recyclability concepts and helps local recycling programs capture more materials. Through stewardship legislation, manufacturers (also known as producers or brand owners) are required to take either physical or financial responsibility for the recycling or proper disposal of products or packages. Instead of requiring local governments to fund collection and recycling programs for discarded products, stewardship programs incorporate the cost of end-of-life management into the cost of the product, so those costs are borne jointly by the manufacturer and the consumer, not by local government and taxpayers. Possible initial product targets for stewardship programs include: packaging, printed products, pharmaceuticals, household hazardous wastes, and mercury-containing products. The product stewardship framework approach maximizes efficiency by consistently structuring stewardship programs in the same manner for different products, based on tested models, so that all parties know what is expected as new products are included.
- *Revenue-Generating Programs*. Achieving the goals of the Plan—reducing waste generation, increasing reuse, recycling and composting and reducing disposal—will require a significant commitment of resources and greater flexibility in allocating those resources to respond to emerging issues and critical needs. Revenue-generating programs could include: an increase in state funds dedicated to reduction, reuse and recycling; solid waste disposal fees; plastic bag fees, or solid waste facility permit fees.

Regulatory Recommendations

The regulatory changes suggested below support implementation of the Plan, and achievement of its goals can be made within DEC's existing statutory authority:

- Revision of the Part 360 Solid Waste Management Facility Regulations to:
 - update requirements for construction and operation of solid waste management facilities to better protect human health and the environment;
 - revise and update the beneficial use determination program regulations;
 - add new requirements for management of historic fill including additional operational conditions for its use that protect neighboring areas, particularly in communities of disproportionate impact;
 - restrict the disposal of yard trimmings and source separated recyclables in solid waste management facilities and restrict the disposal of other materials as recycling infrastructure is developed or product stewardship programs are established;

- take a regulatory approach to ensure consistent implementation of the requirements to source separate recyclables, particularly in areas served by private collectors;
- establish separate tracks and waiting lists for EPF funding for recycling coordinators, educational activities, reuse programs, and other high-priority projects;
- review existing state regulations to remove or address contradictory regulatory requirements that limit the creation or expansion of composting and other organics recycling facilities, and
- Enact new regulation to oversee the collection, handling and recycling of electronic waste.

Programmatic Recommendations

The following recommendations fall within the state’s current statutory and regulatory authority. The state’s ability to implement these initiatives and achieve the goals of the Plan will depend on its ability to increase the staff and financial resources available to the program. A comprehensive program should include the following key elements:

- *Leading by Example.* Agencies and authorities should demonstrate comprehensive waste reduction and recycling programs by: working aggressively to implement Governor Paterson’s Executive Order 4 on State Agency Sustainability and Green Purchasing; consistently implementing recycling programs at all state facilities and events, and promoting and demonstrating organic materials composting and recycling.
- *Public Education.* Public participation in waste prevention, reuse and recycling is key to achieving sustainable materials management in New York State. To improve participation, the state will: launch an aggressive public education campaign to promote waste prevention, reuse, recycling and composting; develop templates for local governments to use in educational efforts, and publicize innovative reuse, recycling, composting and other model programs.
- *Outreach and Technical Assistance.* Municipalities, businesses, institutions and agencies in the state will need guidance and assistance to develop sustainable materials management programs. To meet this need, the state will: develop written guidance on waste prevention for specific commercial generating sectors; encourage the use of food banks and other reuse networks; facilitate forums on construction and demolition debris management and recycling opportunities; help entities (private and public) interested in developing organics recycling systems, and provide tools to local governments to better plan and implement sustainable materials management programs.
- *Comprehensive Materials Management Planning.* The state must allocate additional funding and resources to plan for and implement sustainable materials management programs. The state must refocus on materials management planning by: seeking staff and resources to implement the state Plan; issuing a technical guidance document to assist local decision-making, and working with planning units to craft a new generation of local solid waste

management plans that reflect the broader concepts of materials management, embody new approaches and technologies to reduce waste, achieve higher levels of recycling and reflect current market and regulatory conditions.

- *Greenhouse Gas Reduction.* To minimize climate change impacts of waste management, DEC will: maximize waste prevention, reuse and recycling and minimize waste disposal; assess the emissions and operations of landfills in New York to ensure they pursue every possible mechanism for achieving greenhouse gas reductions, and work with other state agencies and entities to enable landfill gas-to-energy projects to connect to the electrical grid in a cost-effective and technically effective manner.
- *Infrastructure and Market Development.* Expanding the universe of materials diverted from disposal will require additional processing, reuse and recycling infrastructure and new or stronger markets for the materials processed. DEC will evaluate, and implement where appropriate, strategies to promote the addition of recycling and composting facilities in the context of the environmental quality review and regulatory processes for solid waste management facilities, particularly disposal facilities. Further, the state will allocate resources to: develop critical recycling and manufacturing infrastructure for key recovered materials, including glass, plastics, and organic materials; expand market development initiatives to target glass, plastic film, plastics #3-#7, compost and construction and demolition materials; establish a New York State Center for Construction and Demolition Debris Recycling; encourage and facilitate food scrap recycling demonstration projects, and expand beneficial use applications for mixed-color recovered glass.

3.0 INCORPORATION OF DGEIS INTO FGEIS DOCUMENT

The DGEIS document is hereby incorporated into this FGEIS by reference and will be co-located with the FGEIS on DEC's website. Additionally, interested parties can request a copy of the May 5, 2010 *Draft Generic Environmental Impact Statement supporting Beyond Waste: A Sustainable Materials Management Strategy for New York State – New York State's Draft Solid Waste Management Plan* from the lead agency contact person identified on the inside of the cover page of this document.

4.0 CONTENT AND FINDINGS OF DGEIS

The DGEIS was prepared by the DEC, issued as Appendix A to the Draft Plan and consisted of seven sections. The seven sections of the DGEIS were:

1. Scope of Required Generic Environmental Impact Statement
2. Description of the Proposed Action
3. Environmental Setting

4. Potential Significant Adverse Environmental Impacts
5. Mitigation Measures to Minimize Environmental Impact
6. Alternatives to the Proposed Action
7. Underlying Studies, Reports and Other Information Obtained and Considered in Preparing the Statement

The DGEIS concluded that the Plan itself is a guidance document and has no direct environmental impacts. There are no anticipated significant adverse environmental impacts from adopting and implementing the Plan, and there are no unavoidable adverse impacts resulting from the Plan itself. The Plan and the recommendations in the Plan, if implemented, would have a positive impact on the environment of New York State, continuing the environmental gains that have been realized since the first Solid Waste Management Plan was issued by DEC more than 20 years ago. Each recommendation in the Plan is intended as a starting point for discussion and debate, which will lead to refinement of the recommendations and possible new ideas for moving *beyond waste* in New York State.

5.0 PURPOSE OF FGEIS

This FGEIS, in conjunction with the May 5, 2010 DGEIS on which it is based, the Responsiveness Summary and the Plan itself, are intended to provide the DEC, as the lead agency and primary decision-making body relative to the proposed action, with an understanding of the potential environmental impacts (beneficial or adverse) associated with adoption of the *Beyond Waste* Plan. This information will facilitate the determination by DEC as to whether the action should be approved.

6.0 SCOPE AND CONTENT OF THE FGEIS

The primary objective of this FGEIS is to address substantive comments or issues that were raised during public review of the Draft Plan and DGEIS. Section 7 of this FGEIS identifies such comments or issues and provides a response to each conforming to the specific requirements set forth under 6 NYCRR 617.9 (b) (8). Additionally, the Responsiveness Summary is hereby incorporated by reference into this document. The Responsiveness Summary identifies and responds to all comments raised during public review of the Draft Plan and DGEIS. The comments addressed in this FGEIS and the Responsiveness Summary are contained in the transcripts of the five public hearings held by DEC as well as the written comments submitted by more than 120 individuals and organizations submitted and the form letters submitted by more than 430 people.

Pursuant to 6 NYCRR 617.9 (b)(8), the May 5, 2010 DGEIS in its entirety is incorporated by reference into this FGEIS.

7.0 RESPONSES TO SUBSTANTIVE COMMENTS AND ISSUES

By notice in the New York State Register and the Environmental Bulletin Notice (“ENB”) on May 5, 2010, the DEC began the process of revising and updating the State Solid Waste Management Plan with the publication of *Beyond Waste: A sustainable materials management strategy for New York State*, and a Draft Generic Environmental Impact Statement (DGEIS).

On May 5, 2010, the Division of Solid & Hazardous Materials (DSHM) scheduled five information sessions and public hearings to explain the proposed State Solid Waste Management Plan and receive public comment. The information sessions and public hearings were held in Stony Brook, New York City, Albany, Buffalo and Syracuse at the locations and dates as published in the ENB on May 5, 2010.

The hearings were conducted before a DSHM staff member and a verbatim transcript was made by a stenographer at each hearing session. Each session was opened with a summary statement explaining the procedure of the hearing and followed by presentations by Ms. Resa Dimino, Special Assistant to the Commissioner in the Commissioner’s Policy Office, and Mr. Thomas Lynch, P.E., Chief of the Beneficial Use and Special Projects Section.

Spoken and written comments on *Beyond Waste* and the DGEIS were received at each hearing location. Many who commented chose to provide their comments electronically via fax or email as well as by regular mail delivery. There were also several organized mail-in campaigns utilizing form letters and e-mails.

In response to requests from a number of interested parties, the comment period was extended from the originally established closing date of July 6, 2010 to August 16, 2010 as published in the ENB on June 9, 2010.

A summary of the attendees who provided verbal comments at each of the five hearings and those who submitted written comments is provided in Appendix A.

Comments received by DEC regarding the Draft Plan and DGEIS included verbal statements made at public hearings as well as the written comments submitted by more than 120 individuals and organizations submitted and the form letters submitted by more than 430 people received by DEC prior to the end of the comment period on August 16, 2010. In total, more than 1,300 individual comments were received during the comment period. These comments are presented in the Responsiveness Summary, as are DEC’s responses to them.

In accordance with the provisions of SEQR regarding the content of final EISs, at 6 NYCRR 617.9 (b)(8), this FGEIS presents only comments or issues that are considered to be “substantive”. The FGEIS generally does not attempt to address comments that do not have relevance to the evaluation of impacts and formulation of suitable mitigation measures which are essential to the decision-making process for the proposed action, or comments which concur with or object to the proposed action without elaboration. Such comments have been incorporated into the SEQR record through the Responsiveness Summary.

The following ten comments or issues were considered to be substantive. The comment or issue will be presented followed by a response.

1. **Unfunded Mandates** - There were a number of comments received that raised concerns that the Plan would impose unfunded mandates on planning units and municipalities.

Response: The Plan does not establish new mandates for municipalities and does not dictate a specific or rigid approach to local planning and programs. Municipalities are expected to evaluate the technical and economic viability of various strategies to reduce waste and propose methods that will be workable within their local context. Any new requirements proposed would be subject to regulatory or legislative processes and their associated public review and involvement procedures. As DEC engages the legislature, it will also encourage stakeholder participation as new policy initiatives take shape.

2. **Expectation of Municipal Action** - There were a number of comments received that raised concerns that the Plan would require unreasonable and extraordinary action by planning units and municipalities with respect to construction of infrastructure and implementation of programs.

Response: The intent of the Plan is to build on the progress made over the past 20 years and assess the best path forward for the next decade and beyond. The Plan recommends an evolution in materials management that reinforces the ultimate goal of the solid waste management hierarchy established in the 1987 Plan and the 1988 Solid Waste Management Act and details opportunities for meeting that goal. The role and process for local planning has not changed. Planning units are expected to continue to include aggressive programs striving to maximize waste prevention, reduction and recycling to the extent economically and technically practicable and to include those programs and efforts in their Local Solid Waste Management Plans (LSWMPs). Planning units will be afforded flexibility in determining how to best implement programs to that end. They will not be ordered to establish specific facilities or programs or be held to firm or mandatory goals. Rather, they will be asked to work as aggressively as possible to reduce the amount of waste destined for disposal. Review of LSWMPs and facility permit reviews will include consideration of the state's goals and objectives as articulated in the Plan, but local planning decisions will be made by local planning units based on feasibility, along with policy goals.

3. **Use of the Plan in the Permit Process** - There were a number of comments received raising questions and concerns and seeking clarity of how the Plan would be used in the solid waste management facility permitting process.

Response: A text box has been added to the Executive Summary that articulates the role of the planning document. It includes the following statement: *"It is a planning tool and the contents of this Plan are not intended to create any substantive or procedural rights, enforceable by any party in administrative and judicial litigation with the State of New York, including the permitting of solid waste management facilities."*

Under existing law, permitting must be consistent with local planning decisions as described in the LSWMP. DEC intends to apply the requirement for local governments to plan for materials and waste management, not to require a particular outcome of that planning. DEC is keenly aware that planning units are different. The differences between planning units' circumstances and management of waste and recyclables are discussed throughout the Plan. Consistent with that concept, there are special circumstances that need to be addressed through facility permit conditions, and therefore, not all permits are exactly the same.

Any special permit conditions are the subject of negotiations between applicants and DEC. As such, mechanisms for variances under unique circumstances can be addressed in the permitting process. DEC's decision to add a special permit condition is subject to the UPA and all the procedural notices and opportunity to be heard. In short, the permittee has an opportunity to challenge any permit condition on the record.

4. **Goals Are Too Aggressive** - There were a number of comments received that raised concerns that the waste reduction, recycling and disposal reduction Goals of the Plan were too aggressive and unrealistically optimistic.

Response: DEC has adjusted the timeframe for implementing the goals of this Plan to 20 years, from the initial 10 years, to allow for additional time for the economy to recover and state and local governments to obtain sufficient resources to implement programs that will achieve the Plan's vision. The goal of this Plan is to reduce the amount of waste New Yorkers dispose by preventing waste generation and increasing reuse, recycling, composting and other organic material recycling methods. Currently, New Yorkers send 4.1 pounds of municipal solid waste (MSW) per person per day, or 0.75 tons per person per year, to disposal facilities. The Plan seeks a progressive reduction in the amount of MSW destined for disposal to reach the goal of reducing disposal to 0.6 pounds per person per day by 2030 instead of the originally proposed target year of 2018. The revised goals include more modest decreases each of the first eight years with greater decreases in the later years when the full effect of the initiatives will be realized. These goals will be evaluated as part of the biennial Plan updates. The following is a table identifying the Plan's revised goals.

	Pounds/Person/ Per day MSW Disposed
2010	Current 4.1
2012	3.8
2014	3.4
2016	2.9
2018	2.3
2020	1.7
2025	1.1
2030	0.6

The quantitative goal is intended to apply to MSW. While DEC has not established quantitative goals for the reduction of construction and demolition debris, industrial waste and biosolids, the qualitative goals presented in Section 2.0 apply to all of the waste generated in the state.

The goal applies to the state as a whole; planning units are expected to develop their own baseline and goals based on similar progressive reduction in waste destined for disposal. All LSWMPs include planning unit-specific projected diversion goals that are intended to guide anticipated performance and achievement based on implementation of the programs outlined in the LSWMP. However, these goals are necessarily based on a number of assumptions and factors inherent in solid waste management planning and are variable from one planning unit to the next. The statewide goals addressed in the Plan are intended to be broader planning objectives.

5. **Mandatory PAYT/SMART Programs** - There were a number of comments received that raised concerns about the imposition of a program that would require municipalities to adopt a quantity-based user fee system (i.e., PAYT/SMART) if certain levels of waste disposal reduction were not achieved.

Response: The Plan's recommendation on PAYT/SMART has been revised to focus on a series of programmatic and planning activities instead of a mandate. These activities include DEC providing additional resources, tools and information to local governments and planning units evaluating and implementing PAYT/SMART if locally appropriate and feasible. DEC will evaluate the need for additional measures (i.e., mandate) in biennial Plan updates. Section 6.5.3 of the Plan also includes a recommendation to create a new grant program intended to fund programmatic activities, like the transition to PAYT/SMART.

6. **Increased Organic Materials Recycling** - There were a number of comments received raising questions and concerns about the feasibility of increasing organic materials recycling and seeking clarity of the intent of the Plan, especially as it related to food waste and potential disposal bans.

Response: To significantly increase the quantity of materials recycled, the infrastructure for food waste recycling will need to increase substantially. DEC recognizes that this will require the expenditure of funds—both public and private. The program must move forward at a pace that is aggressive but economically reasonable. It is likely that the composting infrastructure will continue to be a mixture of small scale on-site systems, small facilities, and more regional facilities. All play a role in advancing this recycling activity.

The initial focus of organics recycling efforts will be on industrial generators of food processing waste and institutional and commercial generators of large quantities of food waste. This will eventually transition to smaller institutional and commercial food waste generators as well as residential generators.

There is a wealth of information available from Cornell University, BioCycle, and a myriad of other sources. To help sort through these sources, DEC will update its composting webpage to include additional links and relevant information and will compile relevant research into a technical guidance document to help municipalities in the state move forward with organics recycling.

The Plan does not contain an immediate food waste recycling mandate or a blanket ban on the landfilling of organics. It envisions the possibility of including restriction in landfill permits related to organic streams, as organic recycling capacity increases. This parallels what has occurred with yard waste in New York State. There is no statewide ban of yard waste from landfills in the state, but conditions in landfill permits banning the acceptance of yard waste have been added over the years as yard waste composting capacity has come on line.

7. **Designating Mandatory Recyclables** - There were a number of comments received that raised concerns about a legislative recommendation to eliminate the economics markets clause and require the recycling of designated materials.

Response: The Plan has been revised to include a list of designated recyclables. The recommendation to eliminate the “economic markets” clause has been revised to keep the clause in place for additional recyclable materials for which markets exist. DEC’s recommended list of designated recyclables reflects the materials for which there have been consistent markets for the last two decades and which have been consistently collected by the preponderance of the state’s communities. The list of recommended designated recyclables has been expanded to include paper, glass, metal, plastic, and yard trimmings as currently identified in General Municipal Law. The list is intended to be a floor rather than a ceiling, and DEC recommends that communities be required to recycle additional materials where economic markets exist. Communities are encouraged to go beyond the core list of recyclables in their local laws and programs.

This recommendation is intended to support the recycling infrastructure created by planning units by maximizing the flow of materials to that infrastructure. While DEC understands that markets regularly fluctuate, most recycling programs in the state have maintained a consistent list of materials designated for recycling. During severe market downturns, such as the fall of 2008, communities may stockpile those materials or market them at a loss. However, with rare exceptions, communities have not reported ceasing collections of a material due to low market value.

This is not intended to divorce economic considerations from recycling, but rather to acknowledge that communities in New York have been consistently recycling a suite of materials. Experience over the last twenty years has demonstrated that market downturns tend to be short-term, and communities are more likely to ride them out than to adjust their programs and face the costs associated with re-educating the public. By creating a core list of designated recyclables, the state can better educate the public, enforce requirements, and otherwise support local efforts. The Plan proposes that a waiver process be put in place to allow communities to vary from the designated list in cases of economic hardship.

8. **Role of Municipal Waste Combustion** - There were a number of comments received raising questions and concerns and seeking clarity of the intent of the Plan with regard to the role of municipal waste combustion with energy recovery.

Response: The Plan endorses the state's existing hierarchy which places a preference on reduction and recycling over energy recovery and landfilling. When properly designed and operated, MWC is the preferable method of disposal of waste that remains after waste prevention, reuse, recycling and composting programs have been maximized. DEC influences the proper sizing of MWCs to ensure that MWCs can coexist with reduction and recycling programs. Furthermore, the Part 360 regulations require that an MWC facility only receive waste from a community which has implemented an approved recycling program.

It is however important to remember that the state's waste diversion goal is focused on the top two priorities of the solid waste management hierarchy: 1) waste reduction, and 2) reuse and recycling. The long-term goals of waste reduction, recycling, and composting provide even greater GHG and other environmental and social benefits. Municipal waste combustion and waste conversion technologies with energy recovery are treatment methods that, while preferable to landfilling, fall within the third priority of the hierarchy.

Funding Sources and Use of Solid Waste Disposal Fees - There were a number of comments received that raised concerns about the identification and favorable evaluation of solid waste disposal fees as a potential new funding source for solid waste management and advancement of the Plan.

Response: There is no clear path to a reliable funding solution, particularly in light of the current economy. The Plan presents a menu of options for a long-term, secure funding stream for the legislature's consideration in establishing a new revenue mechanism. Any source pursued would require statutory authorization and would, therefore, be enacted by the legislature with input from DEC and other interested parties. Details regarding how the funds will be allocated will be discussed and debated in the legislative process. DEC encourages all stakeholders to participate in a discussion as funding initiatives are proposed.

A disposal fee surcharge would generate the greatest revenues in the short term when they are most needed for new infrastructure and programs. These revenues would supplement the existing program and operating structure already in place. Once the infrastructure for enhanced recycling and composting is in place, and materials are being diverted from disposal to this infrastructure, the amount of resources generated would be reduced, as would the need for those resources. If this occurs, DEC will work to ensure the availability of resources through other sources, as it has through the Environmental Protection Fund.

While DEC is aware of local government concerns with a disposal fee surcharge, it believes that a disposal fee surcharge may be the most promising source of funding. The Plan takes a broad view of options for consideration by the New York State legislature and for discussion and refinement by the various stakeholders. In evaluating options, the legislature could exempt certain facilities from the fee or could ensure that some proportion of the fee remains in the community from which it was generated.

9. **Lack of a Full Economic Analysis** - There were a number of comments received that raised concerns about the Plan containing a full economic analysis.

Response: The Plan sets forth a direction for the state based on the collective knowledge in DEC and in the Advisory Committee that included members of private and public entities from across the state. These entities considered and debated economic and environmental issues related to the Plan. DEC then set a direction for the Plan that is achievable and prudent. It is a resource that provides options for the state, local governments, and the private sector to consider in reducing the amount of waste they dispose. The Plan recognizes the diversity of the state's communities and expects that the costs and merits of program options will differ from one community to the next.

Because the costs and conditions vary from one community to the next, sometimes significantly, it is important that the comparative costs of program options be evaluated as a part of the local planning process. It is expected that local planning units will continue to perform economic evaluations as part of their analysis of the various strategies to reduce waste disposal and to determine the most appropriate methods and steps to take that will be workable in their local context. To assist planning units with their evaluations, DEC will issue technical guidance documents on key management techniques, such as organics recycling, which will provide cost and performance information.

FGEIS APPENDIX A

SUMMARY OF COMMENTORS

The following is a summary of the attendees who provided verbal comments at each of the five hearings and those who submitted written comments. The Responsiveness Summary identifies and responds to all comments raised during public review of the Draft Plan and DGEIS.

Stony Brook, NY Hearing

- The Stony Brook hearing was held on June 7, 2010 in the Stony Brook University, School of Marine and Atmospheric Sciences, Room 120, Endeavor Hall, South Campus, Stony Brook New York at 5:30 pm. Two attendees provided verbal comments. Mr. Syed Rahman, P.E. acted as Hearing Officer. The speakers were:

David Blackman
David Tonjes

New York, NY Hearing

- The New York City hearing was held on June 8, 2010 in the New York City Department of Health, 125 Worth Street, 2nd Floor Auditorium, New York, New York at 5:00 pm. Twelve attendees provided verbal comments. Mr. Paul John, P.E. acted as Hearing Officer. The speakers were:

Brendan Colling
Barbara Warren
Frieda Bradlow
Maggie Clark
Mike Schade
Gavin Kearney
Sarah Westchester
Vandra Thorburn
Mary Parisen
Jaime Stein
Abigail Dillen
Justin Green

Albany, NY Hearing

- The Albany hearing was held on June 15, 2010 in the NYSDEC, Public Assembly Rooms 129A&B, 625 Broadway, Albany, New York at 5:00 pm. Sixteen attendees provided verbal comments. Mr. Jeffrey Schmitt, P.E. acted as Hearing Officer. The speakers were:

Tracy Frisch
Elizabeth Call
Nancy Ellett-Crosby
Lauren Ellmers
Joan Ciccarone
John Willson

Cheryl Kamer
Cindy Livingston
Dianne Woske
Andrew Pate
Jeffrey Ovington
Barbara Warren
Jim Travers
Diane Hofner
James Hofner
Tim Wenk

Buffalo, NY Hearing

- The Buffalo hearing was held on June 23, 2010 in the Sheridan Parkside Community Center, 169 Sheridan Parkside Drive, Tonawanda, New York at 5:15 pm. Seven attendees provided verbal comments. Mr. Mark Hans, P.E. acted as Hearing Officer. The speakers were:

Amy Witryol
Cynthia Hsu
Marylou Zern
James Hofner
Diane Hofner
Dawn Timm
Beverly Mosier

Syracuse, NY Hearing

- The Syracuse hearing was held on June 24, 2010 in the New York State Fairground Art and Home Center, Martha Eddy Room, 81 State Fair Boulevard, Syracuse, New York at 5:00 pm. Fifteen attendees provided verbal comments. Mr. Timothy DiGiulio, P.E. acted as Hearing Officer. The speakers were:

Glen Silver
Linda Oakes
Aaron Stevens
Ian Clingbell
Martha Lowe
Vicky Baker
Don Hassig
Frank Visser
Catherine Bennett-Role
Douglas Kanipple
Tom Rhodes
Mark Knaff
Paul Dutton
Kevin Vorhees
Bill Rabbia

Written Comments

Approximately 430 form letter or email comments were received.

Other written comments were filed by:

Delmonte, D.		Monroe County				
Parisen,M./ Arnold,M./ Zimmer, L.		Civics United for Railroad Environmental Solutions (CURES)	69-06 69th Street	Glendale	NY	11385
Close, James Godfrey, Chuck Witryol, Amy			3 Brightman Road	Mechanicville	NY	12118-2807
Changaris, Steve	Manager	NYS Chapter - Northeast Solid Waste Management Association (NSWMA)				
Wolak, Michael	President	NYS Association for Solid Waste Management	PO Box 13461	Albany	NY	12212
Stockbridge, Joseph			12 Denhelder Drive	Ballston Lake	NY	12019
Sturges, Richard	Area Director of Disposal Operations	Waste Management of NY, LLC	100 Ransier Drive	West Seneca	NY	14224
Tonjes, David J., PhD.	Assistant Professor	Dept. of Technology and Society, Stony Brook Univ.	344 Harriman Hall, Stony Brook University	Stony Brook	NY	11794-3760
Cochran, Janice			19 Carmen Road	Amherst	NY	14226
Leteri, Anthony	President	USA Recycling Facility Services, Inc.	499 Lawrence Road	Kings Park	NY	11754-2028
Kazmayer, Robert Lynn			391 Herrington Hill Road	Greenwich	NY	12834
Aliperti, Vincent	Winemaker	Billsboro Winery-Atwater Estate Vineyards		Geneva and Hector	NY	14841
Willson, John J. P.E. Lauber, Jack D. P.E., BCEE			3 Waterview Drive	Saratoga Springs	NY	12866
Livingston, Cindy	Board Member - NYSASWM	NYSASWM and Fulton Co. DSW				
NYSAR3			PO Box 3913	Albany	NY	12203
Warren, Barbara Clarke, Marjorie J.	Executive Director Ph.D. - Co-Chair	Citizens' Environmental NYC Waste Prevention Coalition	33 Central Avenue	Albany	NY	12210

Schade, Mike	PVC Campaign Coordinator	Center for Health, Env.	P. O. Box 6806	Falls Church	VA	22040
Kearney, Gavin	Director	Env. Just Prog at NYLPI	151 West 30th St., 11th Floor	New York	NY	10001
Thorburn, V.	President	Vokashi	380 Classon Avenue	Brooklyn	NY	11238
NYSASWM		NYSASWM				
Hassig,D./Baker,V.						
Visser, Frank	Director	SW Programs, County of Oswego		Fulton	NY	13069
Dudden, Paul F., P.E.				Camillus	NY	
Rhoads, A.T.	Executive Director	OCRRA	100 Elwood Davis Rd.	North Syracuse	NY	13212-4312
Galletta, V.	Manager - Long- Term Care	Buffalo Pharmacies	20 Lawrence Bell Dr.	Williamsville	NY	14221
Smith, Lewis			3893 Rileys Run	Canandaigua	NY	14424
Ebner, Robin			3927 Monroe Ave.	Hamburg	NY	14075
Hassig, Don		Cancer Action NY				
Plotnick, Steven			18 Cramer Road	Rhinebeck	NY	12572-1104
Lombardi, Paul A.			161 So. Huxley Dr	Buffalo	NY	14225
Rosten, Ellen			240 Strawberry Hill Circle, #3	Ithaca	NY	14850
Hudak, Patricia A.	Minority Leader	Oneida Co. Bd of Legislators	800 Park Ave	Utica	NY	13501-2977
Rice, Mary		Putnam Co. Public Health	1 Geneva Rd	Brewster	NY	10509
Nosenchuck, Norman			1214 Carlyle Dr	Schenectady	NY	12309
Wolin, Leah			75 Henry Street, 12G	Brooklyn	NY	11201
Spohn's Disposal Service			PO Box 297	Mohawk	NY	13407
Arnold, Hans (Gerhardt, LLC)			107 Paris Road	New Hartford	NY	13413
Wolak, Michael	President	NYS Association for Solid Waste Management	PO Box 13461	Albany	NY	13461
McPherson, Rosemarie		Town of Babylon - Dept. of Env. Control	281 Phelps Lane	North Babylon	NY	11703-4045
Aubertine, Hon. Darrel J.	Senator	NY State Senate	903 LOB	Albany	NY	12247
Baker, Vicki		OCRRA				
Hofner, Diane		CROP PLUS	7554 Prospect Sta Rd	Mayville	NY	14757
Duggan-Haas, Kathy		Resource Recycling Systems, Inc.				
Samuelson, Jeremy	Env. Advocate	Group for the East End	PO Box 569	Bridgehamton	NY	11932
Edward, Margaret	Public Affairs	Waste Management of NY, LLC	100 Ransier Drive	West Seneca	NY	14224
Garvan, Sarah		Westchester Co. DEF	270 North Ave.			

Loew, Martha		Iroquois Group. Atl. Chap.	PO Box 82	Jamesville	NY	13078
Sann, Bob	Past Exec. Director	WE CAN, Inc.				
Cahill, Michael J	Esq.	Germano & Cahills, PC	4250 Vets Mem Hwy	Hollbrook	NY	11741
Zeliff, Peter H	CEO	IES	2999 Judge Road	Oakfield	NY	14125-9771
Carr, James J.		Hinman Straub, PC	121 State St	Albany	NY	12207
Coburn, David	Director	Onondaga Co. Office of Env	421 Montgomery St	Syracuse	NY	13202
Neumaier, Ellen			284 Mill Road	East Aurora	NY	14052
Destefano, Linda			5031 Onondaga Rd	Syracuse	NY	13215-1403
Bourque, Ron			2250 Brigham St, Apt K	Brooklyn	NY	11229
Sheth, Aarti						
Changaris, Steve	Manager, NYS Chapter	NSWMA	290 Turnpike Rd	Westboro	MA	01581
Swartz, Gusti		Sierra Club-Atlantic Chapter	130 W 16th St #41	New York	NY	10011
Ingram, Joelle						
DeSocio, Debra				Fayetteville	NY	13066
Goehrig, James P., P.E.		Modern Landfill	4746 Model City Rd	Model City	NY	14107-0209
Stern, Robert	President	Concerned Citizens of Montauk	8 Fir Lane	Montauk	NY	11954
Stein, Jaime	Env. Analyst	Sustainable So. Bronx				
Neumann, Philip		Build It Green! NYC				
Susser, Robert Esq.		Appalachian Mtn. Club	NY/NJ Chapter			
Buxbaum, Diane			365 Sackett St	Brooklyn	NY	11231
Fasullo, Jane		Sierra Club - LI Group				
Willebrand, Julia	Former Chair	Manhattan Citizens SWAB	255 West 84th St	New York	NY	10024
Beahan, Laurence T.		Adirondack Mtn. Club	5 Darwin Drive	Amherst	NY	14226
Joyce, Alice			333 4th Street	Brooklyn	NY	11215
Build It Green! NYC/Finger Lakes Reuse/Film Bix Recycling/HF H ReStore/ Lower East Side Ecology Ctr/SSB						
Brautigam, Steven Esq.	Asst. Commissioner, Env. Affairs	NYC DOS, Bur. Leg. Affairs	125 Worth St, Rm 706	New York	NY	10013
Florack, Teresa			206 Greenwood Pl	Syracuse	NY	13210
Lawrence, Susan	Chair	Sierra Club - Atlantic Chap.	353 Hamilton St	Albany	NY	12208
Eagan, Ann			39-51 46 St.	Sunnyside	NY	11104
Maisel, Alan N.	Member of Assembly	Leg. Commission on SWM	4 Empire St Plaza 5th Fl	Albany	NY	12248
Rosenbaum, Lawrence	Chairman	Saratoga Biogas Corp.	101 South Main Ave	Albany	NY	12208
Tassone, John	President	LI Sanitation Officials Assn.				

Orcutt, Steven P.	Asst. Commissioner - Landfill	Steuben Co. DPW	3 E. Pulteney Sq.	Bath	NY	14810
Lieblein, Judy			3523 W Seneca Tpke	Syracuse	NY	13215
Campbell, Edward				Rochester	NY	14617
McKie-Holzworth, Robbyn						
Ferguson, Marcus	Dir. Of Gov't. Affairs	Business Council of NYS, Inc.	152 Washington Ave	Albany	NY	12210
Rivers, Sheila	BACRA Chairperson	BACRA	1259 Fairport Rd	Fairport	NY	14450
Costa, Gregory J.	Director, State Affairs	Grocery Manufacturers Assn.	13501 I St, NW, Suite 300	Washington	DC	20005
Hitt, Daniel P.	Director, Env. Science Bur.	NYS DOT		Albany	NY	12232
Webber, Bonnie Lane		Grass-Roots	1155 Park Ave., SSE	New York	NY	10128
Eadie, Frank			310 West 18th St.	New York	NY	10011
Roppolo, Anna	Exec. Director	Rockland Co. SWMA	420 Torne Valley Rd	Hillburn	NY	10931
May, John and Laura	Owners	Quick Stop Beverages Ctr.		Cortland	NY	
Burger, Chris W.	Solid Waste Committee	Sierra Club - Atlantic Chap.	110 Walters Rd	Whitney Pt.	NY	13862
Lawrence, Amy						
Tai, Bill	Principal Env. Planner	NYC Dept. Parks & Rec.	830 Fifth Ave., 4th Fl	New York	NY	10065
DiSanto, Edwin		So. Wayne Redemp. Ctr.	9446 State Route 31	Clyde	NY	14433
Natale, Bruce	SWM Program Administrator	Cayuga County	160 Genesee St	Auburn	NY	13021
Lenz, Robert		ASA Ransom House	10529 Main St	Clarence	NY	14031
Herkimer County Legislature			109 Mary Street, Suite 1310	Herkimer	NY	13350-2913
Seal, Chuck			8 Fox Hill Drive	Middletown	NY	10940
Stewart, Andy	Exec. Director	Keep Rockland Beautiful, Inc	65 Parrott Rd, Bldg 12	West Nyack	NY	10994
Glaser, Mark	Shareholder	TOMRA	54 State St	Albany	NY	12207
Chang, Brian		Port Authority NY/NJ	225 Park Ave. So.	New York	NY	10003
Murphy, Maureen Dolan	Exec. Programs Manager	Citizens Campaign for Env.	225 Main St	Farmingdale	NY	11735
Smith, Hal		Sierra Club - Atlantic Chap.	205-B Garrett Rd	Windsor	NY	13865
Goodsell, Janet M.		League of Women Voters - Buffalo/Niagara	368 Tracey Ln	Grand Island	NY	14072
DeLuco, Ana Martinez		Sure We Can Redemp. Ctr.	1063 Flushing Ave	Brooklyn	NY	11237
Haight, Laura		NYPIRG	107 Washington Ave	Albany	NY	12210-2270
Flanders, Karen	Dir. Of Env. Compliance	Casella Waste Systems, Inc.	408 East Montpelier Rd	Montpelier	VT	56022
Taylor, James Jr.	President & CEO	Taylor Biomass Energy, LLC	336 Neelytown Rd	Montgomery	NY	12549

Garland, Michael J., P.E.	Director of Env. Services	Monroe Co. Dept. of Env. Services	7100 CityPlace, 50 West Main St.	Rochester	NY	14614-1228
Radin, Andrew		OCRRA	100 Elwood Davis Rd.	North Syracuse	NY	13212
Pisco, Jay T., P.E.	President	SWANA				
Schofield, Daniel	Dep Commr of DSWM	Broome Co. DSWM	60 Hawley St., PO Box 1766	Binghamton	NY	13902
Waffenschmidt, Jeffrey	VP - Env. Svcs & Comm Affairs	Covanta	40 Lane Road	Fairfield	NJ	07004-2615
Rabbia, William	Exec. Director	Oneida Herkimer SWA	1600 Genesee St	Utica	NY	13502
Barnett, Russell	Dir. Env. And Waterways	Town of Smithtown	124 West Main St. PO Box 9090	Smithtown	NY	11787
Shandley, Charlotte			3635 Johnson Ave, Apt 5E	Bronx	NY	10463
Bouchard, Jeff	Director	Fulton Co. DSW	PO Box 28	Johnstown	NY	12095