

NEW YORK  
CITY BAR

COMMITTEE ON ENVIRONMENTAL LAW

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Dear Mayor Bloomberg:

On behalf of the New York City Bar Association's Committee on Environmental Law, I would like to congratulate you and your administration for the ambitious and far-reaching sustainability plan you have proposed for New York City, known as "PlaNYC 2030." It is heartening to see at City Hall the level of environmental leadership that this plan represents. We believe that this plan, together with the Greenhouse Gas Inventory that your Office of Long Term Planning and Sustainability recently released, sets an essential framework for grappling with the urgent challenges of planning for growth while addressing the reality of climate change from the buildup of carbon emissions in our atmosphere.

Our Committee has been paying particular attention to the problem of solid waste management in recent years, including providing comments during the environmental review for the City's new Solid Waste Management Plan (SWMP). One comment we provided was that carbon emissions from the proposed SWMP and from alternatives should be studied. Unfortunately this suggestion was not followed. Other jurisdictions, such as Los Angeles, have recently adopted their own long-term plans for solid waste, based on a careful consideration of alternatives, including disclosure of carbon emissions associated with each alternative. Our Committee sponsored a Symposium on Managing Solid Waste Sustainably on December 4, 2006 at which the results of the Los Angeles' environmental life cycle analysis were discussed. Enclosed is the presentation from the not-for-profit RTI, Inc. that presents a comparison of New York's plan with that of Los Angeles' plan. As you can see, reliance on long distance transport and landfilling is not optimal from a carbon emissions perspective, compared to alternatives. We believe this is important information for policy makers. We were therefore pleased that Commissioner John Doherty from the City's Department of Sanitation took part in our Symposium.

A similar environmental life cycle analysis for New York City's SWMP, and alternative technologies, would be well worth the modest cost (less than \$10,000). We urge your administration to undertake such an analysis, which should include waste reduction and reuse strategies and an examination of the extent to which disposal technologies might interfere, if at all, with reuse and reduction efforts.

In fact, our Committee recently wrote to Governor Spitzer to urge his administration to incorporate environmental life cycle analysis, including carbon emissions, in the consideration of municipal solid waste management plans. This is in keeping with the purpose of the State Environmental Quality Review Act and the City Environmental Quality Review procedures. It is also in keeping with the existing state regulation that requires solid waste plans to include "an evaluation of various technologies for storage, treatment, and disposal of solid waste," the "costs of the various alternatives," and "an assessment of the potential environmental, economic and social impacts associated with each technology." 6 NYCRR §360-15.9(g).

We note that your PlaNYC 2030 includes a commitment to develop facilities for deriving useful energy from post-recycling municipal solid waste, with pilot facility development contemplated for both thermal processing technology and anaerobic digestion technology. Obviously any such facility will require careful environmental review and close public scrutiny before it can be sited and constructed. We take no position on these technologies, other than to welcome their consideration and comparison to alternatives from a sustainability perspective, as well as other relevant environmental and social criteria. Given what former Vice President Al Gore has termed the "planetary emergency" of global warming, New York City cannot afford to ignore the fact that its transport and disposal of waste to distant landfills generates significant carbon emissions from transport and other greenhouse gas emissions from landfill gas releases, and the burying of British thermal units associated with such waste constitutes another wasted opportunity to reduce our continued dependence on imported fossil fuels.

Again, congratulations on your PlaNYC 2030. Our Committee looks forward to playing a constructive role as the hard work to implement this plan begins.

**New York City Bar Association  
Environmental Law Committee**

By: Christine Fazio  
**Christine Fazio, Esq.**  
**Chair**

Enclosure

cc: Hon. Daniel L. Doctoroff, Deputy Mayor for Economic Development & Rebuilding  
Hon. Edward Skyler, Deputy Mayor for Administration  
Hon. John Doherty, Commissioner, Department of Sanitation  
Hon. Michael E. McMahon, Chair, Committee on Sanitation & Solid Waste Management  
Hon. James F. Gennaro, Chair, Committee on Environmental Protection  
Hon. Christine C. Quinn, Council Speaker  
Hon. William C. Thompson, Jr., Comptroller  
Hon. Maria del Carmen Arroyo  
Hon. Dennis P. Gallagher  
Hon. Robert Jackson  
Hon. Jessica S. Lappin  
Hon. Larry B. Seabrook  
Hon. David Yassky