



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
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DEPUTY COMPTROLLER FOR
AUDIT

BUREAU OF AUDIT

September 24, 2014

By Electronic Mail

Mr. Carl Weisbrod
Director
New York City Department of City Planning
22 Reade Street
New York, NY 10007

Re: Letter Report on the New York City Department of City Planning's Compliance with Local Law 36 (Audit Number 7R14-103AL)

Dear Mr. Weisbrod:

This Letter Report contains the findings of our audit of the compliance by the New York City Department of City Planning ("DCP") with Local Law 36, which governs waste prevention, reuse and recycling by City agencies. The objective of this audit is to determine if DCP is complying with the local law, which is intended to make City agencies, and ultimately the City as a whole, more sustainable through efforts that promote a clean environment, conserve natural resources and manage waste in a cost-effective manner. In addition, in the course of the audit, we noted efforts made by DCP to follow additional recycling rules established by the Department of Sanitation for the City of New York ("DSNY") pursuant to Local Law 36. Our audit of DCP is one in a series of audits we are conducting of compliance with the local law.

Background

In 1989, New York City established Local Law 19, codified as Administrative Code §§ 16-301, *et seq.*, to establish an over arching "policy of the city to promote the recovery of materials from the New York City solid waste stream for the purpose of recycling such materials and returning them to the economy." The law mandates recycling in New York City by residents, agencies, institutions, and businesses, and includes a series of rules to guide implementation. Local Law 19 requires the City to establish environmental policies to conserve natural resources and manage waste in a sustainable and cost-effective manner.

In 2010, the City enacted Local Law 36 by which it amended the recycling provisions of Local Law 19 (Administrative Code § 16-307) to require each City agency to develop a waste prevention, reuse, and recycling plan and submit the plan to the DSNY for approval by July 1, 2011, and each year after. Local Law 36 also requires each agency to designate a lead recycling or sustainability coordinator for the agency and, where the agency occupies more than one building, to designate an assistant coordinator for each building the agency occupies. By July 1, 2012, and in each year thereafter, the lead recycling coordinator for each agency is required to submit a report to the head of its agency and to DSNY “summarizing actions taken to implement the waste prevention, reuse, and recycling plan for the previous twelve-month reporting period, proposed actions to be taken to implement such plan, and updates or changes to any information included in such plan.”

In addition, Local Law 36 requires the Commissioner of DSNY to adopt, amend, and implement regulations governing recycling by City mayoral and non-mayoral agencies. DSNY is also responsible for consolidating the information contained in agency reports and including this information in the department’s annual recycling report.

Findings and Recommendations

Our audit found that DCP did not comply with Local Law 36. Although DCP source separates its recyclable materials, we found that DCP did not establish a waste prevention, reuse and recycling plan. Further, we found that DCP did not designate any assistant coordinators for its occupied buildings as required by Local Law 36. Our findings are summarized in the table entitled Compliance Summary below.

COMPLIANCE SUMMARY		
Local Law 36 Criteria	Compliance	Notes
Recycles designated materials	Yes	Overall the program complied
Designates waste prevention reuse and recycling coordinator	Partial	DCP designated only one coordinator for all of its six facilities in the city
Establishes a waste prevention, reuse and recycling plan by July 1, 2011	No	DCP did not have a waste prevention, reuse and recycling plan
Submits annual report to the agency head and DSNY Commissioner	No	DCP did not submit the annual reports for fiscal year 2012 and fiscal year 2013

In addition to these findings, we observed that DCP has made additional efforts to address waste prevention, reuse, and safe handling of hazardous waste beyond the requirements of the local law. Specifically, DCP has set the office printers to duplex

printing to reduce its paper usage. DCP participates in a city operated program called “Materials for the Arts” by donating its unwanted office supplies, such as foam core presentation boards, for reuse. DCP also participates in a city-wide contract for the disposal of batteries and other hazardous wastes. These measures were taken in accordance with DSNY’s additional guidelines enacted pursuant to Local Law 36.

We recommend that DCP prepare its waste prevention, reuse and recycling plan as soon as practical and submit the required annual reports to its Director and DSNY by July 1st of each year. We also recommend that DCP designate additional assistant coordinators as required by Local Law 36.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was July 1, 2011, the date Local Law 36 went into effect, through March 4, 2014, the last day of our fieldwork. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies, and procedures to determine our criteria in accordance with Local Law 36, including Local Law 19, Local Law 36, DSNY’s agency waste prevention, reuse and recycling plan template, and DSNY’s report submission form and implementation guidelines;
- We sent an electronic survey to DCP to determine if the agency met the key provisions of Local Law 36 reflected as the core criteria in the table below and analyzed the survey results and other additional materials provided by DCP;
- We requested and reviewed as applicable DCP’s waste prevention, reuse, and recycling plan, list of coordinators, and the agency’s 2012 and 2013 annual reports; and
- We conducted interviews with DCP’s recycling/sustainability coordinator to discuss the agency’s recycling and waste prevention efforts and visited DCP to verify its compliance with Local Law 36.

Based on our understanding of the Local Law 36 requirements, we outlined all the criteria necessary for agencies to be in compliance. The table below outlines agencies’ core criteria required to achieve compliance under Local Law 36. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
Recycling	Agency source-separates recyclable materials
Coordination	Agency has a lead coordinator
	Agency has assistant coordinator(s) as applicable
WPRR Plan	Agency has a waste prevention, recycling, and reuse plan
Report to Agency Head and DSNY Commissioner	Agency submitted 2012 report
	Agency submitted 2013 report

Because many agencies may have pursued initiatives beyond these core requirements, we recognized agencies' additional actions regarding recycling and sustainability. Our observations are based on the additional actions established by DSNY in its waste prevention, reuse, and recycling plan implementation guidelines and other efforts taken by agencies.

The issues covered in this report were discussed with DCP officials during and at the conclusion of this audit. On August 15, 2014, we submitted a draft report providing DCP with an opportunity to formally respond. DCP's response was received on August 21, 2014. In its written response, DCP agreed with the recommendations and has taken steps during the course of the audit to implement them.

The full text for the DCP's comment is attached as an addendum to this report.

Sincerely,

Marjorie Landa

- c: Maureen Brooks, Director of Operations
- Mindy Tarlow, Director, Mayor's Office of Operations
- George Davis, III, Deputy Director, Mayor's Office of Operations



Carl Weisbrod, *Director*
Department of City Planning

August 21, 2014

Honorable Marjorie Landa
Deputy Comptroller for Audit
Office of the Comptroller
1 Centre Street, Room 1100
New York, NY 10007

RE: Draft Letter Report on the New York City Department of City Planning's Compliance with Local Law 36 (Audit Number 7R14-103AL)

Dear Deputy Comptroller Landa:

This letter represents the New York City Department of City Planning's (DCP) response to the findings and recommendations contained in the Draft Letter Report issued by the Office of the New York City Comptroller on August 15, 2014 regarding compliance with Local Law 36.

As noted in your letter, DCP does generally comply with Local Law 36, recycles designated materials and makes additional efforts to address waste prevention. Our agency shares the goals and objectives of the law and is committed to facilitating and complying with its provisions.

DCP Responses to Specific Findings and Recommendations in the Report

Recommendation #1: DCP should prepare its waste prevention, reuse and recycling plan as soon as is practical and submit the required annual reports to its Director and DSNY by July 1st of each year:

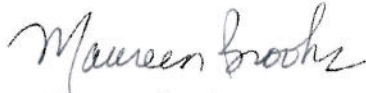
DCP agrees, and has submitted the recycling plan to DSNY as of August 12, 2014. DCP is in the process of hiring an agency Chief Operating Officer, who will submit annual reports by July 1st of each year as required by Local Law 36.

Recommendation #2: DCP should designate additional assistant coordinators for each borough office:

DCP agrees, and has named assistant recycling coordinators at all borough offices. We will update our site information sheet to include those names and contact information.

Please do not hesitate to contact me if you have further questions or require additional information.

Best regards,



Maureen Brooks
Director of Administration

Cc: Carl Weisbrod, Chairman

Maureen Brooks
Director of Administration
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