

## STATE ENVIRONMENTAL REGULATION

## Expert Analysis

# Mayor de Blasio's Sustainability Program for New York City

The new mayor of New York City, Bill de Blasio, is expected to (and is expecting to) shake things up quite a bit. Much attention during his campaign, and since he has taken office, has been on his economic ideas, including his proposals for income tax hikes to help fund his pre-kindergarten education program. Candidate de Blasio, however, set forth positions on a wide variety of issues before the election. Included among those was a vision for a “sustainable city”<sup>1</sup> that, if enacted—and even if enacted in part—could affect virtually every resident and business in every borough in the city.

Sustainability, of course, is not a new concept. In 2011, for instance, Governor Andrew M. Cuomo announced the Cleaner Greener Communities<sup>2</sup> program in his State of the State address, and as a result there now are regional sustainability plans or plans to develop those plans throughout the state,<sup>3</sup> including in New York City.<sup>4</sup>

The city certainly has been paying attention to environmental matters, as its PlaNYC illustrates.<sup>5</sup> Consider as well just two additional examples: The city recently finalized a wetlands strategy,<sup>6</sup> and it has adopted a “Greener, Greater Buildings Plan” in an effort to track energy and water use.<sup>7</sup> Yet one might reasonably expect that Mayor de Blasio will make a major effort to see his sustainability vision enacted into law. This column highlights his key proposals.

### Climate Change

The first two words in candidate de Blasio’s “Framework for a Sustainable City” tell a lot about his interests and concerns: climate change. The third sentence in this document tells a lot about his goals: “New York City is uniquely positioned to become the most sustainable big city in the world.”

The framework first proposes the creation of an “alliance” for a sustainable New York to “build on the successes of PlaNYC” by convening “all

stakeholders”—from both the public and private sectors—to “expand and deepen PlaNYC.” The framework proposes annual updates every year on Earth Day.

Next, the framework focuses on renewable energy, advocating a “clear commitment to alternative energy sources” to reduce New York City’s carbon footprint and to “expand economic opportunities—from entrepreneurs to production and installation jobs.” Toward that end, the framework proposes to expand the city’s investment in “large-scale clean energy production,” including wind, solar, geothermal, hydropower, and biofuels. At the least, this would appear to be consistent with some of the plans of the Cuomo administration, which recently committed \$108 million in funding over the next two years for residential and commercial solar energy projects under the NY-Sun initiative. That would bring the total budget for the New York State Energy Research and Development Authority for the next two years to \$216 million.<sup>8</sup>

Notably absent from the framework’s list of alternative energy sources is any mention of nuclear power. Given that omission, one would not expect de Blasio to support Entergy Corporation’s efforts to relicense the Indian Point nuclear reactors in Westchester, which had gained the support of both of his immediate predecessors.<sup>9</sup>

### Green Buildings

When de Blasio was a member of the New York City Council, he co-sponsored legislation to offer incentives to implement green building standards. He also supported mandates for all city construction and repairs to ensure they earn at least a LEED (Leadership in Energy &

Environmental Design) Silver certification. So it should be no surprise that the framework contains an important green building goal.

In particular, the framework states that de Blasio “will make every government-owned building as green as is financially viable by 2020.” It is not clear from the framework how “financially viable” is to be determined. It also should be noted that 2020 would be in the middle of the mayor’s second term, assuming that he is elected to one.

With respect to the private sector, the framework provides that the city will “continue the commitment” to the New York City Energy Efficiency Corporation (EEC), an independent, non-profit financial corporation established by New York City to assist it in implementing its Greener, Greater Buildings Plan and to advance the goals of PlaNYC. The EEC’s goal is “to make energy efficiency investments and clean heat conversions a reality for building owners throughout the five boroughs.”<sup>10</sup>

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In addition, the framework states that de Blasio “will also replicate Chicago’s public-private partnership model”<sup>11</sup> to create more funding for energy efficiency and renewable energy projects. According to the framework, this would include direct loans for energy efficiency in buildings and “Energy Services Agreements,” where energy efficiency work is packaged as a service that a building owner pays for through savings with limited upfront cost to the owner.<sup>12</sup>

### Reducing Energy Use

The framework proposes to help businesses reduce their energy use by having city workers provide them with information on ways to increase energy efficiency in their buildings, better manage waste, identify gov-

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ernment and private resources to “green” their businesses, and use energy savings to grow their businesses.

The somewhat amorphous nature of that kind of “technical assistance” can be compared to a specific goal in the framework of generating “zero waste” in the city. The framework declares that the city is “behind in recycling and reducing waste,” that the city spent \$320 million in 2011 on disposal, and that sanitation trucks drove 40 million miles, “spewing huge amounts of greenhouse gases.”

Interestingly, the framework asserts that although the cost of zero waste may sound unattainable, it is a “practical program and goal.” The framework says that since adopting zero waste as a goal, San Francisco recycles 80 percent (New York currently recycles 15 percent, according to the framework) of its waste, and that cities including Seattle and Oakland and the states of Minnesota, Oregon, and California are striving for zero waste. The framework declares that de Blasio “will institute” a zero waste program that will have these steps:

- strengthening and expanding existing recycling,
- instituting composting programs, and
- establishing waste reduction programs, including, for example, bans on plastic bags and requiring more materials to be recyclable or compostable.

Similarly, the framework proposes to expand municipal composting citywide. The framework states that de Blasio “will expand the city’s program and create a mandatory citywide municipal composting system within five years.”

“Zero waste” cannot be reached overnight, and the framework recognizes that, proposing a “fair, five-borough plan” to handle New York’s garbage now. Declaring that New York City’s trash has been “disproportionately shipped to poor communities in the outer boroughs,” the framework states that de Blasio “will implement the Comprehensive Solid Waste Management Plan, including opening the 91st Street Marine Transfer Station” in Manhattan.<sup>13</sup>

#### Infrastructure

There are a number of proposals in the framework relating to the city’s infrastructure, especially important in light of the damage wrought by Superstorm Sandy.

For one thing, the framework states that the mayor “will invest in infrastructure upgrades that improve our resilience and ability to respond to an emergency,” citing as examples permeable surfaces and natural infrastructure. It also says that the mayor will implement many of the recommendations made by the Special Initiative for Rebuilding and Recovery,<sup>14</sup> specifically including safeguarding utilities and hospitals and improving protective infrastructure with assets such as surge barriers and sand dunes.

The framework also indicates that the mayor will restore and renew coastal ecosystems including wetlands, dunes, and rivers. The framework states that, “[i]n the same way that the High Line has been transformed from an urban blight to a rich community space, New York City can renew our waterways—such as the Gowanus Canal, Newtown Creek, and Jamaica Bay—to improve our water ecosystems and expand locations for urban ecotourism.” The framework also promises that de Blasio “will implement a five-borough bioswales initiative”<sup>15</sup> intended to minimize the pressure on the city’s water and sewer system.

In addition, the framework says that de Blasio will target rezoning and development of additional housing to locations with strong transit connections, encouraging higher-density development at and around transit hubs and preserving lower density neighborhoods located further from mass transit.

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#### Technology

As might be expected today, technology plays an important role in the framework.

First, the framework promises “gateless tolling” to cut down on congestion and delay for drivers. It points out that the mayor will work with the Metropolitan Transportation Authority to introduce gateless tolling on “traffic-choked” existing toll bridges, most notably the Verrazano-Narrows Bridge.

Second, the framework says that the mayor will support the development of a smart grid and a smart meter system. This will require working with the state Legislature to establish real-time pricing options for electricity as a means of decreasing energy consumption. The mayor’s framework also says he will support increasing the size of solar and alternative energy installations that can use net metering, a system that allows homes and businesses to feed energy that has not been used back into the grid.

#### Fracking

It should be no surprise that the framework highlights a resolution sponsored by the mayor in 2009 that called on federal and state agencies to “assess the risks” posed by hydrofracking to drinking water, and to apply appropriate regulations. According to

the framework, the mayor believes that questions about health and environmental safety of fracking “remain unanswered.”

#### Training

Finally, the framework advocates training of students, apprentices, and workers to reduce energy costs. The framework calls for the creation of a “green workforce,” based on the Green Professional Building Skills Training model,<sup>16</sup> where labor unions, government officials, business leaders, environmentalists, and educators from the City University of New York train workers and credential them for career advancement in green building management.

#### Conclusion

Sustainability plans, such as that proposed by candidate de Blasio in the framework and now presumably a road map for Mayor de Blasio, can cover a host of areas, from transportation, land use, energy, and water management to waste management, economic development, and climate change adaptation. The extent to which the various concepts in the framework will be adopted no doubt depends on the time, the priorities, and the resources available for a sustainability program, and the effort that the mayor and his team will devote to it. The more of the framework that takes effect, the more New York City will gain a leadership position in sustainability among cities. Many eyes, and pocketbooks, await the new mayor’s decisions.

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1. See <http://www.billdeblasio.com/issues/sustainability-environment>.
2. See <http://www.nyserda.ny.gov/Statewide-Initiatives/Cleaner-Greener-Communities.aspx>.
3. See <http://www.nyserda.ny.gov/Statewide-Initiatives/Cleaner-Greener-Communities/Regional-Sustainability-Plans.aspx>.
4. See <http://www.nyserda.ny.gov/Statewide-Initiatives/Cleaner-Greener-Communities/Regional-Sustainability-Plans/New-York-City.aspx>.
5. See <http://www.nyc.gov/html/planyc2030/html/about/about.shtml>.
6. See Charlotte A. Biblow, “Wetlands Strategy Finalized by New York City,” NYLJ (July 26, 2012).
7. See New York City Local Law 84 Benchmarking Report (Sept. 2013), available at [http://nytelecom.vo.llnwd.net/o15/agencies/planyc2030/pdf/1184\\_year\\_two\\_report.pdf](http://nytelecom.vo.llnwd.net/o15/agencies/planyc2030/pdf/1184_year_two_report.pdf).
8. See Press Release, “Governor Cuomo Announces Additional \$108 Million Commitment to Solar Industry Through NY-Sun Initiative” (Dec. 19, 2013), available at <http://www.governor.ny.gov/press/12192013NY-Sun-Initiative>.
9. See Charlotte A. Biblow, “Considering Nuclear Power As Indian Point Faces License Renewal,” NYLJ (Nov. 23, 2012). Whether a local politician’s opposition to the relicensing of a nuclear power plant has much practical significance is uncertain. See Charlotte A. Biblow, “Second Circuit Closes Down Vermont’s Efforts to Stop Nuclear Plant,” NYLJ (Sept. 26, 2013).
10. See <http://www.nyceec.com/>.
11. See [https://www.cityofchicago.org/city/en/depts/fin/supp\\_info/public\\_private\\_partnerships.html](https://www.cityofchicago.org/city/en/depts/fin/supp_info/public_private_partnerships.html).
12. See <http://www.nyceec.com/esa/>.
13. See <http://www.nyc.gov/html/dsny/html/swmp/swmp4oct.shtml>.
14. See <http://www.nyc.gov/html/sirr/html/home/home.shtml>.
15. See [http://www.nyc.gov/html/dep/pdf/green\\_infrastructure/bioswales-standard-designs.pdf](http://www.nyc.gov/html/dep/pdf/green_infrastructure/bioswales-standard-designs.pdf).
16. See <http://gpro.org/>.