

January 20, 2015

VIA FEDERAL EXPRESS

Department of Sanitation of the City of New York
Freedom of Information Law Officer
125 Worth Street, Room 710
New York, NY 10013

Re: Freedom of Information Law Request

Dear Sir or Madam:

Pursuant to New York State's Freedom of Information Law ("FOIL"), I request the records described below in the possession of the Department of Sanitation of the City of New York ("DOS") relating to New York City's recycling program, expanded polystyrene ("EPS") and other forms of polystyrene, and Local Law 142 of 2013 (also known as "Int. 1060-A"). Unless otherwise indicated, I seek copies of all responsive documents and communications, whether stored in hard copy, electronically, or in any other medium, including electronic mail and other electronic records, created or revised from January 1, 2010 through the present, including any documents created after the date of this request (hereinafter, "documents"):

1. A copy of any transcripts of any hearings before the New York City Council regarding the following legislation: Local Law 142 of 2013, Int. 1205-2013, Int. 0380-2010, and Int. 0228-2010.
2. A copy of any drafts of the Commissioner of Sanitation Kathryn Garcia's January 1, 2015 "Determination on the Recyclability of Expanded Polystyrene" issued pursuant to Local Law 142 of 2013.
3. A copy of any environmental analysis regarding EPS and/or Local Law 142 of 2013 solicited, received, commissioned, produced, or written by the Department of Sanitation, the Office of the Mayor, and/or the New York City Council, and a copy of any drafts of same.
4. A copy of any materials, data, or records relating to all tests mentioned in Commissioner Garcia's "Determination on the Recyclability of Expanded Polystyrene" including, but not limited to, the tests of "optical sorting machines and baling equipment" described on page 5 of the Commissioner's determination.

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5. A copy of any communications between the Department of Sanitation and the Office of the Mayor of New York City regarding EPS or other forms of polystyrene and/or Local Law 142 of 2013 including, but not limited to, communications regarding or referring to the terms “environmentally effective,” “economically feasible,” and “safe for employees” as defined by Local Law 142 of 2013 and communications containing specific inquires that the Department of Sanitation made to the Office of the Mayor in reference to EPS or other forms of polystyrene and/or Local Law 142 of 2013.

The above request includes, but is not limited to, a copy of any communications, including, but not limited to, text messages,

between or among representatives of the Department of Sanitation, including, but not limited to, Bridget Anderson, DSNY's Deputy Commissioner for Recycling and Sustainability, Gregory Anderson, Chief of Staff at the Department of Sanitation, and Ron Gonen, Deputy Commissioner for Recycling and Sustainability, *and*

representatives of the Office of the Mayor of New York City, including, but not limited to, Jon Paul Lupo, director of the Office of City Legislative Affairs, Reggie Thomas, deputy director of the Office of City Legislative Affairs, and Nilda Mesa, director of the Office of Sustainability.

6. A copy of any communications between the Department of Sanitation and any members or staff of the New York City Council regarding EPS or other forms of polystyrene and/or Local Law 142 of 2013 including, but not limited to, communications regarding or referring to the terms “environmentally effective,” “economically feasible,” and “safe for employees” as defined by Local Law 142 of 2013.
7. A copy of any communications between the Department of Sanitation and any third party regarding or referring to EPS or other forms of polystyrene, Local Law 142 of 2013, and/or the terms “environmentally effective,” “economically feasible,” and “safe for employees” as defined by Local Law 142 of 2013, including, but not limited to:
 - a. Sims Municipal Recycling (“SMR”)
 - b. Plastic Recycling, Inc. (“PRI”)
 - c. The City of Los Angeles Sanitation Department
 - d. Burrtec Waste Industries, Inc.

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- e. Titus, Inc.
 - f. NEPCO, Inc.
 - g. The New York League of Conservation Voters
 - h. The National Resources Defense Council
 - i. Dunkin' Donuts or Dunkin' Brands Group, Inc.
 - j. McDonald's Corp.
 - k. Jamba Juice or Jamba, Inc.
 - l. The New York City Department of Education
 - m. The New York City Department of Health
 - n. The New York City Department of Small Business Services
 - o. The New York State Restaurant Association
 - p. any New York City Business Improvement District(s)
8. A copy of any communications between the Department of Sanitation and members of the press regarding EPS or other forms of polystyrene and/or Local Law 142 of 2013, including, but not limited to, communications with the *New York Times* concerning the issuance of Commissioner Garcia's "Determination on the Recyclability of Expanded Polystyrene."
9. A copy of any and all contracts between Sims Municipal Recycling ("SMR") and any purchasers or processors of material collected at SMR.

We seek all of the records requested above.

If the production of documents is denied in part, please provide a log specifying the exemptions claimed for each withheld document, page or passage. If no documents responsive to a particular request or requests exist, please issue a written statement confirming that no such documents exist.

In order to minimize delay, we request that you produce documents pursuant to this request on a rolling basis. Please do not delay making any of the requested records available because other requested records have not yet been found, redacted, or otherwise prepared for release.

We are willing to incur costs of up to \$1,000 for duplicating and postage without prior authorization. If costs will exceed this amount, please call me at (212) 351-3825 as soon as possible.

GIBSON DUNN

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I ask that this request be processed in an expedited manner. Please contact me if you need additional information. Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Randy Mastro".

Randy M. Mastro