

Transfer, Transportation and Disposal

We have negotiated contracts with all of the major national solid waste companies and developed several innovative concepts, including the employment of a reliable fuel price index to eliminate pricing premiums to account for pricing volatility, requiring maximum turn-around times and anticipating the need for back-up capacity in the event of unforeseen circumstances. Our engagements have included the procurement of new transfer stations on both a design-build and design-build-operate-maintain basis, as well as the procurement of contract operators for existing facilities.

In addition, we have assisted several municipalities with the procurement of local and long-haul solid waste transport and disposal services, individually and as a combined service. These include the New York City Department of Sanitation, which we have continuously represented since 2000 in connection with the City's massive 10,000 tpd export program for DSNY-collected waste. In its capacity as the City's special solid waste counsel, Hawkins has procured and negotiated seven major long-term multi-modal transfer, transportation and disposal contracts with aggregate contract value exceeding \$10 billion.

New York City Department of Sanitation Waste Export Program

Hawkins has served as DSNY's outside solid waste legal counsel for more than 30 years. Our work has included procurement and contract services required for the implementation of the City's approved master "borough-centric" solid waste management plan, which requires the containerization of all Department of Sanitation-collected waste and its export by barge or rail through multi-modal facilities. We have assisted the City in the procurement and negotiation of seven long-term contracts for the disposal of 10,000 tons of MSW per day ranging in value from \$1 billion to \$3 billion. Under the export program, DSNY waste is now being disposed of, by agreement with the host communities, in landfills located in Virginia, South Carolina, Pennsylvania and New York State.

Five of these contracts have involved the use of privately-owned transfer stations for the transportation and disposal of municipal solid waste originating in all five City boroughs: (1) Staten Island (Republic Waste); (2) Manhattan (Covanta); (3) Bronx (Waste Management); (4) Brooklyn (Waste Management); and (5) Queens (Waste Management). Two contracts were for the barging and disposal of DSNY-collected municipal solid waste through four completely rebuilt City-owned marine transfer stations, one pair serving Queens and Manhattan (Covanta) and another pair serving Brooklyn (Waste Management).

In assisting DSNY in carrying out solid waste export program, Hawkins handled the full range of related legal and commercial issues, including marine, rail (CSX and Norfolk Southern) and intermodal (New York Container Terminal) transportation matters; various disposal technologies (landfill, waste-to-energy, and recycling), and coordination between various City and State public agencies.

Procurement and Contract Counsel Engagement List

The following is a representative list of the firm's engagements as owner's lead counsel for project procurements in the solid waste transfer, transportation and disposal sector:

- Arecibo, PR
- Clarkstown, NY
- Greensboro, NC
- Monmouth County, NJ
- Montgomery County, OH
- Morris County, NJ
- New York City, NY

- Somerset County, NJ
- Virgin Islands

Practices

- Alternative Project Delivery
- Bank Counsel
- Bond Counsel
- Disclosure Counsel
- Public-Private Partnerships
- Underwriters' Counsel