

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT 1
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID
WASTE MANAGEMENT

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April 29, 2022
Start: 11:02 a.m.
Recess: 1:23 p.m.

HELD AT: HYBRID HEARING - Council Chambers -
City Hall

B E F O R E: Sandy Nurse, Chairperson

COUNCIL MEMBERS:

Erik D. Bottcher
Amanda Farías
James F. Gennaro
Julie Menin
Chi A. Ossé
Marjorie Velázquez
Nantasha M. Williams
Diana Ayala
Gayle A. Brewer
Darlene Mealy

A P P E A R A N C E S (CONTINUED)

Gregory Anderson, Deputy Commissioner of the
Department of Sanitation
Justin Bland, Director of Commercial Waste Zones
of Department of Sanitation
David Feldman, Deputy Commissioner of Legal
Affairs and General Counsel from the Business
Integrity Commission
Lacey Tauber
Eric Goldstein
Lonnie J. Portis
Maritza Silva-Farrell
Daniel Wright
Justin Wood
Carlos Castell Croke
Lew Dubuque
Lauren Pine
Greg Todd
Frederick Schneider
Diana Blackwell
Ryan Thoresen Carson
Dominic Susino

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2 SERGEANT-AT-ARMS: The recording has
3 started.

4 SERGEANT-AT-ARMS: Chambers recording has
5 started.

6 SERGEANT-AT-ARMS: Thank you. Cloud is
7 started.

8 Good morning, everyone. Welcome to
9 today's remote New York City Council hearing of the
10 Committee on Sanitation and Solid Waste Management.

11 At this time, would all panelists please
12 turn on your videos for verification purposes?

13 To minimize disruption, please place
14 electronic devices to vibrate or silent.

15 If you wish to submit testimony, you may
16 send it to testimony@council.nyc.gov. Again, that's
17 testimony@council.nyc.gov.

18 Thank you for your cooperation. Chair, we
19 are ready to begin.

20 CHAIRPERSON NURSE: Thank you all. Very
21 excited to have this hybrid hearing. Thank you for
22 joining our hearing on Waste Equity, Commercial Waste
23 Zones, and Transfer Stations.

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2 First, I would like to acknowledge my
3 other Council Members, Council Members Velazquez and
4 Farias for being here.

5 I'm going to open with a statement, and
6 then we'll turn it over to the Committee Counsel.

7 And Council Member Osse for being here.

8 Good afternoon, everyone. Thank you,
9 Committee Members and Deputy Commissioner Gregory
10 Anderson, BIC Deputy Commissioner, BIC General
11 Counsel for joining us today.

12 This morning, I stood alongside the
13 Transform Don't Trash Coalition who are dedicated to
14 transforming New York City's commercial trash
15 industry to reduce waste and pollution, foster clean
16 and healthy communities for all New Yorkers, and
17 create good jobs to ensure the city implements
18 commercial waste zones expeditiously and equitably.
19 In 2019, New York City passed the historic Commercial
20 Waste Zones law, Local Law 199 of 2019, requiring the
21 establishment of commercial waste zones aimed at
22 implementing a safer, healthier, and more efficient
23 commercial waste collection system throughout the 5
24 boroughs. The CWZ program improves the waste sector's
25 transparency, accountability, and service to small

2 businesses. The program also provides safety
3 conditions for sanitation workers, reduces vehicle
4 emissions, and decreases citywide greenhouse gas
5 emissions to move our city closer to our 80 by 50
6 climate goals. Most importantly, the CWZ program will
7 alleviate air pollution burdens and public safety
8 hazards in the frontline BIPOC communities that have
9 historically shouldered the burden of our entire
10 city's waste infrastructure.

11 In 2018, New York City passed the Waste
12 Equity Law, Local Law 152 of 2018, to help reduce the
13 truck traffic associated with collecting and
14 exporting solid waste by requiring the Department of
15 Sanitation to reduce permitted capacity at
16 putrescible and non-putrescible solid waste transfer
17 stations in our 4 overburdened community districts.
18 This was an important step to bring greater
19 environmental justice to the city with permitted
20 capacity at transfer stations reduced by 50 percent
21 in Brooklyn Community District 1 and by 33 percent in
22 Queens Community District 12 and Bronx Community
23 Districts 1 and 2 respectively.

24 How commercial waste is collected and
25 where both commercial and residential waste is

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2 processed and packaged for export has a major impact
3 on our city overall, but it has acute impacts in the
4 neighborhoods of North Brooklyn, Southeast Queens,
5 and South Bronx. These neighborhoods are homes to
6 working class Latinos, blacks, and immigrant
7 families, and we know that aging commercial waste
8 trucks represent a major source of greenhouse gas
9 emissions in New York City. The congregation of them
10 into these 3 main neighborhoods on top of the toxins
11 and chemicals and smells has created significant
12 generational negative health impacts on the people
13 living there. Frontline communities led by people who
14 have never planned to be activists but who were
15 forced to step up and organize for their communities
16 to be healthy fought really hard for commercial waste
17 zones and the Waste Equity Law, and it is the
18 responsibility of New York City to honor that fight
19 and implement these laws as a priority.

20 I and many other Council Members and
21 advocates are ready, able, and committed to working
22 closely with DSNY, BIC, and this administration to
23 advance these laws in good faith and with good
24 spirits. We want New York City to succeed in this
25 work and to ensure the department has the resources

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2 to immediately accelerate the work of achieving the
3 city's environmental justice, waste equity, climate,
4 and zero waste goals.

5 Today, we will hear testimony both in
6 person and virtually from city residents, advocates,
7 workers, businesses, DSNY, and BIC on the status of
8 waste equity, transfer facilities, and commercial
9 waste zones.

10 I want to thank my lovely team, Annel
11 Hernandez, Mohammad Khan, and Ryan Hickey for their
12 hard work on putting this hearing together. I'd also
13 like to thank Jessica Albin, who I've just met for
14 the first time in person, John Seltzer, and Ricky
15 Chawla in the other room for supporting me as Chair,
16 and thank you to Deputy Commissioner Greg Anderson
17 and Justin Bland for being here. I know you all have
18 a wealth of wisdom and experience, and I'm looking
19 forward to this conversation today.

20 I also want to acknowledge Council
21 Members Williams and Bottcher have joined us
22 virtually.

23 Now I'm going to hand it over to our
24 Committee Counsel.

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2 JESSICA ALBIN, MODERATOR: Thank you,
3 Chair. I am Jessica Steinberg Albin, Acting Counsel
4 to the Sanitation and Solid Waste Management
5 Committee of the New York City Council.

6 Before we begin, I want to remind
7 everyone that you will be on mute if you are remote
8 until you are called on to testify, when you will be
9 unmuted by the host.

10 I will be calling on panelists to
11 testify. Please listen for your name to be called.

12 During the hearing, if Council Members
13 joining via Zoom would like to ask a question of the
14 administration or a specific panelist, please use the
15 Zoom raise hand function, and I will call on you in
16 order. We will be limiting Council Member questions
17 to 5 minutes, which includes the time it takes to
18 answer your questions.

19 The first panelists to give testimony
20 will be Gregory Anderson, Deputy Commissioner of the
21 Department of Sanitation. For the question and answer
22 period, we will also be joined by Justin Bland,
23 Director of Commercial Waste Zones from the
24 Department of Sanitation, and David Feldman, Deputy
25

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2 Commissioner of Legal Affairs and General Counsel
3 from the Business Integrity Commission.

4 I will now administer the oath.

5 Deputy Commissioner Anderson, Director
6 Bland, Deputy Commissioner and General Counsel
7 Feldman, I will call on each of you individually for
8 a response. Please raise your right hands.

9 Do you affirm to tell the truth, the
10 whole truth, and nothing but the truth before this
11 Committee and to respond honestly to Council Member
12 questions? Deputy Commissioner Gregory Anderson.

13 DEPUTY COMMISSIONER ANDERSON: I do.

14 JESSICA ALBIN, MODERATOR: Director Justin
15 Bland.

16 DIRECTOR BLAND: I do.

17 JESSICA ALBIN, MODERATOR: Deputy
18 Commissioner and General Counsel David Feldman.

19 DEPUTY COMMISSIONER FELDMAN: I do.

20 JESSICA ALBIN, MODERATOR: Thank you.
21 Deputy Commissioner Anderson, you may begin when
22 ready.

23 DEPUTY COMMISSIONER ANDERSON: Thank you,
24 and good morning, Chair Nurse, Members of the City
25 Council Committee on Sanitation and Solid Waste

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2 Management. As the Committee Counsel mentioned, I am
3 Gregory Anderson, Deputy Commissioner for Policy and
4 External Affairs and joined by Justin Bland, Director
5 of Commercial Waste for the department, and David
6 Feldman, Deputy Commissioner for Legal Affairs and
7 General Counsel at the Business Integrity Commission.
8 Thank you for the opportunity to testify here today
9 on these important topics related to commercial waste
10 in New York City.

11 First, I want to say how thrilled I am to
12 be testifying here in person for the first time in 2
13 years. It's been an exciting 2 weeks for the
14 Department of Sanitation with the new Commissioner,
15 new and assorted programs, and thank you to the many
16 Council Members who joined us to announce those
17 programs, millions in additional funding, and all
18 announced in the last 2 weeks, and Commissioner Tisch
19 looks very much forward to joining you here to
20 discuss these topics and more at the Executive Budget
21 hearing in just 11 days from now.

22 While DSNY collects trash and recycling
23 from residential buildings, approximately 90
24 different private carters crisscross the city each
25 night to service the city's approximately 100,000

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2 commercial businesses. Private carters dispose of
3 waste at a network of private transfer stations and
4 recycling facilities in New York City and around the
5 metropolitan region. This administration is committed
6 to implementing critical reforms to this system
7 including the Commercial Waste Zone program. We are
8 committed to working with the Council to continue
9 these efforts in the future, especially as we begin
10 the planning for our 2026 update to the city's
11 comprehensive solid waste management plan.

12 Let me begin with some history that
13 explains where the city is today in terms of waste
14 management. In 2006, the New York City Council
15 adopted the city's Solid Waste Management Plan, which
16 is a fair, 5-borough plan to sustainably manage New
17 York City's waste and offer flexibility and
18 resiliency in case of a natural disaster or other
19 emergencies. The SWAMP, as it's known, mandates a
20 shift from waste export by long-haul truck to a
21 system of marine and rail transportations spread
22 through the 5 borough, and the SWAMP's implementation
23 has provided New York City with new world-class
24 infrastructure. In total, the SWAMP has reduced truck
25 traffic associated with waste export by more than 60

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million miles per year including 5 million miles in and around New York City, and it has slashed greenhouse gas emissions associated with that export by 34,000 tons annually. After the closure of the Fresh Kills Landfill, almost all the city's waste was exported by long-haul truck from these privately operated transfer stations, and, because of zoning and siting restrictions, these stations were and are still today predominantly located in 3 neighborhoods in North Brooklyn, Southeast Queens, and the South Bronx. SWAMP is based on the concept of borough equity, and it has steeply reduced truck traffic associated with waste collection and hauling in these communities. The plan also called for the creation of 8 rail or barge-based transfer stations along with the use of existing energy from waste facility in New Jersey, and, together, these 9 facilities make up a resilient and reliable network for the export of waste, and we opened the last of these 9 facilities 3 years ago. They also create new waste transfer capacity that has allowed the city to permanently reduce permitted capacity at transfer stations in historically overburdened communities.

2 While the SWAMP has transformed the
3 residential waste export system with a focus on rail
4 and barge export, private carters continue to rely on
5 a network of private putrescible and construction and
6 demolition transfer stations that largely export
7 waste by truck. These transfer stations perform an
8 important service for New York City every day,
9 helping New York City's businesses small and large
10 dispose of their waste and recyclables that they
11 generate in their day-to-day business. Local Law 40
12 of 1990 granted DSNY regulatory, permitting, and
13 enforcement authority over waste transfer facilities,
14 which is also shared with the New York State
15 Department of Environmental Conservation. After that
16 law was adopted, DSNY enacted a stringent and
17 comprehensive set of operating rules governing the
18 use, conduct, and operation of these transfer
19 stations. DSNY also adopted strict siting rules to
20 restrict new transfer stations and increases in
21 permitted capacity, and the siting rules increase in
22 stringency based on the existing concentration of
23 permitted transfer stations in a given community
24 district. As a result of these regulations, no new
25 transfer stations have opened in historically

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2 overburdened communities in at least the last 15
3 years.

4 The Department's Permit and Inspection
5 Unit aggressively the activities of all private
6 transfer stations operating throughout the city by
7 making unannounced visits to conduct thorough
8 inspections of every putrescible and C&D transfer
9 station on average once a week. The vigorous
10 inspection and enforcement efforts by the department
11 have contributed to an overall reduction in the
12 number of transfer station permits by nearly 2/3
13 since Local Law 40 was enacted in 1990 to just 38
14 putrescible and C&D transfer stations permitted
15 today. In the first 3 months of 2022, DSNY has
16 conducted 1,000 inspections at these facilities. The
17 department has averaged 4,800 total inspections
18 annually over the last 3 years.

19 In August 2018, the City Council passed
20 Local Law 152, also known as the Waste Equity Law.
21 Local Law 152 required DSNY to reduce permitted
22 capacity of putrescible and non-putrescible transfer
23 stations in 4 community districts that contain these
24 historically overburdened neighborhoods. Local Law
25 152 required DSNY to reduce permitted capacity

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2 specifically in Brooklyn Community District 1 by 50
3 percent and in Queens Community District 12 and Bronx
4 Community Districts 1 and 2 by 33 percent. The law
5 also allowed for certain limited exemptions to the
6 reductions in permitted capacity for activities
7 consistent with the city's goals. It allowed these
8 limited exceptions for processing recyclables and
9 organic waste and also for diverting construction and
10 demolition debris for beneficial reuse and recycling.
11 The law also fully exempted facilities that export
12 waste by rail and have on-site rail infrastructure.
13 Local Law 152 allows facilities to request a one-time
14 permit increase of up to 20 percent to accommodate
15 future growth in capacity for processing recyclables
16 or organic waste. From 2019 through September 2020,
17 the department implemented these reductions in
18 permitted capacity at 22 facilities that hold a total
19 of 24 transfer station permits. In total, the
20 reductions implemented pursuant to this law cut
21 permitted capacity in the 4 designated districts by
22 10,137 tons per day. Since October 2020, there have
23 been no additional reductions in permitted capacity.

24 Four transfer stations located in these
25 districts have opted to reserve a portion of their

2 capacity exclusively to process source-separated
3 organic waste for beneficial use, and, in total,
4 these facilities reserved 377 tons per day of
5 capacity to process source-separated organic waste.
6 This reserve capacity was excluded for the purposes
7 of determining permit reductions under Local Law 152.

8 The total amount of waste handled at
9 private transfer stations in New York City has
10 decreased from an average of 19,102 tons per day in
11 2019 to 15,912 tons per day in 2020. While some
12 portion of this decrease is attributable to the
13 permitted capacity reductions imposed under the Waste
14 Equity Law, it is likely that a greater share of the
15 decrease is attributable to the disruption to the
16 commercial waste market associated with the COVID-19
17 pandemic. In the 3rd quarter of 2021, the most recent
18 for which data are available, daily throughput at NYC
19 transfer stations was 16,679 tons per day so still
20 reduced from the 2019 daily average.

21 In 2019, the City Council passed Local
22 Law 199 requiring the establishment of commercial
23 waste zones throughout New York City. This exciting
24 initiative came after years of planning, analysis,
25 and stakeholder engagement. Once implemented, this

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2 program will create a safe and efficient commercial

3 waste collection system that advances the city's

4 sustainability and zero waste goals while providing

5 high quality, low-cost service to New York City

6 businesses. The new system is expected to nearly

7 double the commercial diversion rate for recyclables

8 and organic waste. The concept behind commercial

9 waste zones is simple. Instead of as many 50 carters

10 operating in a single neighborhood on a nightly

11 basis, there will be just a few. These companies will

12 be selected through a competitive request for

13 proposals process that will identify the carters that

14 can provide excellent service with the highest

15 standards at low prices for each area, and the

16 resulting contracts will include standards for

17 pricing, customer service, safety, environmental

18 health, and requirements to promote the city's zero

19 waste and sustainability goals. The new system is

20 expected to reduce commercial waste truck traffic by

21 more than 50 percent, eliminating millions of miles

22 of truck travel in every neighborhood of New York

23 City, cutting air pollution and reducing the amount

24 of time it takes workers to complete their routes.

25 The new system will nearly double the commercial

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2 diversion rate for recyclables and organic waste.

3 Commercial waste zones will create a safer, fairer,
4 and more sustainable commercial waste system than the
5 one that operates today. This administration and our
6 new Commissioner are laser focused on achieving the
7 sustainability, safety, and other goals of this
8 program while also ensuring that we create a system
9 that works for all New York City businesses,
10 including the small businesses that are vital to our
11 city's economic recovery. It is important that we
12 build a system that provides these businesses with
13 high-quality service with transparent and affordable
14 pricing.

15 The department released part 2 of the RFP
16 for commercial waste zones in November 2021, and
17 responses are due on July 15, 2022, in just 2-1/2
18 months. This second and final part of the RFP
19 requests detailed plans and pricing proposals from
20 the 50 responsive companies that responded to part 1
21 of the RFP last year. DSNY has also issued several
22 final rules prior to the release of part 2 of the RFP
23 providing detail on the regulations and requirements
24 that carters will be subject to under the commercial
25 waste zones program. These include the designation of

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2 the 20 zone boundaries and rules regarding customer

3 service, recycling organics, operational requirements

4 within the zones, safety and training requirements,

5 waste generation audits, and an administrative fee.

6 Future rule-makings will be conducted to establish

7 reporting and record keeping requirements to

8 establish the transition dates for each zone and

9 define the protocols for ensuring every customer has

10 a carter at the end of their transition period.

11 DSNY is currently staffing up a new

12 Bureau of Commercial Waste to continue the

13 implementation of this program including outreach

14 staff, technical experts, and contract

15 administrators. We expect to finalize the contracts

16 around the end of the year and begin customer

17 transition in 2023. The zones will be transitioned in

18 phases over a period of around 2 years.

19 Thank you for this opportunity, Council

20 Members, Chair Nurse, everyone on the phone to

21 testify this morning on these important topics that

22 impact all New Yorkers, and we're now happy to answer

23 your questions.

24 CHAIRPERSON NURSE: Thank you, Deputy

25 Commissioner, for that report. I just want to

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2 acknowledge we've been joined online by Council
3 Members Brewer, Gennaro, and Menin.

4 I'm going to do a few rounds of
5 questions, and we'll check to see if any Council
6 Members have so they can move on with their day and
7 then we'll go for the second round.

8 The first topic we have is commercial
9 waste zones. We have about 9-ish questions, and then
10 we'll move on to waste equity.

11 Commercial waste zones require a strong
12 team to implement this transformative policy to meet
13 climate and waste goals. What is the fiscal year '23
14 budgeted versus actual headcount for the Commercial
15 Waste Zone division, and what specific titles are you
16 hiring for?

17 DEPUTY COMMISSIONER ANDERSON: Thank you
18 for the question, Chair. As we've said before, we are
19 fully funded to implement this program. The budget
20 cuts that we've taken earlier this year have not
21 affected the commercial waste zones program in any
22 way, and we continue to be fully funded in the
23 future. Justin Bland, who's our Director of
24 Commercial Waste, has been working on this project
25 for probably 6-1/2 years now so he'll walk through

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2 what the specific staff numbers are and what titles
3 are in the works.

4 DIRECTOR BLAND: Thank you, Greg. Good
5 morning, Chair. As Greg mentioned, we are fully
6 funded for all the staffing that we need for the
7 Bureau of Commercial Waste to have a strong
8 implementation of this program. For fiscal '23, we
9 are budgeted for 27 civilian and 10 uniform
10 headcount. We are rapidly staffing up at the moment.
11 We have currently, including myself, 13 employees in
12 the Bureau of Commercial Waste. We are actively
13 hiring for 6 more positions right at this moment. The
14 civilian staff is primarily divided between outreach
15 staff and contract staff. Outreach staff will be
16 communicating everything that the department needs to
17 communicate with commercial waste generators, so
18 businesses, who produce waste and hire carters so
19 they'll be charged with communicating the regulations
20 and changes of commercial waste zones, their rights
21 and responsibilities as customers as well as existing
22 regulations for commercial recycling and organics.
23 We're also hiring a number of contract staff who will
24 be firstly administering and helping with the RFP
25 process and then actually managing the awards that we

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2 enter into with the selected carting companies,
3 holding them accountable to all the programmatic
4 standards. The 10 uniform headcount will be uniformed
5 sanitation police officers that will be doing in-the-
6 field enforcement and they'll be joining our existing
7 enforcement unit to enforce on commercial rules and
8 carter activities in the field.

9 CHAIRPERSON NURSE: Just for
10 clarification, out of the whole 27 civilian staff for
11 outreach, how many is the ideal number that you're
12 looking for to do outreach on all this?

13 DIRECTOR BLAND: 10 dedicated outreach.

14 CHAIRPERSON NURSE: Thank you. The Council
15 is committed to ensuring a transparent and
16 expeditious implementation of commercial waste zones.
17 Last month, 30 Council Members sent a letter to the
18 Mayor to express concern about the delays in
19 implementing Local Law 199. In March 2022, DSNY
20 announced that the deadline for the carters to submit
21 a request for proposal would be proposed from April
22 15th to July 15th so, for starters, can you confirm
23 that the deadline will remain July 15th for those
24 contracts?

25

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2 DEPUTY COMMISSIONER ANDERSON: Yeah, the
3 deadline will remain on July 15th.

4 CHAIRPERSON NURSE: Okay. Can you provide
5 the Committee an update as to what the conversations
6 have been like with commercial businesses on the
7 implementation of the CWZ program?

8 DEPUTY COMMISSIONER ANDERSON: Sure. As I
9 mentioned in the testimony, we've been having
10 detailed conversations with stakeholders on every
11 side of this issue since we started this process and
12 really since the advocates first raised this issue,
13 probably 6 or 7 years ago, and we've continued to
14 have those conversations in the procurement phase
15 itself. We're sort of limited in what we can and
16 can't talk about because we want to make sure that
17 procurement and the RFP process is as fair as p
18 possible so all of the carters have the same
19 information, are playing on the same field, and
20 really can provide their best responses to that RFP,
21 but, as soon as we have those RFP responses in and
22 have the awards completed, we look forward to sort of
23 reengaging that stakeholder engagement process.

24 CHAIRPERSON NURSE: Can you give some
25 specifics on why the process was delayed?

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2 DEPUTY COMMISSIONER ANDERSON: There's a
3 few factors here. First, it's an incredibly
4 comprehensive change to this industry. We have one
5 shot to do it, and we want to make sure we do it
6 correctly so I think that's probably the most
7 important thing. Originally, we gave carters 4 months
8 to respond. It was clear that that was not enough
9 time so we've extended it to July 15th. We think
10 that's the right amount of time to allow them to
11 develop all of the technical plans that they need to
12 provide all of the compliance and financial
13 information that we're asking for and to really work
14 through their pricing proposal and give good,
15 competitive, affordable prices for the services that
16 they're going to provide.

17 In addition, there was a tremendous
18 amount of uncertainty this winter with the Omicron
19 wave, and I think there was some concern that that
20 could have further impacts on both commercial
21 businesses as well as the private carting industry so
22 I think giving a little bit of extra time to sort of
23 come out of that wave allowed the industry to
24 restabilize again was the right thing to do.

25

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2 CHAIRPERSON NURSE: For when that decision
3 was made, was that on behalf of the administration or
4 was that a recommendation from DSNY to delay?

5 DEPUTY COMMISSIONER ANDERSON: That
6 decision was made in consultation between Sanitation
7 and the Mayor's Office. We have been keeping the
8 Mayor's Office very closely involved in this process.
9 We've briefed the Deputy Mayor several times. Justin
10 and I have probably briefed the new Commissioner like
11 5 or 6 times in the last week so everyone's very
12 involved in this process. Obviously, very committed
13 to making sure we achieve all the goals but also that
14 we do it the right way.

15 CHAIRPERSON NURSE: Great. Can you walk
16 the Committee through what kind of coordination DSNY
17 has done with BIC in relationship to CWZ
18 implementation?

19 DEPUTY COMMISSIONER ANDERSON: Absolutely.
20 We have been incredibly close partners throughout
21 this program through the initial study, the
22 implementation plan development, the Local Law
23 development, the regulatory process, and the RFP.
24 Obviously, BIC is the subject matter expert on the
25 carting industry as it stands today. They hold all

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2 the data on the licensees, on their customers, on
3 their financial statements. They're the ones doing
4 enforcement in that realm today so we really value
5 their input and their opinions, and we've been
6 working with them very closely on that. We'll
7 continue to work very closely with them going forward
8 as well. Deputy Commissioner Feldman, I don't know if
9 you want to add anything.

10 DEPUTY COMMISSIONER FELDMAN: That's
11 exactly right, Deputy Commissioner Anderson. We've
12 been coordinating very closely on rulemaking to make
13 sure the 2 agency's regulatory schemes are
14 consistent. BIC sits on the Commercial Waste Zone
15 Safety Taskforce. We communicate regularly with DSNY
16 to ensure that the process is proceeding smoothly,
17 and we share data and information with DSNY as
18 necessary, and we look forward to our continued role
19 with the process moving forward. Although commercial
20 waste zones represent a large change for the
21 commercial waste industry, much of BIC's current
22 mandate will remain in place and function alongside
23 the CWZ program, most fundamentally as Deputy
24 Commissioner Anderson mentioned, all trade waste
25 companies participating in the CWZ program must be

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2 licensed by BIC, and licensees will still be required
3 to renew those licenses every 2 years. BIC will
4 continue to regulate those companies for good
5 character, honesty, and integrity. To take one
6 important example, the potential for price collusion
7 or other anticompetitive behavior is an ongoing
8 concern of BIC's. As the CWZ is implemented, BIC will
9 continue to work to foster competition in the trade
10 waste industry and to guard against collusion. BIC
11 also will sit on the RFP Committee to review RFP
12 submissions, and BIC and DSNY have co-enforcement
13 authority when it comes to issuing violations and
14 making sure that private carters are operating safely
15 and keeping the city's streets clean.

16 CHAIRPERSON NURSE: Besides what you
17 normally are doing, it sounds like most of what you
18 normally do will continue. Is there any other
19 specific change that will happen to your process?

20 DEPUTY COMMISSIONER FELDMAN: In addition
21 to continuing with our mission as I outlined, the
22 day-to-day regulation of the customer/carter
23 relationship within commercial waste zones such as
24 customer service and operational requirements that
25 Deputy Commissioner Anderson mentioned in his

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2 testimony, those will be under the purview of the
3 Department of Sanitation, and we do look forward to
4 continuing to work with DSNY on these issues.

5 CHAIRPERSON NURSE: Do you anticipate any
6 staff changes required for BIC at this new process?

7 DEPUTY COMMISSIONER FELDMAN: We like to
8 call ourselves a small agency with a big mission.
9 Commercial waste zones is one example of that
10 expanding mission. We believe our current staffing
11 levels are sufficient, but we can always do more with
12 more.

13 CHAIRPERSON NURSE: Got it. I see a couple
14 of Council Members starting to raise their hands so I
15 will kind of move through some of these questions.
16 The Commercial Waste Zones Safety Taskforce was
17 created by Local Law 199 and meets regularly to make
18 recommendations for the effective implantation of
19 safety measures relating to commercial waste
20 collection. It is chaired by the Commissioner of
21 Sanitation and includes the Chair of the Business
22 Integrity Commissioner as well as others appointed by
23 industry and policy experts. When was the last time
24 the Taskforce met and how often does it meet?

25

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2 DEPUTY COMMISSIONER ANDERSON: The last
3 time the Taskforce met was around a month ago, late
4 March-ish, meets quarterly right now and is intended
5 to meet quarterly at least through the beginning of
6 the implementation of commercial waste zones, and I'm
7 actually excited we have one of the Taskforce members
8 in the room with us today, Bernadette Kelly from
9 Teamsters, so I think it's been a really good forum
10 for conversations. We look forward to seeing what the
11 recommendations come out of that Taskforce going
12 forward.

13 CHAIRPERSON NURSE: In your estimation,
14 when the CWZ program is fully implemented, how much
15 truck traffic, air pollution reduction do you all
16 imagine would be achieved?

17 DEPUTY COMMISSIONER ANDERSON: According
18 to our analysis and EIS, we're expecting at least a
19 50 percent reduction in truck traffic, and that's net
20 of all the changes that come with commercial waste
21 zones. That's even taking into account the additional
22 diversion and recycling that we expect. As far as the
23 emissions reduction, the number is slightly lower
24 because you still have the time at every stop that
25 the truck is running so we're thinking it's going to

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2 be closer to about 1/3, but we'll continue to look at
3 those going forward and we're very focused on making
4 sure that we actually achieve those goals.

5 CHAIRPERSON NURSE: Okay. Just to back up
6 a little bit, can you tell us a bit about your, for
7 BIC, your data systems and tracking processes for
8 licenses and fines?

9 DEPUTY COMMISSIONER FELDMAN: Certainly.
10 I'm sorry, for fines...

11 CHAIRPERSON NURSE: For your licensing and
12 fines. Your data tracking systems and a little bit
13 about your licensing and fines system.

14 DEPUTY COMMISSIONER FELDMAN: BIC has a
15 database. Internally we call it NYMBUS (phonetic)
16 that includes all of the licensees, all of our
17 registrants. It also includes vehicle-by-vehicle data
18 relating to safety and environmental requirements,
19 and, on that same database, we also track the
20 violations that have been issued to the companies,
21 the status of payments and ongoing followup on those
22 violations.

23 CHAIRPERSON NURSE: For carters that have
24 significant violations, is any of that publicly
25 available?

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2 DEPUTY COMMISSIONER FELDMAN: That
3 information is available through the Open Data
4 process, and I'd say much of that data is available
5 publicly. If there's specific information that you're
6 interested in following up on that's not publicly
7 available, we're happy to follow up with Council on
8 that.

9 CHAIRPERSON NURSE: No, thank you for
10 that. I think it's important for that information to
11 be easily accessible. A lot of Members have
12 questions, and they want to know as carters are
13 approaching them is this a reputable company or not.
14 They're getting asked for letters of support, so that
15 publicly available data is really important and
16 having that up-to-date is really key. Thank you for
17 that.

18 I'm going to move back to where we were
19 at. What is the plan to communicate to New Yorkers
20 and business owners around commercial waste zones?

21 DEPUTY COMMISSIONER ANDERSON: We've been
22 working on a plan for several years now, and, as
23 Justin mentioned, we're staffing up an internal
24 outreach team. What he didn't mention before is we're
25 also going to have external outreach staff so

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2 contracted outreach staff to supplement that team of
3 10 so it won't just be 10 people talking to the
4 100,000 businesses. We'll have several dozen people
5 out there on the streets, and our goal is really to
6 meet businesses where they're at, communicate with
7 them in the way that makes the most sense for them,
8 whether that's by email, whether that's in person,
9 whether that's through a trade association, through
10 their BID, in whatever language they're comfortable
11 with so we're really trying to take a comprehensive
12 approach to the outreach, and we want every business
13 to be aware of what their rights are, what their
14 carters are required to provide to them, and how to
15 make the right choice for their business as they're
16 going through the commercial waste zones
17 implementation. We'll have a lot more information
18 about that as we get closer to implementation.

19 CHAIRPERSON NURSE: Do you have an
20 anticipated launch date for beginning that outreach
21 before the contracts are solidified?

22 DEPUTY COMMISSIONER ANDERSON: Yeah, so
23 we're actually starting next month. We're going to be
24 sending our outreach team out into the field to
25 really focus on commercial recycling and commercial

2 organics programs, and, as part of that
3 communication, they'll start talking to businesses
4 about what to expect for commercial waste zones. As
5 we've said before, there's 8,000 new businesses that
6 are covered by commercial organics regulations that
7 are due to start receiving enforcement later this
8 summer so we really want to make sure we're talking
9 to as many of those as possible. We also want to
10 really focus on ramping back up commercial recycling
11 outreach and enforcement as well. That's going to be
12 the focus initially, but, as we get closer to issuing
13 the commercial waste zones awards and starting the
14 implementation process next year, we'll certainly
15 transition over to speaking more clearly and directly
16 about commercial waste zones to businesses.

17 CHAIRPERSON NURSE: Thanks. You kind of
18 touched on the commercial organics recycling, and you
19 definitely mentioned that you plan to start this
20 summer. What is the agency's plan to enforce these
21 rules?

22 DEPUTY COMMISSIONER ANDERSON: I think our
23 plan, and this sort of reflects the administration's
24 overall approach to enforcement with businesses, is
25 we want to encourage businesses to comply with the

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2 law, and, if we can do that through education,
3 through warnings, we absolutely will. We are, as I
4 mentioned, planning to send our outreach team out
5 starting in May to go door-to-door to businesses to
6 host training sessions and webinars to work with
7 stakeholders of all types, particularly in the
8 restaurant industry because the vast majority of new
9 covered establishments are restaurants. That's really
10 the approach that we want to take. Come July 31st or
11 later in the summer, if we identify that businesses
12 aren't taking any steps to comply and are just
13 flagrantly violating the rules, we may have to issue
14 fines and take enforcement action, but, obviously,
15 that's a last resort for us.

16 CHAIRPERSON NURSE: How many enforcement
17 staff are currently working on that piece or is it
18 just bundled into general enforcement?

19 DEPUTY COMMISSIONER ANDERSON: Yeah, it's
20 bundled into our general enforcement. The commercial
21 enforcement, because it does involve a more detailed
22 inspection of the establishment, is generally done by
23 our sanitation police officers, and we do have a
24 class of sanitation police officers that is just
25 finishing the academy now. We have another class

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2 going in in a few months so we are staffing up that
3 unit. It had taken some reductions as a result of the
4 staffing issues during COVID, but we're trying to get
5 back to full headcount there, and then, once we get
6 into fiscal '23, we'll have 10 additional sanitation
7 police officers that are explicitly focused on
8 commercial enforcement.

9 CHAIRPERSON NURSE: Just in general for
10 where Commercial Organics Law is now in its phase,
11 how well are we doing? How well is the industry doing
12 in meeting and being in compliance with what the
13 phase of the law is as of this moment?

14 DEPUTY COMMISSIONER ANDERSON: I think we
15 probably took a step back during COVID because we
16 certainly wanted to take a light touch with
17 businesses that were being tremendously affected by
18 the disruption that the pandemic caused, but we know
19 for a fact that there are hundreds or thousands of
20 businesses that are doing the right thing. I was in a
21 coffee shop yesterday. I always take a look around at
22 the garbage setup. I saw their compost bin in the
23 back, and it was nice and full of both compostable
24 plastics as well as coffee grounds and other
25 compostable things so I think there are businesses

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2 out there doing the right thing. We want to make sure
3 that as we pivot back toward an enforcement approach
4 that we're doing the outreach first and making sure
5 they know what the requirements are and have the
6 tools to comply.

7 CHAIRPERSON NURSE: Do you have any kind
8 of percentages, like is 50 percent of businesses
9 compliant, 60 percent, or just during the last 2
10 years are we just back at a very, very low level?

11 DEPUTY COMMISSIONER ANDERSON: Looking at
12 the food waste processing reports from the transfer
13 stations, we haven't really seen the amount of food
14 waste that's being processed decrease substantially
15 so I think a lot of businesses are doing the right
16 thing. There has been a tremendous amount of
17 disruption in that industry so I don't want to put a
18 specific number on it. That would just by my own sort
19 of guess, but I think a lot of businesses are doing
20 the right thing, and, by the end of the summer, we
21 expect 100 percent of them will be.

22 CHAIRPERSON NURSE: Just to be clear, how
23 do you all track that in general? If you don't want
24 to give a number, that's fine, but are you tracking
25

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2 this, what is the method in which you're able to
3 evaluate that?

4 DEPUTY COMMISSIONER ANDERSON: We receive
5 quarterly reports from all the transfer stations that
6 process organic waste so that's one way we know how
7 much organic waste at least is going through that
8 system. Obviously, there could be material that's
9 being transported directly out of the city either to
10 locations on Long Island or in Westchester or
11 Connecticut or New Jersey. We don't have great
12 insight into that. Once we have commercial waste
13 zones in place, we'll have 100 percent transparency
14 into where everything is going so that's another
15 benefit of commercial waste zones.

16 As far as on the individual business
17 level, who is doing the right thing, that's really
18 through inspection, through 311 complaints, and
19 that's what we expect to be ramping up this summer.

20 CHAIRPERSON NURSE: Around that, just in
21 terms of an average of pricing, are you all tracking
22 what people are being charged for the organics piece
23 of that?

24 DEPUTY COMMISSIONER ANDERSON: Yeah, we're
25 tracking it. Obviously, that's information that BIC

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2 has as well, and everything is subjected to the BIC
3 rate cap so you can't exceed that for any commodity
4 whether it's refuse, recycling, or organics.

5 CHAIRPERSON NURSE: I just have 2 more
6 questions then I'll open it to my Colleagues. Have
7 DSNY and BIC relaxed or changed enforcement of
8 recycling rules for both commercial businesses and
9 trade waste haulers during COVID-19?

10 DEPUTY COMMISSIONER ANDERSON: Thank you
11 for the question, Chair. I think, yes, as I mentioned
12 before, we did take a step back from the enforcement
13 approach, recognizing the impact that the pandemic
14 was having on businesses, but we are looking to be
15 back up at full speed this summer and expect every
16 business to be in compliance by the end of the
17 summer.

18 CHAIRPERSON NURSE: Great. Lastly, the
19 2006 Solid Waste Management Plan calls for DSNY to
20 study the feasibility of utilizing the city's marine
21 transfer stations to collect commercial waste. The
22 current RFP for the CWZs invites waste companies to
23 express interest in utilizing MTS in their future
24 operations. As this is implemented, diesel truck
25 miles could be further reduced, especially in the

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2 most overburdened environmental justice communities
3 by directing commercial waste truck to MTS near the
4 zones they're collecting from. For example, Manhattan
5 commercial waste could be delivered to the East 91st
6 Street station without needing to cross bridges to
7 the Bronx, Brooklyn, or Queens. Our understanding is
8 that the MTS also operate as safely and cleanly as
9 possible with modern technology, full
10 containerization of waste, and well-trained union
11 DSNY employees. What plans does DSNY have to open
12 these facilities to private haulers, if any? I know
13 we asked this a couple months ago in our hearing, and
14 have you considered how the MTS will be priced?

15 DEPUTY COMMISSIONER ANDERSON: Thank you,
16 Council Member. I think the first step, as you
17 mentioned, is to really understand where the interest
18 is from commercial waste haulers in terms of using
19 the MTS. Some of the haulers that we expect to
20 respond to the RFP are vertically integrated
21 companies, they have their own transfer stations.
22 Their transfer stations and their garages or
23 operational facilities are all sort of closely sited
24 near each other so it may not make sense for them to
25 come to a city facility. Others that don't have their

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2 own transfer stations, particularly those that are
3 operating in zones near the MTS, I think it could
4 make a lot of sense so we look forward to seeing
5 where those expressions of interest come out as part
6 of the RFP process. Really, of the 4 marine transfer
7 stations, there are 2 that really have the most
8 capacity available and also those 2 happen to be the
9 ones that are furthest from existing private transfer
10 infrastructure so there's the most potential benefit
11 there so those are the 2 that we've asked for
12 expressions of interest in relation to.

13 As far as pricing, this is, and I'm sure
14 we can get into this in our executive budget hearing
15 upcoming, but our facilities are not necessarily
16 cheap. Our waste export budget is quite high, and a
17 lot of that cost is related to the steps that we take
18 to make sure the facilities are sustainable, that
19 they have the least impact on the community, that
20 we're exporting by barge and rail so taking all of
21 those additional steps does cost additional money so
22 our cost per ton is maybe not as competitive with the
23 private facilities as we would like so we'll have to
24 look at the if we do move in the direction of opening
25 these facilities up.

2 One last piece is the private industry
3 does work slightly different hours than Sanitation
4 does. Most of our trucks are tipping either on the
5 day shift or in the afternoon and evening. The
6 private carters operate generally overnight, so we
7 would have potentially some staffing impacts as far
8 as adding additional staff to receive those trucks,
9 process the waste, and make sure that we're moving
10 that through on the overnight. We're looking at all
11 those factors, and, once we have the RFP responses in
12 place and have the awardees selected, we'll have a
13 better sense of where we're going on that.

14 CHAIRPERSON NURSE: Do you have at all any
15 general differentials between cost per ton to tip now
16 versus what you potentially would have to charge for
17 an MTS?

18 DEPUTY COMMISSIONER ANDERSON: It varies
19 pretty greatly. I think if you're trucks are already
20 going back to New Jersey at the end of the night, you
21 can get probably a much better price in New Jersey
22 than you can anywhere in New York City. Compared to
23 New York City transfer stations, we might be looking
24 at a 20, 30 dollar a ton delta, but I don't have the
25 specific numbers as far as what the private transfer

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2 stations are charging today versus what we would have
3 to charge.

4 CHAIRPERSON NURSE: Okay. Thank you for
5 answering those questions. I think we're going to go
6 to Council Members. We're going to call up Council
7 Member Menin followed by Velazquez followed by Ayala.

8 SERGEANT-AT-ARMS: Time starts now.

9 COUNCIL MEMBER MENIN: Thank you so much,
10 Chair Nurse, for this very important hearing, and I
11 want to say I'm very interested in this topic. When I
12 was serving as Consumer Affairs Commissioner, I also
13 served as a BIC Commissioner so I'm very familiar
14 with how BIC operates, and that's really where my
15 questioning is. I'm deeply concerned about a lack of
16 number of outreach staff. If I heard correctly, you
17 have 10 outreach staff to do outreach to small
18 businesses around commercial waste zones so my
19 concern is that number seems incredibly low. I'd like
20 to know how many languages the outreach staff speak
21 because, particularly for many of our small
22 businesses, language access is going to be mission
23 critical. Then on that vein, what are your plans to
24 partner with other agencies? SBS, DCWP have enormous
25 outreach staff. Are you going to be working with them

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2 because I would highly recommend that you do a
3 partnership with them so that when their inspectors
4 are out, they're also working collaboratively on this
5 issue.

6 DEPUTY COMMISSIONER ANDERSON: Thank you
7 for those questions, Council Member Menin.
8 Absolutely, we are working very closely with SBS.
9 We've worked with them throughout the development of
10 the Commercial Waste Zones program and will certainly
11 leverage all of their resources, all of their
12 outreach staff as well as with DWCP, with the Health
13 Department, everyone who has people out in the field
14 talking to businesses on a regular basis. We plan to
15 work with them to get the message out there about
16 commercial waste zones. As I said before, the 10
17 outreach staff is just the sort of full-time
18 presence. We will have several dozen temporary
19 contracted outreach staff so that we can really flood
20 each of the zones as the transition period approaches
21 and speak to every business about the Commercial
22 Waste Zones program, what to expect, what their
23 rights are, what their responsibilities are.

24 As far as language access, that's
25 something that we're taking very seriously. Just in

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2 the outreach team that we've put together so far we
3 have a number of languages covered, and we will be
4 using, for languages that we don't have staff on
5 specifically, we'll be using all of the language
6 access programs and vendors that are available to us
7 to make sure that we're communicating both verbally
8 and in writing with businesses in the language that's
9 best for them.

10 COUNCIL MEMBER MENIN: Okay. Could you
11 just be very specific about what languages are
12 covered, and I personally have an issue with some of
13 the tools that the city uses on language access. A
14 lot of those language access tools, if it's not a
15 live person who speaks that language, there are real
16 language access barriers, particularly for immigrant-
17 owned small businesses.

18 DEPUTY COMMISSIONER ANDERSON: Justin can
19 speak to the specific languages that we have on the
20 team so far, and, as we've mentioned before, we're
21 still continuing to build that team so the number
22 certainly will continue to grow.

23 As far as the other tools that we have to
24 add additional languages to that portfolio, we would
25 be happy to sit down with you and discuss your

2 recommendations, discuss what you've sort of learned
3 from other programs in the past and really take those
4 best practices. Justin.

5 DIRECTOR BLAND: Thank you. Just in the
6 outreach staff that we've already hired, we have
7 staff that speaks Cantonese, Mandarin, Spanish, and
8 Russian, and that's just with the initial outreach
9 hires. Speaking another language that's common in
10 commercial establishments is something that we're
11 looking for as we're staffing up.

12 As Greg mentioned, we are also going to
13 enter into a contract with a temporary staffing
14 provider for the big deployment of commercial waste
15 zones so talking to the 100,000 establishments, 10
16 people is not enough to cover 100,000 establishments
17 so we're bringing people on. That will be a separate
18 RFP process to hire a vendor for contracted staff.
19 One of the biggest criteria is how can you bring on
20 temporary staff that speaks the language of the
21 businesses in each zone that we're turning on one-by-
22 one.

23 Additionally, we do make our print
24 materials available in multiple languages so print
25 versions of things that we hand out, we also have

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2 Chinese and Spanish versions of those as well as
3 digital translations in many other languages as well.

4 COUNCIL MEMBER MENIN: Okay. If I can
5 suggest, on Paid Sick Leave, when we implemented
6 that, we did it in 25 different languages so not 3
7 languages so, again, I would really urge BIC to be
8 expansive on this so that we're reaching so many of
9 our small businesses (INAUDIBLE) be a barrier.

10 CHAIRPERSON NURSE: Thank you, Council
11 Member Menin. Now we're going to hear from Council
12 Member Marjorie Velazquez.

13 SERGEANT-AT-ARMS: Time starts now.

14 COUNCIL MEMBER VELAZQUEZ: First of all, I
15 want to thank the Chair for organizing today's
16 meeting. As a Member from the Bronx, we have seen
17 waste equity adversely always affects us in the outer
18 boroughs so thank you for having this important
19 hearing today. I also wanted to thank the new
20 Commissioner Tisch for coming out into my district
21 last week. I know she's new, and I heard today that
22 there have been conversations with her. What is the
23 commitment from the Commissioner to the
24 implementation of commercial waste zones at this
25 point, and can you guide us as to how can we advocate

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2 for much more attention to this if she doesn't have a
3 full commitment to it?

4 DEPUTY COMMISSIONER ANDERSON: Thank you
5 for that question, Council Member, and the
6 Commissioner certainly enjoyed the Earth Day Cleanup
7 last Friday. It was lovely weather for it. She was
8 happy to get up to the Bronx and looks forward to
9 coming back up there soon.

10 As far as her focus on commercial waste
11 zones, she's a very knowledgeable person and has
12 asked so many questions. She's so interested in
13 making sure she understands what has been done so far
14 and has been asking really good questions about how
15 we can do even better. She is really focused on
16 getting this done on the timeline we've set forth and
17 really doing it properly so that we can achieve our
18 program goals so that we can deliver the safety
19 benefits, the sustainability benefits, and have
20 transparent and affordable service for our small
21 businesses.

22 COUNCIL MEMBER VELAZQUEZ: Thank you. I
23 appreciate it. No more questions from me.

24

25

2 CHAIRPERSON NURSE: Thank you, Council
3 Member Velazquez. Next up, I'm going to invite Deputy
4 Speaker Diana Ayala to ask a question.

5 SERGEANT-AT-ARMS: Time starts now.

6 DEPUTY SPEAKER AYALA: Good morning,
7 everyone. I have a couple of questions. One question
8 is obviously the famous case of the missing garbage
9 cans. My district is in dire need of garbage cans on
10 every corner, and there has historically been a
11 number of garbage cans that have been removed by
12 Sanitation supposedly because there has been evidence
13 that there has been household garbage put in these
14 corners, and that was the rationale for removing the
15 garbage cans but now the outcome is that we have
16 garbage on the floor. That's something that I would
17 like to hear a little bit more about is where are my
18 garbage cans and when can I get them back.

19 Two, in terms of budget equity, because
20 this is really my pet peeve, I want to first give a
21 shoutout to all of our sanitation workers who I think
22 do a fantastic job in really difficult situations and
23 so this is in no way a reflection of what I think of
24 them and the work that they do, but I feel like in my
25 district there is a larger need for more services and

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2 I wonder what does the budget look like per garage
3 district, is it different, is it the same, and I
4 really want to hear a response to that first.

5 DEPUTY COMMISSIONER ANDERSON: Thank you
6 for those questions, Council Member. As far as the
7 budget piece, I don't have any specific budget
8 numbers in front of me right now, but, when we're
9 back in this room in 11 days with the Commissioner
10 for the executive budget hearing, we'll certainly
11 have all of that information, and we can provide you
12 some specifics even before then in response to that
13 question so we'll follow up with you after this
14 hearing with that information.

15 As far as the missing garbage cans, it
16 had been the practice of Sanitation in the past if
17 litter baskets were routinely misused either by
18 businesses or by residential waste that we would
19 remove them. We've stopped that practice probably 4
20 years ago at this point and had returned litter
21 baskets that were removed up until that point. If
22 there are specific locations where you think litter
23 baskets are missing, you should let us know and we
24 will make sure those get back out there.

25

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2 DEPUTY SPEAKER AYALA: Yeah, mine's never
3 came back. I'm happy to give you a breakdown of
4 where.

5 In regards to the level of services, I'm
6 trying to understand this, looking at it from an
7 equity lens. Is every community receiving the same, I
8 got the budget piece, but if I'm getting 2 pickups a
9 week, right, 2 litter can pickups a week with a
10 sweeping and whatever, is every district receiving
11 the same level of service? Is it equitable in that
12 way, because my sense is that we all get the same
13 level of service even though some communities are
14 very unique and need more?

15 DEPUTY COMMISSIONER ANDERSON: Absolutely,
16 every district does not get the same level of
17 service. There are a number of factors that go into
18 it. In your district, in particular, we've been
19 deploying extra services in the East Harlem area, in
20 parts of the Bronx portion of your district for the
21 last several years, and we want to continue...

22 DEPUTY SPEAKER AYALA: Where exactly? I'm
23 sorry. I get supplemental services. I don't want to
24 get any (INAUDIBLE) but that was at my request.

25

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2 DEPUTY COMMISSIONER ANDERSON: Yeah, and
3 we've continued to provide those services in that
4 area. We have increased litter basket service
5 throughout Community District 11 for the last 2
6 years. As we continue to have services restored, we
7 will continue to add additional service in your
8 district.

9 DEPUTY SPEAKER AYALA: Listen. I
10 appreciate that, but I requested those services and
11 so I'm not going to give the Sanitation Department
12 credit for something that I requested because I think
13 that the issue on equity is that I want the
14 department to be a little bit more proactive and to
15 identify these areas of needs before the Council
16 Members have an opportunity to even request them,
17 and, quite frankly, my district and specifically the
18 Bronx part of the district, even though the Manhattan
19 part of the district is not fairing so well, is
20 really, really, really dirty, and it's consistently
21 dirty, and that is problematic for me because we have
22 also the highest rates of rats impacting our small
23 businesses, impacting residential residents, and I
24 see it. I'm out there. I'm documenting. We're
25 scheduling cleanup events. We are supplementing

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2 cleaning services through our own discretionary
3 funds, and I want to know what exactly is the
4 department doing about being a little bit more
5 proactive and identifying these areas of need before
6 we come to you. I will have a whole bunch of
7 questions around the same issue at the executive
8 budget hearing so I hope that you come prepared with
9 some data on what the funding looks like per garage
10 and per borough because, quite frankly, I'm seeing
11 that we're approving a lot of...

12 SERGEANT-AT-ARMS: Time.

13 DEPUTY SPEAKER AYALA: BIDs, which is
14 great, right, because BIDs play an instrumental role,
15 but if we're creating more BIDs to supplement the
16 services that should be rendered by city agencies
17 then that becomes a problem to me. Thank you for your
18 time.

19 CHAIRPERSON NURSE: Thank you, Council
20 Member Ayala. I will certainly circle back with you
21 to get some of those questions ahead of time so we
22 can have that data prepared for May 10th.

23 Next, I'm going to invite Council Member
24 Osse up to ask some questions.

25

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2 COUNCIL MEMBER OSSE: Thank you so much,
3 Chairwoman Nurse, and I'm always honored to be on
4 this Committee with your leadership and knowledge of
5 the sanitation crisis that our city is dealing with.
6 With that being said, as we've been hearing on these
7 various different hearings throughout the year, our
8 city is in a sanitation crisis, there is a war on
9 trash right now. Thus, these hearings are very
10 important, and, while I definitely appreciate the
11 responses of Deputy Commissioner, I want to ask why
12 is Commissioner Tisch not on this hearing today.

13 DEPUTY COMMISSIONER ANDERSON: Thank you
14 for that question, Council Member. It is just her
15 10th day on the job. We have been doing everything we
16 can to bring her up to speed on this and a number of
17 other topics, and she'll be in front of the Committee
18 in 11 days at the executive budget hearing so we just
19 wanted to make sure that we had the people here today
20 that could answer the specific questions, and I think
21 within the next 11 days she'll be a full-time expert
22 on every single thing that we do so she'll be
23 prepared to answer any questions at that point.

24 COUNCIL MEMBER OSSE: Should there have
25 been a Commissioner that was up to speed on

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2 everything before they entered the job as
3 Commissioner of Sanitation?

4 DEPUTY COMMISSIONER ANDERSON: I can
5 assure you that Commissioner Tisch is very well-
6 informed, very knowledgeable about everything about
7 Sanitation. She's been doing a lot of research. She's
8 watched dozens of past Council hearings. I'm not
9 implying that she is not prepared for the job, just
10 that the questions in front of this Committee today
11 are very specific about the details of the commercial
12 waste zones implementation, the Waste Equity Law
13 implementation, and we wanted to be able to provide
14 those detailed answers for those questions, and she
15 will be in front of this Committee in 11 days for the
16 executive budget hearing and can answer questions at
17 that point on any topic that you have.

18 COUNCIL MEMBER OSSE: Thank you, Deputy
19 Commissioner.

20 CHAIRPERSON NURSE: Thank you, Council
21 Member Osse. Next up is Council Member Farias.

22 SERGEANT-AT-ARMS: Time starts now.

23 COUNCIL MEMBER FARIAS: Hi. Good morning,
24 folks. Sorry, I'm in a senior center. Thank you,
25 Chair Nurse, for putting this really important

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2 hearing together today, and my Colleagues have asked
3 many great questions already so I don't want to harp
4 on many of those, especially since we have the
5 hearing coming up in 11 days, as you've mentioned.

6 I'd like to talk a little bit about the RFP, if
7 possible, for the commercial waste zones and
8 specifically about the labor structure. Does the
9 commercial waste zone RFP mention anything about
10 prevailing wages?

11 DEPUTY COMMISSIONER ANDERSON: The
12 commercial waste zone RFP does ask for specific wage
13 scales. Because this is not a procurement where we're
14 actually spending any city money, we cannot require
15 prevailing wages be used, but we are looking at wage
16 scales. We are looking at the staffing numbers to
17 ensure that people are paying fair wages and that
18 there are appropriate staffing numbers for the
19 services being provided.

20 COUNCIL MEMBER FARIAS: Okay. Within these
21 wage scales, are we also asking that the awarded
22 companies provide medical, dental, 401, PTO, general
23 things like that around what they would receive under
24 other prevailing wage projects or a unionized shop?

25

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2 DEPUTY COMMISSIONER ANDERSON: We're
3 requesting information about all of the wages and
4 benefits that are provided to workers.

5 COUNCIL MEMBER FARIAS: Okay. Awesome. The
6 current industry wage structure for, do you know what
7 the current industry wage structure for drivers and
8 helpers, like wages and salaries, annual earnings,
9 benefits, things like that?

10 DEPUTY COMMISSIONER ANDERSON: I don't
11 have that information with me today. We do have a
12 large amount of that information that we have
13 received either from BIC or through the first-party
14 RFP process, and we will be receiving updated
15 information from the proposers as far as what their
16 wage schedules are, what their benefit offerings are
17 for different titles. We do know that there is a mix
18 in the industry right now of union and non-union
19 labor. There are a few different unions that
20 represent employees in this industry, and we
21 certainly want to encourage awardees that are
22 participating in this program to keep their workers
23 safe, pay their workers a fair wage, make sure that
24 their employees are receiving all of the things that
25

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2 they need to be able to do their job properly and
3 safely.

4 COUNCIL MEMBER FARIAS: Okay. Thank you.

5 One of my larger concerns right now is the fact that
6 some folks might be put at a disadvantage in terms of
7 applying for the RFP, and I just want to make sure
8 that we're leveling out the playing field as much as
9 possible.

10 The other question I do have is around
11 the nationwide shortage of CDL drivers. Before being
12 a Council Member, I worked in actually getting folks
13 into their licensing in both Class A and Class B. I
14 know of the nationwide shortage. Has that shortage
15 affected local hiring and retention at all?

16 DEPUTY COMMISSIONER ANDERSON: I think the
17 shortage of CDL drivers is certainly something that
18 we're keeping an eye on. It affects us internally
19 within Sanitation. We're expecting to begin our
20 summer hiring season in the next few weeks, and,
21 whether or not people are interested in or prepared
22 to take the job with a CDL already versus whether we
23 have to do the training and help them get the CDL has
24 been a bigger challenge in the last year than it had
25 been in the past (INAUDIBLE) the same challenges face

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2 the private industry. We have not heard specifically
3 that there are driver shortages that would cause any
4 issues, but, certainly, hiring challenges that are
5 probably driving up wages in that sector where there
6 have been some driver shortages have been actually on
7 the long-haul export side of things so actually
8 hauling the garbage to the landfill, but, so far, we
9 haven't seen any operational impacts of that.

10 COUNCIL MEMBER FARIAS: Okay. Great. Thank
11 you so much. I will come with more specific district
12 questions at the budget hearings in a couple weeks
13 but thank you for answering these around the RFP. I
14 really appreciate it.

15 CHAIRPERSON NURSE: Thank you, Council
16 Member Farias. I just want to acknowledge Council
17 Member Mealy has joined us, but I'm going to move
18 into the waste equity and transfer station line of
19 questioning. I only have 6 questions so that we can
20 get through that and then allow folks that have
21 joined us in person to participate, and we're going
22 to do a series of panels and then we'll hear from
23 anybody who's online virtually after.

24 I'll start with our first question. The
25 total reduction of permitted capacity during the

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2 implementation period of Local Law 152 was a combined
3 10,137 tons per day, 20 million pounds I think, and
4 the breakdown below is Brooklyn Community Board
5 District 1 - 7,112; Queens Community Board District
6 12 - 660; Bronx Community Board District 1 - 898;
7 Bronx Community Board District 2 - 1,467. When
8 comparing daily throughput at these locations versus
9 daily tonnage reduction, what is the percentage of
10 reduction?

11 DEPUTY COMMISSIONER ANDERSON: The
12 reduction in daily throughput has been a 17 percent
13 reduction citywide, and it varies by district of the
14 4 districts that are covered by Local Law 152. The
15 largest reductions were in Queens 12 which was a 23
16 percent reduction in throughput and Bronx 2 which is
17 the Hunts Point area, that's a 23 percent reduction
18 in throughput as well. In Brooklyn 1, which is
19 Williamsburg, Greenpoint, that's an 18 percent
20 reduction, and in Bronx 1, which actually has very
21 few transfer stations, actually only 2, an 8 percent
22 reduction, and the 8 percent reduction there is
23 largely because one of those two transfer stations in
24 Bronx 1 is the Waste Management Harlem River Yard
25 Transfer Station that receives waste from DSNY that's

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2 collected in the Bronx and exports it by rail so that
3 was not affected by Local Law 152.

4 CHAIRPERSON NURSE: Does DSNY expect
5 continued reductions in tonnage from the legislation,
6 and what is the oversight to ensure these reductions
7 are consistently met?

8 DEPUTY COMMISSIONER ANDERSON: I think
9 we're in a little bit of a place of uncertainty right
10 now because we don't know how the city's economic
11 recovery will progress over the next several years
12 from the COVID-19 pandemic. As I mentioned in my
13 testimony, we think some of the reduction that's
14 taken place is as a result of Local Law 152. Some of
15 it is just natural decreases in waste tonnage because
16 of the pandemic and the economic impacts of that. In
17 the Sanitation side on the residential waste, we're
18 still seeing higher waste generation than we had
19 before the pandemic. A lot of people still doing more
20 at home, working at home, and those sorts of things
21 so it's unclear how quickly that will shift back to
22 the commercial sector so we do expect some additional
23 increases, and, even looking at the most recent
24 quarter that we have which is Q3 of 2021, on the
25 putrescible side we had 9,984 tons per day at the

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2 private transfer stations. That's up from the 2020
3 average of 9,305 but still down from the 2019 average
4 of 10,976 so we're still down. We don't necessarily
5 see additional reductions in throughput as a result
6 of the Waste Equity Bill because the Waste Equity
7 Bill was a one-time reduction in permitted capacity,
8 but we will continue to look at ways that we can
9 reduce the burden of these facilities on the
10 historically overburdened districts. We think the
11 Commercial Waste Zones program will contribute to
12 that. One of the things that we're looking at as part
13 of the RFP is the submission of waste management
14 plans from every proposer. Those plans have to say
15 where is the refuse going to go, where is the
16 recycling going to go, where are the organics going
17 to go, and not only how are you going to ensure that
18 that's handled properly but also is it in proximity
19 to the zone that you're serving, are you using rail
20 or barge-based export for those products? Those sorts
21 of questions, and that will be evaluated as part of
22 the RFP process and is required by Local Law 199.

23 CHAIRPERSON NURSE: Thank you. Do you
24 think the Waste Equity Law has resulted in reduced
25

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2 air emissions in the designated districts, and, if
3 yes, can you provide details about those reductions?

4 DEPUTY COMMISSIONER ANDERSON: We
5 absolutely think it has contributed to reduced air
6 emissions in those districts. For every 2 inbound
7 trucks that we eliminate, this is on average, 1 long-
8 haul truck on the backend. If there's been in
9 Brooklyn North 1, for example, an 18 percent
10 reduction or 1,200 tons per day, that's 120 trucks
11 inbound on the frontend, 60 trucks outbound on the
12 backend, and that's a pretty substantial reduction,
13 180 trucks per day, in that district alone. We don't
14 have numbers on the specific air emissions as a
15 result of waste equity. Again, there are some
16 fuzziness in the data because of the COVID pandemic
17 and the fact that waste equity was implemented
18 literally during the pandemic, but we are fairly
19 confident that there has been a reduction in air
20 emissions as a result of the law.

21 CHAIRPERSON NURSE: You all are tracking
22 that just through the truck numbers and what you
23 average this type of truck does versus what this
24 truck emits?

25

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2 DEPUTY COMMISSIONER ANDERSON: Correct.

3 Again, once we get into commercial waste zones and we
4 have specific GPS data, we have specific data on
5 which carters are picking up from where and tipping
6 where in a lot more granularity than we have today,
7 we can do that modeling and have more specific
8 information, but, right now, we're looking at the
9 data that the transfer stations provide to us in
10 terms of the amount of material that's flowing
11 through those transfer stations and where those
12 transfer stations are located.

13 CHAIRPERSON NURSE: Okay. Remind me, how
14 often do they report on that?

15 DEPUTY COMMISSIONER ANDERSON: They report
16 quarterly.

17 CHAIRPERSON NURSE: Quarterly, all right.

18 DEPUTY COMMISSIONER ANDERSON: But our
19 inspectors can look at their books whenever they're
20 conducting their weekly inspections.

21 CHAIRPERSON NURSE: Okay. I actually had a
22 clarifying question from your testimony around the
23 inspectors going to those stations. How many of those
24 inspectors do the unannounced visits to the transfer
25 stations?

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2 DEPUTY COMMISSIONER ANDERSON: I think we
3 have about 10 members of our permanent inspection
4 unit so they're full-time assigned to inspecting the
5 transfer stations, both putrescible and non-
6 putrescible, as well as the fill material transfer
7 stations and any other registered fill material
8 operations within the city.

9 CHAIRPERSON NURSE: Just to clarify
10 because I was unsure, mostly from my brain, the
11 unannounced visits happen at each facility once per
12 week or the inspectors do a site visit once per week?

13 DEPUTY COMMISSIONER ANDERSON: The
14 frequency varies based on the type of facility so the
15 putrescible facilities, which are the ones that
16 handle regular garbage, those are inspected 4 times a
17 month or about once a week, and that's a detailed
18 inspection so that's the inspector takes a look at
19 the logbooks, walks through the facility, looks at
20 the operating systems, looks at are the right
21 controls in place, are you meeting all of the rules,
22 so that's once a week on average. For the C&D
23 facilities, that's twice a month so every other week
24 on average. They also conduct additional drive-by
25 surveillance of each facility about 2 to 4 times a

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2 month so it's for putrescible facilities weekly
3 inspections on a detailed level and then about twice
4 a week or every week additional drive-by inspections
5 and then if we ever get 311 complaints or community
6 complaints, elected official complaints, we'll send
7 an inspector right away to go take a look at what the
8 issues are.

9 CHAIRPERSON NURSE: Just for reminder, so
10 there's about 10 folks doing all that to how many
11 facilities roughly?

12 DEPUTY COMMISSIONER ANDERSON: On the
13 putrescible and non-putrescible side, it's 38 permits
14 at 36 facilities. There's, I believe, around another
15 15 to 20 fill transfer stations, and the fill
16 transfer stations weren't covered by the Waste Equity
17 Law.

18 CHAIRPERSON NURSE: Okay. Thank you. Can
19 you expand on how the Waste Equity Legislation has
20 impacted the Bronx specifically? I know you went over
21 a little bit of those but just to go a little more in
22 detail.

23 DEPUTY COMMISSIONER ANDERSON: Again, in
24 the Bronx specifically, the reductions in the Bronx
25 under the law were a 33 percent target for permit

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2 reductions at those facilities in those 2 districts.

3 Permitted capacity in Bronx 1, which is, I actually

4 don't know what that neighborhood is called, but

5 Community Board 1 was 13 percent reduction, and

6 that's predominantly due to the fact that the largest

7 facility in that district is a rail export facility

8 that was excluded from Local Law 152, and then in

9 Bronx 2, a much larger reduction of 30 percent of

10 permitted capacity. Then looking at the throughput

11 side, Bronx 1 reduction of throughput of 8 percent,

12 Bronx 2 reduction of throughput of 23 percent.

13 CHAIRPERSON NURSE: Overall, are Bronx 1

14 and 2, Brooklyn 1, and Queens CD12 still processing

15 the bulk of the city's solid waste?

16 DEPUTY COMMISSIONER ANDERSON: They are

17 processing the majority of the city's private waste.

18 Those 4 districts still combine for about 73 percent

19 of private waste transfer, but when you add in the

20 city facilities, the 5 locations that Sanitation

21 operates, the 4 MTS and the Staten Island Transfer

22 Station, it's only 43 percent so it's much more

23 evenly distributed. Obviously, the districts that

24 have one of the large DSNY transfer stations then

25 jump sort of to the top so Queens 7, which has the

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2 North Shore Marine Transfer Station, or Brooklyn 7,
3 which has the Hamilton Avenue Marine Transfer
4 Station, those then sort of become the largest
5 districts along with Brooklyn 1 and the 2 Bronx
6 districts.

7 CHAIRPERSON NURSE: Okay. Thank you so
8 much. My last question would be with the CWZ given
9 with the private waste it's still 73 percent, do you
10 anticipate that coming down?

11 DEPUTY COMMISSIONER ANDERSON: I think
12 there are a number of factors that could affect that.
13 Obviously, one being whether we accept waste at the
14 DSNY facilities. Others being the submission of the
15 waste management plans, where are the carters
16 planning to dump the material, and we certainly
17 through the commercial waste zones process don't want
18 to increase the burden in these districts and have
19 taken steps to make sure that we can try to more
20 fairly distribute that burden.

21 CHAIRPERSON NURSE: Okay. Thank you all
22 for answering the questions. I don't see any other
23 questions from Council Members so I'm going to kick
24 it to Jessica.

25

2 JESSICA ALBIN, MODERATOR: Thank you very
3 much. We will turn to public testimony so give you a
4 minute if you'd like to move but thank you, admin,
5 for your testimony.

6 As I said, we will now turn to public
7 testimony. We will be doing a mix of in-person and
8 remote testimony. We will be calling on the in-person
9 panelists first and then for the panelists who are
10 remote.

11 For the public panelists, we will be
12 giving 3 minutes to testify. For those who are
13 remote, you will begin once the Sergeant has called
14 time.

15 Council Members who have questions for a
16 particular panelist, please use the Zoom raise hand
17 function in the Zoom, and you will be called on once
18 the panelist has completed their testimony.

19 For panelists testifying via Zoom, once
20 your name is called, a member of our staff will
21 unmute you, and the Sergeant-at-Arms will give you
22 the go ahead to begin upon setting the timer. Please
23 wait for the Sergeant to announce that you may begin
24 before delivering your testimony.

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2 I will turn it to the Chair to call the
3 first in-person panel.

4 CHAIRPERSON NURSE: Our first panel will
5 be Lacey Tauber, Eric Goldstein, and Lonnie J.
6 Portis. Thank you all for being here and hanging
7 through. I know it takes a while for folks to be able
8 to testify.

9 LACEY TAUBER: Hello. Good afternoon. My
10 name is Lacey Tauber. I'm the Legislative Director
11 for Brooklyn Borough President Antonio Reynoso. Thank
12 you so much to Chair Nurse for giving me the
13 opportunity to speak today. I know that the Borough
14 President also had wanted to take this opportunity to
15 welcome Commissioner Tisch, and I hope that the folks
16 who are still here from Sanitation will pass along
17 that he's very much looking forward to working with
18 her.

19 I'm excited to be here today to talk
20 about waste equity and commercial waste zones, which
21 are 2 policies that were very close to the Borough
22 President's heart. As Chair of the Council Sanitation
23 Committee for 8 years, developing these pieces of
24 legislation and seeing them passed were 2 of his
25 biggest priorities and 2 of the victories of which I

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2 know he is the most proud, and we really appreciate
3 Chair Nurse holding this hearing so that we can
4 continue to publicly track DSNY's progress toward
5 implementation of these bills.

6 I'll state with waste equity, a policy
7 that the Borough President championed even before he
8 became a Council Member. This bill is very personal
9 for him because growing up on the southside of
10 Williamsburg he saw firsthand the impact that
11 pollution from waste trucks was having on his health
12 and the health of his friends and family. The fact
13 that waste transfer stations are concentrated in 3
14 communities of color in this city, North Brooklyn,
15 the South Bronx, and Southeast Queens was no
16 accident. It was because of decades of racist
17 planning policies that sited these facilities next to
18 low-income communities of color, and these
19 communities have suffered the health and safety
20 consequences as a result. The Borough President
21 fought to reduce waste processing capacity at the
22 facilities in these districts to help provide these
23 neighborhoods with some relief. The legislation also
24 included a cap on new facility sitings so that no
25 other community could become the next dumping ground.

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2 We hope that the Council will uphold this important
3 legislation and help us go even further by
4 encouraging existing facilities to transport waste by
5 rail and barge when possible rather than by truck.
6 We're also excited for the potential of private
7 carters to use the city's marine transfer stations
8 which, as we've just discussed, will be potentially
9 allowed for the first time under Commercial Waste
10 Zoning. The MTS exist thanks to the environmental
11 justice communities work on the solid waste
12 management plan and expanding their use will help
13 further reduce truck traffic in overburdened
14 communities.

15 On commercial waste zoning, or as we
16 refer to it CWZ. The Borough President was also proud
17 to champion this legislation, which will transform
18 the commercial waste industry. According to DSNY's
19 own calculations, implementing CWZ will dramatically
20 reduce greenhouse gas emissions from the private
21 carting industry, and, as mentioned, deliver on
22 environmental justice commitments. It will improve
23 our city's diversion rates for recycling and
24 organics, make our streets safer, and improve working
25 conditions for workers in the industry. After passing

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2 this bill in 2019, the Borough President has been
3 disappointed, is it okay if I keep going, thanks, has
4 been disappointed that DSNY has delayed
5 implementation for 2 years. We understand that the
6 pandemic caused unique challenges for every industry,
7 including Sanitation, but the most recent delay of
8 the RFP response deadline from April to July is
9 concerning. Chair Nurse and the Borough President
10 along with Comptroller Lander and Manhattan Borough
11 President Levine and 30 Council Members delivered a
12 letter to DSNY in March expressing their desire to
13 see this program implemented as soon as possible, and
14 I want to underscore that today. Every day we wait
15 our communities breathe more dirty air, more workers
16 are exposed to dangerous working conditions, and we
17 get further and further away from our city's zero
18 waste goals as more recyclable and organic commercial
19 waste is unnecessarily sent to landfills.

20 I want to conclude by acknowledging that
21 though we're not even close to done fighting to
22 overhaul how our city handles its waste we've made
23 major progress in the name of justice and
24 sustainability, and it's important to celebrate our
25 victories. The Borough President especially wanted to

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2 acknowledge the New York City Environmental Justice

3 Alliance, New York Lawyers for the Public Interest,

4 Natural Resources Defense Council, the Teamsters,

5 ALIGN, the entire Transform Don't Trash Coalition.

6 This absolutely could not have happened without you.

7 To Chair Nurse, thank you for carrying on the work we

8 started and for using your platform to focus on

9 important policies like these. Finally, to DSNY,

10 thank you for having a vision bold enough to shake up

11 broken systems. Let's keep doing that together. Thank

12 you.

13 CHAIRPERSON NURSE: Just a note, we

14 changed the clock to 5 minutes just because we have a

15 smaller list of testimonies.

16 ERIC GOLDSTEIN: Thank you, Chair Nurse,

17 and thanks to former Chair Reynoso. It's hard to

18 think of 2 better advocates for all of the causes

19 that we care about than the 2 of you so thank you.

20 My name is Eric Goldstein, and I'm New

21 York City Environment Director at the Natural

22 Resources Defense Council, a national non-profit

23 legal and scientific organization. NRDC has been

24 working on waste issues in New York for 4 decades.

25 Our long-term goal remains unchanged, to transform

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2 New York City waste policy from primary reliance on
3 landfilling and incineration to having waste
4 prevention, composting, recycling, and equity, the 4
5 cornerstones of city solid waste policy.

6 For too long, there has been a strong and
7 troubling relationship between waste handling and
8 environmental justice in America. Dr. Robert Bullard,
9 one of the grandfathers of the environmental justice
10 movement, in his book Confronting Environmental
11 Racism identified 9 of the environmental justice
12 battles throughout the country. Two-thirds of them, 6
13 of the 9, involved waste issues, and right here in
14 New York City we could add 3 more, the battle over
15 the North River Sewage Waste Treatment Plant in the
16 1980s and 1990s that was led by WE ACT for
17 Environmental Justice, 2, the proliferation of land-
18 based transfer stations, and, 3, communities as Fresh
19 Kills Landfill tipping fees were increased in the
20 '80s and early '90, and, 3, the ongoing operation of
21 many commercial waste carting programs. We have 4
22 recommendations for reducing environmental injustices
23 associated with this waste handling in New York City.

24 The top of the list, implementation of
25 the Waste Zone Law in a timely fashion. As you know,

2 Local Law 199 of 2019 established the historic new
3 vision for the collection of commercial waste in the
4 nation's largest city. That's cause for celebration,
5 but, ultimately, implementation of the law is what
6 really counts so we were concerned when the deadline
7 for the second round of RFP submissions was pushed
8 back 3 months until July 15th. On the other hand,
9 we're encouraged by the continuing DSNY staff level
10 commitment to this issue and to your leadership,
11 Chair Nurse, and that of Speaker Adams to ensure that
12 there's sufficient funding for full implementation of
13 this program. Local Law 199 provides that the
14 Commissioner of Sanitation shall promulgate rules
15 setting an implementation start date and a final
16 implementation date for each commercial waste zone,
17 and it's our hope and expectation that as the RFP
18 process concludes at the end of this year the first
19 of these rules will be promulgated before December
20 2022.

21 Second, we urge the city to step up
22 efforts to utilize the marine transfer stations for
23 commercial waste. As you've indicated, the 2006 Solid
24 Waste Management Plan established a new emphasis on
25 modern marine transfer stations and initiated their

2 reconstruction. That work has now been completed at 4
3 transfer stations, North Shore, East 91st Street,
4 Hamilton Avenue, and Southwest Brooklyn, but handling
5 DSNY collected waste was not the entire vision for
6 these facilities. The 2006 Solid Waste Management
7 Plan called for developing "a sound approach to
8 redistribute private transfer capacity from a small
9 number of communities that have the largest
10 proportion of the systems impacts" and the plan
11 continued "in Manhattan where over 40 percent of the
12 city's commercial originates but no private
13 putrescible transfer stations are located, the DSNY
14 proposes for its West 59th Marine Transfer Station
15 and the work of the private sector to explore ways to
16 use it as a transfer station for commercial waste."
17 In addition, the plan said "the city will evaluate
18 ways to encourage the movement of commercial waste
19 through the MTS that will be converted as part of the
20 long-term export plan," but the 59th Street facility
21 conversion hasn't happened and sending commercial
22 waste through the MTS, the marine transfer stations,
23 is still a distant vision. We urge this Committee to
24 explore these issues in depth and to work with the
25 Department of Sanitation in the months ahead so that

2 these long-delayed visions of the 2006 plan can be
3 implemented.

4 Third, we urge the city to end reliance
5 on the Newark Incinerator as a final destination for
6 New York City waste. Today, Manhattan's putrescible
7 waste, much of it anyway, is sent to the Essex County
8 Incinerator in Newark, New Jersey. This has been for
9 years a poorly operating facility that has been cited
10 for performance problems and discharging excess
11 contaminants into the air. The impacts have been felt
12 most significantly on the (INAUDIBLE) community in
13 Newark which has already suffered more than its fair
14 share of environmental burdens, and prevailing winds
15 often carry pollutants from west to east which means
16 that pollution from the Essex County Incinerator
17 often comes right back here to New York City. These
18 operating problems at the incinerator provide a
19 possible justification for New York City to cancel
20 its contract with this facility. At a minimum, the
21 city's contract with Essex County Incinerator should
22 not be renewed in the interest of sustainability and
23 environmental justice.

24 Finally, the city can and must implement
25 curbside community composting for every New York City

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2 household. As you know, organics, food scrap, and
3 yard waste are the largest portion of the city's
4 residential waste-stream. Currently, these wastes are
5 sent overwhelmingly to landfills and incendiaries
6 which are too often located in black and brown
7 communities, and the current system of leaving
8 organics and mixed waste in black, plastic bags is
9 just what the city's vibrant rat population loves.
10 Our current system for residential food waste
11 collection provides an enticing source of food for
12 our city's increasingly brazen rats. Rats and street
13 cleanliness are another issues where the burdens seem
14 to fall disproportionately on lower income and black
15 and brown communities so with great enthusiasm we
16 endorse the package of composting expansion bills
17 introduced yesterday by you, by Council Member Hanif
18 and Council Member Powers, and we thank you, again,
19 for the leadership spark you're providing and to
20 Speaker Adams for appointing you.

21 LONNIE J. PORTIS: Good afternoon,
22 Committee Chair Nurse and Committee on Sanitation and
23 Solid Waste Management. Thanks for the opportunity to
24 testify. We've been participating in a lot of these
25

2 hearings, and we really appreciate your leadership on
3 such an important topic.

4 I'm Lonnie J. Portis, the Environmental
5 Policy and Advocacy Coordinator at WE ACT for
6 Environmental Justice. I routinely analyze New York
7 City policies and programs for equity and climate
8 justice, and I co-lead a group of community members
9 mobilized around waste and sanitation problems in
10 Northern Manhattan. Low-income communities and
11 communities of color throughout New York City have
12 historically been burdened by a disproportionate
13 number of pollutant-generating facilities such as
14 factories, potter plants, waste depots, sewage
15 treatment plants, garbage dumps, and transfer
16 stations and trucking centers. This inequitable
17 siting has turned these communities into
18 environmental sacrifice zones with cumulative impacts
19 of these multiple sources of pollution exponentially
20 harming their residents causing health impacts such
21 as asthma, lung and heart disease, increased birth
22 defects, and learning impairments. I just want to
23 stress today the importance of upholding New York
24 City's Waste Equity Law and implementing commercial
25 waste zones, especially in light of New York State

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2 Senate and Assembly passing Cumulative Impacts

3 Legislation just the other day.

4 A more detailed written testimony will be
5 provided after this hearing on this subject, and WE
6 ACT is looking forward to working closely with this
7 Committee on all the zero waste initiatives. I guess
8 I yield my time.

9 CHAIRPERSON NURSE: Thank you. Thank you
10 so much to this panel. Thank you all for pushing as
11 hard as you do to even get these laws here in the
12 first place so we're excited to move it forward and
13 implement. Thank you so much.

14 Our next panel is going to be Maritza
15 Silva-Farrell and Daniel Wright. Sorry if I
16 mispronounced the last name. Daniel Wright from the
17 Teamsters.

18 JESSICA ALBIN, MODERATOR: If you haven't
19 signed in with the Sergeants-at-Arms but would like
20 to testify in person, please do so. Thank you.

21 CHAIRPERSON NURSE: When you're ready, you
22 can start.

23 DANIEL WRIGHT: Thank you, Chair Nurse and
24 the Committee, for the opportunity to speak here. By
25 way of introduction, I'm Daniel Wright. I'm the

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2 President of Teamsters Local 813. We represent
3 workers in the private sanitation industry. We at
4 Local 813 are advocates of Local Law 199. We believe
5 in worker safety, worker conditions that are fair and
6 reasonable, traffic safety, and equipment safety. We
7 are also interested in environmental issues being
8 addressed. We will continue to be a champion for
9 labor, and we look forward to continuing to work with
10 the administration, Council Chair Nurse, Commissioner
11 Tisch and the DSNY, and the employers within the
12 industry. The components of this law are common sense
13 measures, and I'm pleased to see the implementation
14 of Local Law 199. Thank you.

15 MARITZA SILVA-FARRELL: Good afternoon,
16 Chair Nurse. We are extremely happy to be here today.
17 Really appreciate the time that you all are making
18 for this hearing. My name is Maritza Silva-Farrell. I
19 am the Executive Director of ALIGN New York. We are a
20 longstanding alliance of community labor and
21 environmental justice organizations across the state,
22 and a lot of our work is just to build coalitions
23 just like the one we build with the Transform Don't
24 Trash coalition that has been leading this work with
25 the passage of the law 199.

2 As we know, the current private waste
3 system is ineffective with dozens of carrying
4 companies competing businesses in each neighborhood.
5 We've seen it. We continue to see it. Even this
6 morning, I saw some of that. Those are contributing
7 to mistreatment of workers, dangerous conditions for
8 drivers and pedestrians alike, low recycling rates
9 and a system that dumps disproportionately a mound of
10 garbage and air pollution on a few environmental
11 justice communities. We've seen that in so many
12 districts across the city. That's the reason why we
13 took on this fight back in 2014. Our city faces a
14 unique opportunity right now to transform our
15 commercial waste system that will benefit the
16 environment, workers, and the safety of our
17 communities as we have said before. When fully
18 implemented, commercial waste zones will take 18
19 million diesel truck miles off New York City streets.
20 It will increase recycling and waste reduction. We
21 have to remember that note because it's important
22 when we talk about addressing climate change we will
23 be actually doing it with this law. It is critical
24 that the city fully implement this law swiftly and as
25 quick as possible as mentioned by previous speakers.

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2 We have delayed this for 2 years, and I was glad to
3 hear the Department of Sanitation has the funding to
4 do so and we look forward to working with the
5 Department of Sanitation in their plans. The current
6 RFP process will be critical, and we have to look at
7 that process very closely, remembering that 10 years
8 is what we will be giving to these carters to provide
9 the services. The services will be given to small
10 businesses. Many of the businesses that we know have
11 been struggling during this pandemic so it is
12 critical that we do this and we do it right.

13 The New York Transform Don't Trash
14 coalition urges the city to, once again, do this
15 quickly without any more delays, and, at the same
16 time, we do appreciate the commitment of the City
17 Council, the commitment of Chair Nurse, and the
18 commitment of the Mayor's Office to move this
19 implementation. It is important also to uphold the
20 staffers and stakeholders who are moving this process
21 forward. Many of the members of the Department of
22 Sanitation and the staff members have been working
23 very diligently with our coalition as mentioned
24 earlier today so we look forward to continuing that
25 collaboration and even more so now that we have a new

2 Commissioner. Excited to be working with the new
3 Commissioner and congratulating her as well in her
4 position.

5 One last thing I want to mention is that
6 with implementation of this law we are going to be
7 leading the way across the country so we have to
8 ensure that with the collaboration of City Council
9 and the Mayor's Office we will do this, and other
10 states that have been interested in implementing this
11 similarly, like LA and Seattle and other places will
12 take the lead and do it this route. Thank you very
13 much for your leadership.

14 CHAIRPERSON NURSE: Thank you. I did have
15 one question if you're comfortable answering. Council
16 Member Farias brought up the question about
17 prevailing wages, and I guess I'm curious if you feel
18 comfortable sharing what is the current pay scale for
19 private sanitation workers, what are the benefits
20 they're getting? If you want to elaborate between
21 folks who are in union jobs, folks who are in non-
22 union jobs, and what that means for those workers and
23 their families and why the CWZ really needs to
24 encourage that.

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2 DANIEL WRIGHT: The current union
3 sanitation workers are probably making anywhere in
4 the vicinity of 30 to 40 dollars an hour plus
5 benefits which would include a retirement, either a
6 pension or a 401k plan, and medical benefits. What's
7 going on outside of the union industry can vary
8 greatly. I wouldn't really be able to comment
9 directly on that.

10 CHAIRPERSON NURSE: Thank you so much.
11 Thank you for your testimony today. Thank you for
12 your advocacy and for working together.

13 Our next panel will be Justin Wood from
14 NYLPI, Carlos Castell Croke from New York League of
15 Conservation Voters, and Lew Dubuque from National
16 Waste and Recycling.

17 We can start down the line whenever you
18 all are ready.

19 JUSTIN WOOD: Good afternoon. My name is
20 Justin Wood. I'm the Director of Policy at New York
21 Lawyers for the Public Interest. Thank you so much,
22 Chair Nurse and thank you to the Business Integrity
23 Commission and Sanitation staff who testified
24 earlier.

25

2 It's very exciting for those of use who
3 have been members of the Transform Don't Trash
4 coalition for many years to finally hear that
5 implementation of Local Law 199, the Commercial Waste
6 Zones Law, is going to move forward on July 15th. I
7 think we've heard a lot today about the benefits of
8 this law, the vision behind this law, the win-win-win
9 it's going to be for workers in the sanitation
10 industry, for responsible companies in the industry,
11 for environmental justice communities, for safe
12 streets so I'll just highlight a couple of the ways
13 in which we hope that implementation will leverage
14 the maximum possible investments in climate emissions
15 reductions, green jobs, and equity because this Local
16 Law 199 is also a huge opportunity to continue
17 advancing waste equity in our city.

18 The truck mile reductions that are
19 expected from this system are really exciting. An
20 even possibly bigger benefit for climate emissions is
21 to finally start boosting reductions in the amount of
22 waste being landfilled and incinerated from our
23 commercial businesses, and this is going to require
24 the transparency, the long-term investments and
25 contracts that we heard about, and really for the

2 haulers that are selected for this system to begin
3 working in concert with their customers, with micro-
4 haulers, with food rescue organizations to really
5 sharply reduce the amounts of waste, particularly
6 organic waste that are being trucked to landfills
7 right now. We estimated the potential climate
8 benefits from a robust implementation of this system
9 a few years ago, and, if we just get to Seattle's
10 level of recycling with a similar system, we could
11 reduce 2 million tons of carbon emissions from our
12 atmosphere just from New York City annually. That's
13 like more than 400,000 cars off the road, the
14 equivalent, so there's huge low hanging fruit here
15 that would also produce a lot of good local green
16 jobs.

17 I'll just quickly highlight a couple of
18 the equity benefits of a robust and strong version of
19 the Commercial Waste Zones Law being implemented.
20 We've heard a lot about the possibility of using
21 marine transfer stations to further cut truck miles
22 from environmental justice communities. That's a
23 great idea. We hope the city will move forward with
24 opening those facilities to the commercial carters
25 asap. There's also a huge opportunity here again

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2 because of those long-term contracts to leverage
3 investments in things like fully electric, zero
4 emissions garbage trucks that are being tested around
5 the country, and this is an opportunity to align our
6 private waste industry with our public sector fleets
7 and help meet those same green fleet goals that the
8 Mayor and the state have laid out.

9 We're very excited to work with the City
10 Council. Thank you so much for holding this hearing.
11 Excited to work with the new Commissioner of
12 Sanitation and Business Integrity Commission and see
13 this through this year. Thanks so much.

14 CARLOS CASTELL CROKE: Good afternoon. My
15 name is Carlos Castell Croke. I'm the Associate for
16 New York City Programs at the New York League of
17 Conservation Voters. NYLCV represents over 30,000
18 members in New York City, and we're committed to
19 advancing a sustainability agenda that will make our
20 people, our neighborhoods, and our economy healthier
21 and more resilient, and I'd like to thank the Chair
22 so much for having us in person here today. It's
23 exciting to talk about this issue. At NYLCV, we
24 firmly believe that an extensive ecofriendly and
25 equitable waste management system is essential to the

2 cleanliness and health of our city. If we are to
3 achieve the city's goal and soon-to-be mandate of
4 eliminating all the waste sent to landfills by 2030
5 and improving quality of life for all residents, we
6 must be (INAUDIBLE) expansions and comprehensive
7 overhauls to our waste management systems and
8 programs. New York City produces more than 14 million
9 tons of trash every year. Waste in landfills releases
10 methane, potent greenhouse gas, and 120,000 metric
11 tons of carbon dioxide. One-third of our waste is
12 organic materials, making citywide organics recycling
13 program long overdue so we are elated that we have so
14 many bills introduced yesterday to help us tackle
15 this issue.

16 Communities of color and low-income
17 communities are most often located near polluting
18 facilities like waste transfer stations and
19 incinerators whose emissions are exacerbated with
20 increased waste. These higher rates of pollution
21 caused by waste cause disproportionately higher cases
22 of asthma, cancer, and other health issues and
23 compound existing environmental and racial inequities
24 in these same communities. Creating a more reliable
25 and accessible composting system would make the

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2 separation of food waste equitable and efficient as
3 well as reduce its emissions from transportation and
4 decomposition.

5 Mayor Adams just announced increased
6 investments in a containerization pilot. We must
7 continue to adopt design guidelines for buildings and
8 implement containerization on our streets to
9 streamline waste collection and prevent buildup on
10 our sidewalks and trash rooms, and this would also
11 reduce rodents, improve aesthetics, and overall a
12 better experience for workers, small businesses, and
13 families alike.

14 Finally, we need this commercial waste
15 zones implemented as soon as possible, and we're glad
16 to hear that we now have a date, and we're glad that
17 Sanitation Department has committed to this after so
18 many delays. Expanding our composting and recycling
19 system and increasing trash pickup routes will
20 increase diversion rates from landfills and reduce
21 unnecessary emissions, especially from marginalized
22 communities impacted the most. Reducing the millions
23 of tons of solid waste we send to landfills and
24 incinerators annually is critical to help this and to
25 curbing greenhouse gas emissions overall. The leaders

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2 in our Council have shown us that they're willing to
3 be bold on waste management, and we are very excited
4 to see all the bills introduced yesterday to move
5 through and we are excited for the work to come.

6 Thank you.

7 LEW DUBUQUE: Chair Nurse, I want to thank
8 you for the opportunity to testify in front of the
9 Committee today. My name is Lew Dubuque, and I'm the
10 Vice President for the Northeast of the National
11 Waste and Recycling Association. NWRA represents the
12 hardworking men and women of the industry who collect
13 and manage waste, recyclables, and organics produced
14 by more than 100,000 commercial entities in this
15 great city. I'm here today to discuss the city's
16 Commercial Waste Zone program. To be clear, nowhere
17 in the U.S. has such a zoning structure been adopted
18 or implemented to this scale. We full understand this
19 is an unprecedented and complex process. NWRA and our
20 members share New York City's goal of promoting a
21 modern and effective industry that is not just
22 focused on providing its core services but is
23 refocused on sustainability, zero waste, emission
24 reductions, and fair labor practices. Stakeholders in
25 the process including both the service industry we

2 represent and the business community that we serve
3 are pleased that the timeline for implementation of
4 the program has been carefully considered and
5 extended. This was done for a host of reasons, not
6 the least of which has been the upheaval of the local
7 economy due to the COVID pandemic. Volumes are down
8 in the city, and many businesses remain closed or are
9 operating at greatly reduced levels. Office workers
10 are still largely away from the office and tourism is
11 yet to rebound, affecting hotels, restaurants, and
12 cultural institutions.

13 In addition to the obvious uncertainty of
14 future solid waste volumes and continued COVID
15 reopening challenges, implementation of such a
16 significant and potentially confusing transition to a
17 commercial waste franchise system requires a
18 measured, thoughtful, and collaborative
19 implementation process and timeline. Significant
20 aspects of implementation that have not been
21 sufficiently considered or completed will need to be
22 addressed prior to awarding zones and during the
23 transition. These include updated customer data to
24 better understand changes in waste volume and in
25 composition, will joint ventures of long-time

2 competitors be allowed and with what guidelines, what
3 information on existing customers, service levels,
4 and pricing will be provided for new zone award
5 winners, will the DSNY rail and marine transfer
6 stations be accepting commercial waste and on what
7 terms including rates, and how will local businesses
8 handle the transition phase, will DSNY cover gaps in
9 service.

10 To effectively address these issues, we
11 urge the administration to take the following steps.
12 A measured and extended implementation timeline to
13 ensure the customer service and account transitions
14 are executed in an orderly and efficient manner,
15 further award winners will need appropriate time to
16 communicate, procure equipment, and ramp staffing to
17 onboard new customers and amend service levels,
18 sequencing the transition of zones to "test the
19 process" is worth consideration even if such a
20 strategy extends implementation timeline, better to
21 get it right than to rush such an unprecedented
22 zoning implementation.

23 We along with the business community are
24 concerned that the cumulative effort of the CWZ
25 system's many new requirements along with general

2 inflation and industry costs will result in prices
3 considerably higher than at present. Every effort
4 should be made to minimize that possibility by
5 careful review of the proposed system. When all
6 regulations are completed and market data updated,
7 DSNY should develop a comprehensive picture of the
8 intended CWZ scheme and its implementation and
9 present it to key stakeholders including the business
10 community.

11 Also important is to subject the entire
12 package to an independent review for suggestion on
13 final improvements.

14 I have a more detailed list of questions
15 and recommendations. I will present those in the
16 written comments.

17 Our New York City members would welcome
18 the opportunity for a constructive dialogue on all
19 these issues. Again, I want to reiterate that we
20 understand this is an unprecedented and complex
21 process, and we will work with the city to help
22 implement this vital system.

23 I appreciate the opportunity to speak
24 with you and look forward to getting answers to many
25 of the concerns we've brought up today. I also look

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2 forward to working with New York City Council and
3 advocating for New York City's private sector waste
4 industry. Thank you.

5 CHAIRPERSON NURSE: Thank you so much.
6 Thank you to this panel. I think we're going to move
7 to the virtual space. Thank you all for being here.

8 If there's anyone else who wants to sign
9 up to testify, you can sign up over there, but we're
10 going to move to the virtual space.

11 JESSICA ALBIN, MODERATOR: Thank you,
12 Chair. We will now call on the public who is
13 testifying remotely. As a reminder, you will have 5
14 minutes to testify and wait until the Sergeant calls
15 time before you begin your testimony and a member of
16 our staff will unmute you.

17 First, we will call on Lauren Pine
18 followed by Greg Todd followed by Frederick
19 Schneider. Lauren Pine, you may begin when the
20 Sergeant calls time.

21 SERGEANT-AT-ARMS: Time starts now.

22 LAUREN PINE: Thank you. Hello. My name is
23 Lauren Pine, and I am a member of Families for Safe
24 Streets. I am here to implore the long overdue
25 implementation of commercial waste zone reform, which

2 was passed in 2019, to make the private sanitation
3 industry safer, more efficient, and greener. As we
4 all know, it is now 2022.

5 I know firsthand what is at stake. On
6 November 15, 2017, I was crossing in the crosswalk
7 with the light and was struck and dragged by a 10-
8 wheel dump truck making a right turn. That is a photo
9 of the truck right after it hit me at the crash site
10 behind me. I was rushed to Belleview Hospital where I
11 was put into a medically induced coma for 4 days. I
12 had a full leg amputation, and that includes my
13 femur. That's less than 2 percent of all amputations
14 due to the high mortality rate. I also have residual
15 nerve damage and foot drop in my right leg requiring
16 me to use a brace and crutches in addition to a heavy
17 prosthetic leg.

18 Crashes like mine are preventable. I'm
19 fortunate to be alive. If there's any silver lining
20 to my story, it is that even if I cannot return to my
21 former career as a nurse in a cancer center, I can
22 use my voice, my white privilege, and my visible
23 disability to volunteer and prevent more harm.

24 Private sanitation trucks are among the
25 most dangerous vehicles in our city. In 2019, a city

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2 study found that these trucks had claimed the lives
3 of at least 43 New Yorkers since 2010. Today, large
4 vehicles including waste-hauling truck are involved
5 in about 1/5 of crashes where pedestrians like myself
6 are killed or seriously injured. By making collection
7 routes shorter and holding these companies to
8 enforceable safety standards, the commercial waste
9 zone system will eliminate millions of unnecessary
10 truck miles from our streets, reduce driver fatigue,
11 and ensure that companies install basic safety
12 measures like sideguards and 360-degree cameras on
13 their trucks. The industry will not reform itself if
14 we wait. We already know from BIC that only 27
15 percent of heavy private waste vehicles have
16 affirmatively installed sideguards. For the New
17 Yorkers like myself who have been injured, killed, or
18 are routinely threatened by these trucks, reform
19 cannot come fast enough. Local Law 199 must be
20 implemented without delay. Thank you so much for your
21 service and your time today.

22 JESSICA ALBIN, MODERATOR: Thank you for
23 your testimony. We will now call on Greg Todd
24 followed by Frederic Schneider followed by Diana
25

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2 Blackwell. Greg Todd, you may begin when the Sergeant
3 calls time.

4 SERGEANT-AT-ARMS: Time starts now.

5 GREG TODD: Hello, my name is Greg Todd. I
6 would like to thank Council Member Nurse and the
7 Sanitation Committee for creating this opportunity to
8 speak. My name is Greg Todd. I reside in the 36th
9 Council District where Chi Osse is our
10 representative. As many of you agree, inequity among
11 neighborhoods in New York City is hardly new. As far
12 back as 1895 when Colonel George Waring instituted
13 the first uniformed sanitation crews in New York
14 City, wealthy neighborhoods had already funded their
15 own private sanitation services so his newly
16 empaneled crew, 1,000 people in white uniforms,
17 benefited primarily the poor neighborhoods. It is in
18 keeping with this tradition of environmental justice
19 that we want to ensure that all communities receive
20 their fair share of sanitation spending in 2023. As
21 it stands now, only more affluent neighborhoods are
22 getting curbside collection of organics. To remedy
23 this situation, we would like to see Sanitation
24 implement a rigorous and thoughtfully implemented
25 pilot study to determine which organic collection

2 strategies work best in environmental justice
3 communities. We agree with the Mayor that low
4 participation rates in the curbside collection
5 program, also known as Brown Bin Program, makes it
6 extremely expensive to implement. We're convinced we
7 cannot allow this to continue. Other options such as
8 containerization, especially for large apartment
9 buildings and NYCHA developments, and community-based
10 processing as required by the Core Act introduced
11 recently by Council Member Keith Powers must be tried
12 in pilot programs in 2022 and 2023. By capturing and
13 processing organics within our community, the city
14 can not only reduce the expense of shipping heavy
15 organics to distant landfills, we can create green
16 jobs, reduce release of toxic soot and greenhouse gas
17 emissions into the atmosphere, and provide valuable
18 compost for community gardens, tree beds, and our
19 city parks. By creating green jobs in areas where
20 employment is most needed, the city can basically
21 recapture sanitation monies spent by employing
22 community members who in turn spend those monies in
23 their neighborhoods and enhance the city's tax base.

24 Regarding commercial waste zones, micro-
25 haulers must not be barred from taking advantage of

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2 this program. As it stands now under Sanitation
3 policy, micro-haulers cannot use waste consolidation
4 strategies that they find necessary given the absence
5 of local organics processing facilities. Micro-
6 haulers must also pay burdensome insurance premiums
7 not commensurate with the size of their operations.
8 Removing these regulatory burdens would allow more
9 entrepreneurs in environmental justice communities to
10 participate in the opportunities presented by the
11 CWZ.

12 I thank you again for this opportunity to
13 present my thoughts and look forward to a more just
14 and fair sanitation budget in fiscal year 2023. Thank
15 you.

16 JESSICA ALBIN, MODERATOR: Thank you for
17 your testimony. We will now call on Frederick
18 Schneider followed by Diana Blackwell followed by
19 Ryan Thoresen Carson. Frederick Schneider, you may
20 begin when the Sergeant calls time.

21 SERGEANT-AT-ARMS: Starting time.

22 FREDERICK SCHNEIDER: Good morning,
23 Chairwoman Nurse, distinguished Committee Members. I
24 come before you as the Business Manager of Local
25 Union 108 that represents more workers in the private

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2 sanitation industry than any other in New York City.

3 The 800+ hardworking men and women members of Labors

4 Local 108 do the arduous, dangerous, and dirty work

5 of collecting and sorting New York City's commercial

6 waste. Before Local 108 organized this industry,

7 raising its members to middle class wages with

8 benefits, it was at best a minimum wage profession

9 dominated by organized crime and very dangerous to

10 both its workers and the general public.

11 Unfortunately, wrong-headed policies imposed by the

12 city of New York seem specifically designed to

13 returning industry to its former shameful status.

14 Local Law 199 of 2019 stated that part of the

15 legislative intent was to remedy the ills of private

16 sanitation in New York, noting that the industry is

17 plagued by dangerous driving and insufficient

18 attention to public safety, harmful environmental

19 impacts, and poor customer service, pricing remains

20 opaque to most customers, and that as a solution to

21 the issues raised carters are required to operate

22 more responsibly and adequately train workers.

23 Yet policies of the city of New York are

24 not only preventing this, they seem motivated by the

25 desire to create a race to the bottom for workers in

2 private sanitation. Many of our unionized contractors
3 have embraced the environmental and safety concerns
4 of Local Law 199. First and foremost, they have
5 unionized workers providing the training and the
6 worker representation that protects these vulnerable
7 employees. Additionally, some of our contractors
8 proactively, not under any legal mandate at the time,
9 enclosed their waste transfer stations to contain
10 odors and other odors, traded in their old school
11 packer trucks for clean, green, eco-friendly low
12 emission vehicles and installed bike guards on their
13 vehicles to protect the bicycling community among
14 other actions. All these improvements were applauded
15 and were sorely needed, and our contractors took it
16 upon themselves to help clean up the industry at
17 substantial cost to their businesses. The city of New
18 York becomes complicit in continuing the dubious
19 practices that have plagued the industry through the
20 Business Integrity Commission. The BIC is authorized
21 to establish maximum and minimum rates that private
22 carters can charge for most all types of garbage and
23 recyclable carting services. A customer cannot be
24 charged above the maximum rate and negotiate a rate
25 below the maximum. We believe this is a good policy.

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2 It protects the restaurants and bodegas and other
3 small businesses from both bad actors in the industry
4 as well as the huge national corporations that we
5 expect will soon attempt to monopolize the industry
6 through the changes made by the prior City Council.
7 The problem is the BIC has not, and similarly will
8 not, establish a minimum rate to be charge, even
9 though their authorized to do so. The current maximum
10 rate is determined by the BIC sets the top rate at
11 \$20.70 per cubic yard. Our responsible contractors
12 with the unionized workforce, with green trucks, and
13 enclosed transfer stations generally charge around
14 \$19 a yard. The bad actors of the industry, those who
15 exploit a mostly black and brown workforce, the
16 bottom feeder who have dangerous and polluting
17 (INAUDIBLE) trucks zooming all over the streets of
18 New York have been known to have charged as little as
19 \$5 a yard or less per yard. When the BIC determines
20 that over \$20 per yard is a just price, a price where
21 contractors can pay fair wage and benefits and
22 operate in a safe environmentally responsible way,
23 how can they say on the other hand that carters can
24 also charge a quarter, a tenth, or a twelfth of the
25 responsible rate and still expect the mandates of

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2 Local Law 199 to be met? How are responsible
3 contractors who need to charge \$19 per yard
4 responsibly to pay real wages and benefits supposed
5 to compete with contractors who are allowed to 5, 4,
6 or even 2 dollars a yard? The failure of the BIC to
7 set a floor facilitates the exploitation of workers,
8 it enables substandard services to the city's already
9 struggling business community, enforces a larger
10 immigrant workforce to work not just less than living
11 wage but in many cases less than minimum wage. It's
12 an absolute disgrace that the city will consider
13 itself a bastion of progressivism maintains official
14 policies that serve no other purpose than to
15 encourage the exploitation of a certain workforce. To
16 cure some of the greatest ills of the private
17 sanitation industry, the BIC should be mandated by
18 law to set a price ceiling and a price floor, a floor
19 that is high enough percentage of the maximum to
20 allow responsible companies to compete against the
21 criminals and the lowlifes that proliferate in the
22 industry. Clearly, allowing the BIC to set rates as a
23 matter of policy isn't working because of their
24 proactive choice to force private sanitation to be in

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2 an industry that must exploit workers and businesses
3 in order to compete...

4 SERGEANT-AT-ARMS: Time expired.

5 FREDERICK SCHNEIDER: Local Law 199. I
6 appreciate your time and open for questions.

7 JESSICA ALBIN, MODERATOR: Thank you for
8 your testimony. We will now call on Diana Blackwell
9 followed by Ryan Thoresen Carson followed by Dominic
10 Susino. Diana Blackwell, you may begin when the
11 Sergeant calls time.

12 SERGEANT-AT-ARMS: Starting time.

13 DIANA BLACKWELL: Good afternoon, and
14 thank you, Chair Nurse, for holding this hearing. My
15 name is Diana Blackwell, and I'm the member of the
16 Manhattan (INAUDIBLE) and Chair of the NYCHA
17 Recycling Committee, and I'm also a 24-year resident
18 of public housing. Waste equity in New York City
19 means not only removing the unequal burden of
20 pollution caused by waste removal from environmental
21 justice communities but providing equal access to
22 waste collection for all communities. While we were
23 encouraged to see a new mandatory citywide organic
24 collection bill announced by Council Member Hanif on
25 Earth Day at the request of the Brooklyn Borough

2 President Antonio Reynoso, we are concerned to see
3 that the public housing has thus far been excluded
4 from the bill's proposed organic collection services.

5 We are very much interested in learning more about
6 the decision as well as the other details of the
7 bill. It is imperative that the public housing and
8 other NYCHA apartments be included in any waste
9 collection legislation to ensure equitable access to
10 waste services for residents and equitable
11 development of city-backed sustainability programs.

12 NYCHA's dismal recycling rate of just 1.5 percent is
13 a testament to how a subsection of the city can fall
14 behind when it's excluded from mandatory legislation
15 for over 25 years. Including NYCHA in the decision-
16 making and the program design of the organics
17 collection rollout avoids future challenges in the
18 unequal infrastructure, development, and staffing
19 procedures that NYCHA is currently navigating with
20 recycling. Enhanced access to recycling and organic
21 collection is also part of the NYCHA sustainability
22 agenda and including NYCHA buildings in Council
23 Members Hanif's bill would greatly support this bill.

24 For NYCHA's residents, inclusion in the mandatory
25 organics program signifies that we too are New

2 Yorkers who can help the city battle the climate
3 crisis by composting their organic waste. From an
4 education and outreach perspective, the DSNY cost per
5 person of a public-facing organic diversion campaign
6 would decrease in NYCHA's over 400,000 residents,
7 which would act on the campaign's message to reduce
8 over 60,000 tons of organic waste per year. One in
9 fifteen New Yorkers are NYCHA residents, and, if
10 NYCHA were a city, it would rank 34th based on
11 population, larger than Atlanta, Miami, and
12 Sacramento. Including NYCHA in all recycling programs
13 is a requirement if New York City seeks to achieve
14 its zero waste by 2030 goal. We urge City Council to
15 propose a bill that includes mandatory organic
16 collection for all New Yorkers. Thank you.

17 JESSICA ALBIN, MODERATOR: Thank you for
18 your testimony. We will now hear from Ryan Thoresen
19 Carson followed by Dominic Susino. Ryan Thoresen
20 Carson, you may begin when the Sergeant calls time.

21 SERGEANT-AT-ARMS: Starting time.

22 RYAN THORESEN CARSON: Thank you so much.
23 Good afternoon. My name is Ryan Thoresen Carson, and
24 I'm the Environmental Campaign Coordinator for the
25 New York Public Interest Research Group, NYPIRG.

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2 NYPIRG is a student-directed, nonpartisan, not-for-
3 profit research and advocacy organization. NYPIRG has
4 campus chapters across New York City, and we serve
5 students at 9 colleges in the CUNY system as well as
6 Pratt Institute in Brooklyn.

7 We appreciate the opportunity to testify
8 before the New York City Council Committee on
9 Sanitation and Solid Waste Management on the need for
10 an expanded and modernized Bottle Bill ahead of its
11 40th anniversary this year, actually just 6 weeks
12 from now is the official anniversary of the passage
13 of the law, so our testimony is centered on the
14 critical need to expand the Bottle Bill to handle the
15 city and state's ongoing waste crisis brought on by
16 China's recent decision to stop accepting American
17 waste. Advocates across the state are pushing for a
18 modernization of the New York State's 40-year-old
19 Bottle Deposit Law. This proposal would increase the
20 deposit from a nickel to a dime, and it would expand
21 the types of containers to sports drinks, iced teas,
22 juices, wine, and liquor that New Yorkers consume
23 every year, dairy products and instant formulas would
24 be exempt, and the law has been extremely successful
25 in boosting the state's and the city's recycling

2 rates and has reduced litter. Expansion would bring
3 immediate and long-lasting financial environmental
4 benefits to the city's solid waste programs. It's
5 essential that the Committee on Sanitation and Solid
6 Waste support efforts to improve the state's Bottle
7 Bill and call upon our elected officials in Albany to
8 act now.

9 Enacted in 1982, the New York State
10 Returnable Container Law, commonly known as the
11 Bottle Bill, requires a 5 cent refundable deposit to
12 be placed on eligible beverage containers. Upon
13 passage, the Bottle Law covered only beer and soda
14 (INAUDIBLE) and was subsequently expanded to cover
15 wine coolers and water bottles. The law requires
16 retailers who sell covered beverages to accept
17 returns on empty containers for the products they
18 sell and to refund those deposits. The law also
19 requires beverage distributors to compensate
20 retailers for the cost of collecting and recycling
21 empty containers by paying them a small handling fee
22 per container. New York City and other municipal
23 recycling programs are particularly struggling with
24 glass breaking in their recycling streams. When glass
25 breaks in curbside containers, it can contaminate or

2 render unrecyclable for the municipality or for the
3 other material so the expansion of the Bottle Bill to
4 include non-carbonated beverage containers, wines,
5 spirits, and hard cider would remove from curbside
6 recycling a significant portion of those glass
7 containers that municipal recycling programs are
8 struggling with. Currently, glass containers pose a
9 daunting challenge for municipal recycling programs
10 already grappling with that aforementioned decision
11 by China to stop accepting some of the United States'
12 recyclate materials or recyclables. Even when
13 recyclable materials are not contaminated by broken
14 glass, the cost of recycling containers that are not
15 covered under the state's Bottle Bill are too high
16 for many municipalities. For example, the cost
17 associated with collecting and processing PET plastic
18 bottles and glass per ton are higher than the
19 revenues per ton of scrap metal. States that have a
20 bottle deposit are 46 percent more likely to recycle
21 PET plastic bottles than states that do not, and
22 expanding the Bottle Bill would reduce or eliminate
23 these costs for municipal recycling programs by
24 creating a financial incentive, or the deposit, for
25 containers to be returned in an obligation, or the

2 law, for retailers to accept these containers,
3 relieving the burden on the local government for
4 recycling programs.

5 I'd just like to highlight some areas of
6 NYPIRG's written testimony which will go further into
7 detail as to ways in which New York City could stand
8 to benefit from an expanded Bottle Bill so these are
9 just a couple of highlights.

10 One, there would be less trash for the
11 city to collect, transport, and dispose of. From an
12 environmental standpoint, expanding the number of
13 containers included in the Bottle Bill would very
14 likely increase recycling rates of these containers,
15 relieve MRFs of a portion of low-value and difficult
16 to manage material, and would provide opportunity for
17 additional container glass to make its way through
18 the redemption system where it has a much higher
19 likelihood of being used in new container
20 manufacturing and other higher use recycling outlets.

21 Two, economically struggling New Yorkers
22 would gain an income boost. If there is an increase
23 in recycling rates, the canners mentioned earlier
24 should see a boost in their income as well. A canner
25 is somebody who collects the material that is

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2 recyclable under the Bottle Bill and returns them to
3 a redemption center. For many of New York's most
4 marginalized residents, income from collecting
5 unredeemed deposits is a needed lifeline. By doubling
6 the deposit, New York could significantly increase
7 the income of many people who rely on the practice of
8 canning, collecting bottles and cans for unredeemed
9 deposits while simultaneously reducing the
10 environmental inequities between more and less
11 prosperous communities regarding litter and container
12 pollution.

13 Finally, I just want to highlight...

14 SERGEANT-AT-ARMS: Time expired.

15 RYAN THORESEN CARSON: Oh, sorry. Can I
16 just highlight this last 3 sentences here?

17 JESSICA ALBIN, MODERATOR: Yes.

18 RYAN THORESEN CARSON: Thank you so much.
19 I do appreciate it. New York's Environmental
20 Protection Fund would see revenues and could provide
21 help for the city's recycling environmental programs.
22 Under the current law for deposits that are not
23 redeemed, New York State controls those nickels and
24 then allocates 80 percent of unredeemed deposits to
25 the State General Fund and then the Environmental

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2 Protection Fund. Most notably, the DEC relies on EPF
3 money to buy land and conservation easements to
4 protect the quality of New York City's drinking water
5 through the Catskill/Delaware watershed region.
6 Without open space protection in the Catskill region,
7 New York City would have to spend billions of dollars
8 on water filtration so the Bottle Bill is a much
9 needed income stream for those programs.

10 Thank you very much for the time. I very
11 much appreciate it.

12 JESSICA ALBIN, MODERATOR: Thank you for
13 your testimony. We will now hear from Dominic Susino.
14 You may begin when the Sergeant calls time.

15 SERGEANT-AT-ARMS: Starting time.

16 DOMINIC SUSINO: Good afternoon. I just
17 wanted to talk to the Committee on Sanitation and
18 Solid Waste Management about American Recycling's
19 proposed waste to rail facility. American Recycling
20 was established here in 1942 when Staten Island was a
21 farming community and the neighborhood has grown
22 around it, and we realize that we would like to make
23 much-needed infrastructure changes to our operation
24 to blend in better with our community. We feel that
25 we could eliminate 46 round-trip truck trips to the

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2 landfill every day which would eliminate about 10
3 million highway miles from the streets of New York
4 every year. We feel that Local Law 152, when it came
5 in place, the Waste Equity Law was a much-needed
6 improvement in the current system, but,
7 unfortunately, it kind of hampered our ability to get
8 financing for our waste to rail project so we would
9 like to talk to the Committee today. In the future,
10 we would like to invite everyone down for a meeting
11 so they can see the plan and see what we're proposing
12 so that way you can see that our switching from a
13 truck-based facility to a waste to rail facility is
14 an important change for the community as a whole, and
15 we are looking at this holistically, and we want
16 input in our plans from the Committee on Sanitation
17 and Solid Waste and community members. We're setting
18 up meetings this spring for the local community to
19 come out and give us their input, so we can explain
20 and show them what we're committing towards in the
21 future, and we're just asking the Committee to talk
22 about potential changes to Local Law 152 that could
23 make this idea a reality. We know that increased
24 recycling and we know that increased organics
25 collection is a big part of this as well, and our new

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2 plan and the facility will have the capability of

3 reducing the amount of waste that goes to landfill.

4 We're here to ask just to open up a conversation and

5 encourage everyone on the Committee to schedule an

6 appointment, come down, take a tour of the facility,

7 see our new project, and let's have an open dialogue

8 about how we could change Local Law 152 to make it

9 possible for us to create this waste to rail

10 facility. There are not many private companies that

11 have the ability to do as much good for their

12 community as we have in changing this facility from a

13 truck-based facility to a rail-based facility. I know

14 a few members, including Chairwoman, have taken a

15 tour and seen the project so we just want to

16 encourage everybody on the Committee, and I want to

17 review the project, talk to us about what you feel we

18 could do together (INAUDIBLE) public/private

19 partnership to kind of look at this holistically and

20 make this facility a reality. We know that removing

21 truck trips from the streets of New York is the most

22 environmental way to remove waste from the city, and

23 we also know that the upcoming commercial waste zone

24 encourages export by rail and they're going to be

25 increasing the scoring for those companies so we want

2 to be part of that solution as well. We know that
3 currently the way the commercial waste zoning is
4 going that we feel there's no, and correct me if I'm
5 wrong, there's nothing that commits these companies
6 from actually disposing of the material at the
7 facilities that they put in their RFPs so we'd like
8 you guys to encourage a review of that part of the
9 CWZ and see if there's a way you guys could make
10 these companies commit to the greener facilities.
11 They can put in the CWZ as we're going there and then
12 operationally, once they win the zone, they're not
13 held to taking it to these facilities that will be
14 rail-based, that will be barge-based, and that have
15 organics collection and processing capabilities. We
16 just encourage a quick review of that portion of the
17 CWZ, and also, in the spirit of the CWZ, we're just
18 wondering if the Department of Sanitation, if they're
19 collecting in a certain zone, is going to be held to
20 disposing of it within that same zone as long as the
21 facilities are equally as green as using the marine
22 transfer station. Thank you guys for your time.

23 JESSICA ALBIN, MODERATOR: Thank you for
24 your testimony.

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2 If we have inadvertently missed anyone
3 that has registered to testify today and has yet to
4 have been called, please use the Zoom raise hand
5 function, and you will be called in the order that
6 your hand has been raised.

7 Seeing none, I will turn it over to Chair
8 Nurse for her closing.

9 CHAIRPERSON NURSE: Thank you, Jessica.
10 Thank you for helping to coordinate this Committee,
11 and, to all of the folks who gave testimony, we hear
12 you and we've been taking notes, I've been taking
13 notes. There's a lot of really good questions that
14 came up, both just on the last testimony and others.
15 I really encourage, particularly the person who had
16 comments and questions and concerns about Sanitation
17 and organics and recycling at NYCHA, to look out for
18 a date for our June hearing which will be on NYCHA
19 and Sanitation, and then also please encourage
20 everyone to return on May 10th for our executive
21 budget hearing where we need to go into the details
22 of how all of these programs are going to be financed
23 and staff lines being taken care of.

24 Thank you to all the Council Members who
25 were on earlier. Thank you to the administration for

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2 testifying and being here to answer questions. Thank
3 you to my lovely team of 2 that are left here in the
4 Chamber and to the rest of the taskforce who has also
5 been willing to do in-person. Thank you so much for
6 willing to do that.

7 We look forward to our next hearing. I
8 look forward to following up with many of the
9 panelists who joined today. I have a lot of questions
10 myself based on your testimony that I would like to
11 dive into so looking forward to continuing this
12 conversation as implementation moves closer to
13 happening. Thank you so much. This is the end of our
14 hearing today. Thank you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 29, 2022